

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	1	<p>The North State Water Alliance (Alliance) provides comments today on the Final Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS) for California WaterFix project, including detailed supporting legal and technical analyses.</p> <p>As you know, the Alliance, which came together to promote responsible statewide water solutions that protect the economy, environment and quality of life for the north state and for all Californians, remains committed to help the Brown Administration implement a comprehensive Water Action Plan that ensures more reliable water supplies for California; the restoration of important species and habitat; and a more resilient, sustainably managed water resources system (water supply, water quality, flood protection, and environment) that can better withstand inevitable and unforeseen pressures in the coming decades.</p> <p>We are disappointed that the state and federal administrations, in preparing the Final EIR/EIS have failed to address our comments and concerns on the Draft EIR/EIS for the Bay-Delta Conservation Plan dated July 28, 2014 and on the Recirculated Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS) dated October 30, 2015 (both of which, together with all attachments, are hereby incorporated by reference). In those comments, we identified many serious deficiencies in the environmental analysis of the WaterFix project and urged your respective agencies to revise the analysis to use the best available scientific and commercial information, as well as rectifying many unfounded assumptions in the analysis. The Alliance was not alone in identifying problems with the draft documents; specific extensive technical comments were submitted by numerous other parties who would be directly affected by the project's construction and operations. None of the changes necessary to correct the most serious deficiencies were made. The Final EIR/EIS, therefore, is fatally deficient and fails to meet the standards established under either the National Environmental Policy Act (NEPA) or the California Environmental Quality Act (CEQA).</p>	<p>This section primarily consists of background information and opinion of the commenter. The Final EIR/EIS sufficiently meets all NEPA and CEQA requirements. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
North State Water Alliance	2	<p>Specifically, and as detailed in the attached comments:</p> <ul style="list-style-type: none"> • The Final EIR/EIS Fails as an Informational Document. As we have stated in our previous comments, the environmental document is so poorly organized and so voluminous (approximately 70,000 pages in total for the Final EIR/EIS) that it is unreasonable for your agencies to expect any member of the public - or even any expert reviewer - to be able to find relevant information to evaluate the environmental impacts of the WaterFix project without excessive effort. Consequently, the Final EIR/EIS fails the most basic requirement of an environmental document: providing meaningful information to the public. See 40 C.F.R. §1500.1(b), 14 Cal.Code Regs. §15003(b), (d) and (e). • The Final EIR/EIS Lacks an Accurate, Stable and Finite Project Description. In order for there to be an adequate analysis of the potential effects of the WaterFix project on the environment, there must be an accurate, stable, finite description of that project. Otherwise, there is no subject for the analysis and all questions can be deflected by stating that the project will be "adaptively managed" without ever providing any standards for such management. This is precisely how the Final EIR/EIS responds to many comments and it defeats the purpose of both NEPA and CEQA. 	<p>This comment consists of a summary of potential insufficiencies that the commenter sees in the FEIR/S. The Final EIR/S sufficiently meets all NEPA and CEQA requirements. The Final EIR/S provides meaningful information to the public; has an accurate, stable, and finite project description; contains no new significant information; and is adequate in analyzing potential impacts of the project and all alternatives.</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/S.</p>

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		<ul style="list-style-type: none"> • The Final EIR/EIS Contains Significant New Information. Under both NEPA and CEQA, an agency must give the public an opportunity to review and comment when significant new information is added to an environmental document. In the case of the Final EIR/EIS, there are approximately 42,000 pages of new material, or about 10 linear feet (printed double-sided). In many cases (such as revised impact sections that can run well over 1,000 pages for each resource, not including figures), the new material or revisions are not specifically identified, and entire resource sections were completely reorganized and rewritten with no indication of what was deleted or added. More importantly, the hydrologic modeling (which is the heart of the entire project operations impacts analysis) has been revised and new modeling has been performed. The public must have a full opportunity to review and comment on the revised modeling as well as the remainder of the new information contained in the Final EIR/EIS. • The Final EIR/EIS Does Not Adequately Analyze the Potential Impacts of the Project. Despite the many specific technical comments that the Alliance and other parties provided on the two draft environmental documents, the Final EIR/EIS fails to adequately analyze the potential impacts of the project. <p>o Example: MBK Engineers has identified an error in the Final EIR/EIS model that significantly overestimates the quantity of water that will be stored in North of Delta reservoirs with the WaterFix project. The modeling does not consider the additional export capacity made available with the North Delta Diversion (NDD) (i.e., the tunnels). Specifically, the export estimates used in the model to calculate south-of-Delta contract allocations with the WaterFix project are equal to those in the No Action Alternative. This artificially and unrealistically limits the modeled ability of the WaterFix project to increase Central Valley Project (CVP) and State Water Project (SWP) south-of-Delta allocations through use of the NDD. The ability to convey water through the Delta has restricted CVP south-of-Delta allocations in approximately two out of every three years since the addition of Old and Middle River requirements were established in 2008. Therefore, this assumption tends to artificially and incorrectly keep modeled storage in north-of-Delta CVP and SWP reservoirs (i.e., Whiskeytown, Shasta, Oroville and Folsom) higher than would be the case without the modeling error.</p> <p>o Example: Expert fisheries biologist Dave Vogel, who submitted detailed comments on the Draft EIR/EIS and Recirculated Draft EIR/EIS, has commented that the locations chosen for the North Delta intakes are not as beneficial to salmon as the Draft EIR/EIS and Recirculated EIR/EIS present them to be. He specifically noted that the locations are not on sufficiently curved portions of the Sacramento River, meaning that there would not be adequate sweeping velocity across the fish screens to prevent salmon from becoming impinged. Instead of considering this information and adjusting the conclusions in the Final EIR/EIS or changing the location of the intakes, the lead agencies relied on not-yet-conducted studies that they claim would support their assertions. Studies that do not currently exist cannot refute the information presented in Mr. Vogel's comments.</p> <p>o Example: After reviewing the final EIR/EIS's responses to his previous comments concerning Delta pelagic fish, Robert Latour, Ph.D., found that the final EIR/EIS</p>	

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		reflects at least two significant scientific problems. First, the final EIR/EIS does not adequately account for the uncertainty inherent in the data and analyses on which the final EIR/EIS relies to conclude, among other things, that specific numbers of longfin smelt will be generated with certain levels of Delta flows. Second, the final EIR/EIS takes an internally inconsistent approach to using scientific models by rejecting detailed lifecycle models because they do not address some biological variables, but relying entirely on a simple statistical model that correlates streamflows to numbers of fish in its analysis of the California WaterFix's effects on longfin smelt.	
North State Water Alliance	3	In summary, after spending reportedly more than \$200 million and after providing hundreds of thousands of pages of information to the public, your respective agencies have still failed to fulfill their fundamental obligation in proposing this project: to simply, clearly and directly describe for the public the full scope of the project's impacts on the environment. The Final EIR/EIS does not serve that purpose. The Alliance therefore urges that your agencies pause, consider the comments that the Alliance and others have made on the Final EIR/EIS, and then recirculate a substantially revised draft EIR/EIS in a format, and with sufficiently accurate scientific information, that members of the public and our state and federal elected officials can fully understand the potential impacts of the California WaterFix project.	This comment describes the opinion of the commenter that the Final EIR/S fails to simply, clearly and directly describe for the public the full scope of the project's impacts on the environment. The Final EIR/S sufficiently meets all NEPA and CEQA requirements. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
North State Water Alliance	4	<p>These comments on the Final Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS or FEIR/EIS) for the Bay Delta Conservation Plan/California WaterFix project (Project) are submitted on behalf of the North State Water Alliance (NSWA) and the parties listed on Exhibit A attached hereto. The commenting parties incorporate herein by reference all comment letters previously submitted in connection with the Draft Environmental Impact Report/Draft Environmental Impact Statement (DEIR/DEIS) and Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the Project. See Exhibit B for a list of all incorporated comment letters. As noted below, 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.</p> <p>In addition, the commenting parties incorporate evidence submitted to the State Water Resources Control Board in connection with the water right change petition filed by the Department of Water Resources (DWR) and the United States Bureau of Reclamation (Reclamation) (collectively, the Proponents). See Exhibit C for a list of all incorporated evidence. DWR and Reclamation have stated that future operations of the proposed project will be "guided by the outcome" of the SWRCB proceedings. Final EIR/EIS, Vol. II, 1-262 (Master Response 28). As a result, the evidence submitted to the SWRCB regarding injury to legal users of water resulting from the Project is relevant to future operations of the project and the associated environmental impacts. For example, the SWRCB evidence reveals impacts to water supplies that have not been disclosed or adequately analyzed in the draft, revised draft, or final environmental documents.</p>	This comment describes additional sources of information incorporated into the comment by reference. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
North State Water Alliance	5	<p>I. The Final EIR/EIS Fails to Adequately Disclose Effects of the Proposed Project and Inform the Public.</p> <p>A. The Final EIR/EIS Inadequately Analyzes Project Impacts to Water Supplies.</p>	This comment contains case law regarding NEPA and CEQA as background. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.

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		<p>1. The EIR Must Analyze the Project's Potential Impacts on Existing Water Supplies</p> <p>"(I)n preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, irrespective of whether an established threshold of significance has been met with respect to any given effect." Protect the Historic Amador Waterways v. Amador Water Agency, 116 Cal. App. 4th 1099, 1109 (2004). NEPA imposes a similar standard, requiring the agency to take a "hard look" at all of the project's potentially significant environmental effects. See California ex rel. Imperial County Air Pollution Control Dist. v. U.S. Dept. of the Interior, 767 F.3d 781, 798 (9th Cir. 2014); Northern Plains Resource Council, Inc. v. Surface Transp. Bd., 668 F.3d 1067, 1075 (9th Cir. 2011). Consequently, when a project will cause changes in streamflow or water supply, CEQA requires the lead agency to analyze the potential environmental effects of those changes. Protect the Historic Amador Waterways v. Amador Water Agency, 116 Cal. App. 4th at 1109; Santiago County Water Dist. v. County of Orange, 118 Cal. App. 3d 818, 831 (1981) [EIR failed to provide adequate information about the project's impacts on water supplies where it was "silent on the effect of that delivery [to the proposed project] on water service elsewhere in the Water District's jurisdiction."].</p> <p>Water supply impacts constitute physical impacts on the environment. See Pub. Res. Code § 21060.5 [defining "environment" to include water conditions "which exist within the area which will be affected by a proposed project."] Thus, when a project causes changes in the delivery of water, the environmental impacts of those changes must be evaluated. Central Delta Water Agency v. State Water Resources Control Bd., 124 Cal. App. 4th 245, 271 (2004); see also Voicesfor Rural Living v. El Dorado Irrig. Dist., 209 Cal. App. 4th 1096, 1112 (2012) [where combined effects of climate change, increased future demands and project will reduce water supplies available to district and exacerbate the severity or environmental effects of future drought conditions, the lead agency must analyze those potential environmental impacts]; Abatti v. Imperial Irrig. Dist., 205 Cal. App. 4th 650, 679-80 (2012) [upholding district's determination that no additional CEQA review was needed for revisions to a plan to distribute water in times of shortage; prior CEQA documentation sufficiently analyzed the environmental impacts associated with the preference for municipal and industrial users over agricultural operations]; Gray v. County of Madera, 167 Cal. App. 4th 1099, 1116 (2008) [project's potential to reduce the water supply available to others was a "potentially significant problem" that required effective mitigation]; Planning and Conservation League v. Dept. of Water Resources, 83 Cal. App. 4th 892, 908,913 (2000) [when DWR proposed to enter into an agreement to change the way in which it allocates water amongst its contractors in times of shortage, it was required under CEQA to analyze the potential environmental impacts of the proposed change; "So long as [the disputed contract provision] can be plausibly construed in a manner that would result in significant environmental consequences, its elimination should be considered and discussed in an EIR."]. This scope of analysis is consistent with CEQA's mandate that the "project" be defined broadly to encompass "the whole of an action, which has a potential for</p>	

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		<p>resulting in either a direct or a reasonably foreseeable indirect physical change in the environment." Planning and Conservation League v. Castaic Lake Water Agency, 180 Cal. App. 4th 210, 235 (2009); State CEQA Guidelines, 14 C.C.R. § 15378(a), (c). Likewise, NEPA requires the lead federal agency to evaluate the project's direct and indirect effects, including all reasonably foreseeable effects of the project. 40 C.F.R., § 1508.8; Reclamation's NEPA Handbook, February 2012, p. 8-14 to 8-15, 8-17 to 8-18.</p> <p>Typically, agencies evaluate water supply impacts by conducting hydrological modeling to determine what the water supplies would be with and without the project. See, e.g., Dry Creek Citizens Coalition v. County of Tulare, 70 Cal. App. 4th 20, 32- 33(1999) [when mining project proposed diversion structures, lead agency properly conducting hydrological study and modeling to determine changes to streamflow would not constitute a significant impact]; Planning and Conservation League v. Dept. of Water Resources, 83 Cal. App. 4th 892, 919 (2000) [faulting DWR for ignoring "repeated requests . . . to provide forecasts based on simulation models. . .", i.e., DWRSIM, CALSIM I, CALSIM II].</p>	
North State Water Alliance	6	<p>As revised, the California WaterFix project proposes to construct two tunnels with a combined capacity of 9000 cfs. These new facilities will be used to divert water from the North Delta and deliver it to Central Valley Project (CVP) and State Water Project (SWP) contractors south-of-Delta. The project does not contemplate storage of water, and it does not generate any additional water supplies for either the SWP or the CVP. Rather, what the project will do is move more water from some areas, thereby potentially reducing water supplies available to some users, in order to allow the SWP and the CVP to deliver more water south-of-Delta . See RDEIR/SDEIS, pp. 4.3.1-4, 5-8 [California WaterFix project will change operations and increase exports, but does not propose development of any new water rights]. The environmental impacts of these changes in water supply must be evaluated. See, e.g., Planning and Conservation League v. Castaic Lake Water Agency, 180 Cal. App. 4th 210, 221, 222 (2009) [DWR's EIR acknowledged that proposed changes to the criteria under which the State Water Project allocates water to its contractors could have environmental effects, including "upstream effects," and analyzed these impacts].</p> <p>Although the Proponents have declined to provide an operations plan to show how the proposed new facilities will actually be operated, they have performed hydrological modeling based on sets of possible operating criteria. Thus, the lead agencies have implicitly acknowledged that CEQA requires them to analyze the water supply impacts of the proposed project - though, as shown below, they have not adequately performed that analysis.</p>	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>The modeling shows that changes in climate and sea level could result in "dead pool" conditions in SWP and CVP reservoirs upstream of the Delta even without BDCP alternatives. The "dead pool" conditions presented in the CALSIM II model results in the Final EIR/EIS are based on modeled SWP and CVP water operations under current regulations and future demand assumptions. In addition, CALSIM II cannot make decisions that occur in real-time, such as drought operations during the ongoing drought. Instead the model includes operating criteria per the current regulations for all dry periods, and does not reflect specific relaxations that have occurred in recent drought conditions and could occur, if approved by the regulatory agencies, in future drought conditions. As described in Final EIR/EIS Chapter 5, Water Supply, the Final EIR/EIS analyses assume continued implementation of regulatory requirements in accordance with the requirements under the CEQA definition of Existing Conditions and under the NEPA definition of the No Action Alternative. Changes in the regulatory requirements would only occur following detailed analyses, including project-specific CEQA and NEPA analyses and ESA and CESA analyses. Following adoption of changes to the regulatory requirements by the State and federal governments, DWR and Reclamation would need to determine if changes in the SWP and CVP would be necessary. These changes are considered to be speculative and are not included in the No Action Alternative or in the Cumulative Impact Analysis.</p> <p>These same assumptions are used in the No Action Alternative and the action alternatives; and therefore, the incremental difference determined through the comparison of the action alternatives to the No Action Alternative indicates the increase or decrease in effects on other users.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>

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North State Water Alliance	7	<p>2. All of the Experts Agree That Proponents' Revised Model Scenarios Fail to Analyze the Project's Water Supply Impacts in Dry Year Conditions.</p> <p>In two related ways, the Final EIR/EIS explicitly admits that the Proponents' hydrologic modeling does not adequately depict how the California WaterFix will affect water supplies in dry conditions - which, of course, is when all water users are most concerned about water supply impacts. First, the FEIR/EIS - repeating Proponents' lead hydrologic witness's sworn testimony in the SWRCB's water-right hearing - explicitly admits that Proponents' modeling is not accurate in very dry "stressed" conditions.</p> <p>Second, the FEIR/EIS attempts to dismiss this fundamental problem by claiming that it is not reasonably foreseeable to project how the CVP and the SWP would operate in future droughts. In other words, the FEIR/EIS explicitly has abdicated any effort to analyze how the California WaterFix would affect water supplies in future droughts. These two issues are fundamental problems that prevent the FEIR/EIS from adequately analyzing the project's water supply impacts. The FEIR/EIS therefore violates both CEQA and NEPA.</p>	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>The modeling shows that changes in climate and sea level could result in "dead pool" conditions in SWP and CVP reservoirs upstream of the Delta even without BDCP alternatives. The "dead pool" conditions presented in the CALSIM II model results in the Final EIR/EIS are based on modeled SWP and CVP water operations under current regulations and future demand assumptions. In addition, CALSIM II cannot make decisions that occur in real-time, such as drought operations during the ongoing drought. Instead the model includes operating criteria per the current regulations for all dry periods, and does not reflect specific relaxations that have occurred in recent drought conditions and could occur, if approved by the regulatory agencies, in future drought conditions. As described in Final EIR/EIS Chapter 5, Water Supply, the Final EIR/EIS analyses assume continued implementation of regulatory requirements in accordance with the requirements under the CEQA definition of Existing Conditions and under the NEPA definition of the No Action Alternative. Changes in the regulatory requirements would only occur following detailed analyses, including project-specific CEQA and NEPA analyses and ESA and CESA analyses. Following adoption of changes to the regulatory requirements by the State and federal governments, DWR and Reclamation would need to determine if changes in the SWP and CVP would be necessary. These changes are considered to be speculative and are not included in the No Action Alternative or in the Cumulative Impact Analysis.</p> <p>These same assumptions are used in the No Action Alternative and the action alternatives; and therefore, the incremental difference determined through the comparison of the action alternatives to the No Action Alternative indicates the increase or decrease in effects on other users.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
North State Water Alliance	8	<p>a. By The FEIR/EIS's Own Admission, the Hydrologic Analysis of the Project's Environmental Documents Fails To Reliably Depict How the California WaterFix Will Impact Water Supplies in Dry Conditions.</p> <p>To evaluate the impacts of this specific project, the Proponents made changes to the standard hydrologic model, CALSIM II (as set forth in FEIR/EIS, pp. 5-50, I. 4 to 5-51, I. 9), even though CALSIM II is generally accepted as reliable by water modeling experts working in California. In these comments, the hydrological model scenarios used by the Proponents for this project will be referred to as "Proponents' Revised Models."</p> <p>As the Proponents admit, Proponents' Revised Models are not able to predict results accurately for dry year conditions. For example, the FEIR/EIS's Master Response 30 - entitled "Modeling Approach and Availability of Newer Versions of the Models" - readily acknowledges that the Proponents' Revised Models do not accurately forecast water supply impacts for dry year conditions: When system wide storage levels are at or near dead pool, also described as stressed water supply conditions,</p>	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>The modeling shows that changes in climate and sea level could result in "dead pool" conditions in SWP and CVP reservoirs upstream of the Delta even without BDCP alternatives. The "dead pool" conditions presented in the CALSIM II model results in the Final EIR/EIS are based on modeled SWP and CVP water operations under current regulations and future demand assumptions. In addition, CALSIM II cannot make decisions that occur in real-time, such as drought operations during the ongoing drought. Instead the model includes operating criteria per the current regulations for all dry periods, and does not reflect specific relaxations that have occurred in recent drought conditions and could occur, if approved by the regulatory agencies, in future drought conditions. As described in Final EIR/EIS Chapter 5, Water Supply, the Final EIR/EIS analyses assume continued implementation of regulatory requirements in accordance with the requirements under the CEQA definition of Existing Conditions and under the NEPA definition of the No Action Alternative. Changes in the regulatory requirements would only occur following detailed</p>

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		<p>the . . . model results should only be an indicator of stressed water supply conditions and should not necessarily be understood to reflect actually what would occur in the future under a given scenario.</p> <p>FEIR/EIS, p. 1:269, lines 3-6; see also FEIR/EIS, p. 1:351, line 38, to p. 1-352, line 4 (same discussion).</p> <p>This portion of the FEIR/EIS repeats, essentially word for word, the testimony that DWR's lead modeling consultant Armin Munevar presented during the SWRCB's hearing on DWR's and Reclamation's water-right change petition for California Water. Mr. Munevar's written testimony states:</p> <p>When system wide storage levels are at or near dead pool, also described as stressed water supply conditions, the . . . model results should only be an indicator of stressed water supply conditions and should not necessarily be understood to reflect actually what would occur in the future under a given scenario.</p> <p>Exhibit DWR-71, p. 12, lines 15-18 (attached in materials included as Exhibit C).</p> <p>Although the Proponents have prepared five separate modeling runs to evaluate the impacts of the proposed project as the Proponents have revised the project description, all of the Proponents' Revised Models are infected with this fundamental problem. Contrary to the statements in the FEIR/EIS (see, e.g., FEIR/EIS, Vol. II, pp. 1- 268 to 1-269, Master Response 30), this is not a matter of dispute amongst experts. As shown above, all of the experts who have considered the matter – including Proponents' own experts - concur that Proponents' Revised Models do not reliably predict the project's water supply impacts in "stressed conditions," such as those that may occur in dry and critically dry years - which, of course, is exactly when water users are most concerned about their water supplies. Thus, while the Proponents have done a lot of modeling work, none of it is accurate or reliable enough to support an analysis of the potential water supply impacts of the proposed project, especially during dry or critically dry water years. The available CALSIM II operations models were designed to evaluate drought operations and have been successfully used in the past to analyze drought scenarios. See MBK Engineers, Comments on the Final California WaterFix Environmental Impact Report/Statement (January 30, 2017) (the "MBK Report" attached as Exhibit D), at 8-9; see also Planning and Conservation League v. Dept. of Water Resources, 83 Cal. App. 4th 892, 919 (2000) [noting DWR's ability "to provide [future water supply] forecasts based on simulation models. . ."]; . In contrast, Proponents' Revised Models are clearly inadequate and cannot be used to forecast or evaluate the project's full spectrum of possible impacts. As such, they do not constitute substantial evidence of the project's potential water supply impacts. East Sacramento Partnership for a Livable City v. City of Sacramento, 5 Cal. App. 5th 281,299 (2016); Town of Atherton v. California High-Speed Rail Authority, 228 Cal. App. 4th 314, 349 (2014); State Water Resources Control Bd. Cases, 136 Cal. App. 4th 674, 795 (2006); see 40 C.F.R., § 1500.1,subd. (b); N. Plains Res. Council, Inc. v. Surface Transp. Bd., 668 F.3d 1067, 1075 (9th Cir. 2011); Lands Council v. Forester of Region One of the United States Forest Serv., 395 F.3d 1019, 1031-1032 (9th Cir.</p>	<p>analyses, including project-specific CEQA and NEPA analyses and ESA and CESA analyses. Following adoption of changes to the regulatory requirements by the State and federal governments, DWR and Reclamation would need to determine if changes in the SWP and CVP would be necessary. These changes are considered to be speculative and are not included in the No Action Alternative or in the Cumulative Impact Analysis.</p> <p>These same assumptions are used in the No Action Alternative and the action alternatives; and therefore, the incremental difference determined through the comparison of the action alternatives to the No Action Alternative indicates the increase or decrease in effects on other users.</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/S.</p>

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		2005) [vacating agency's decision under NEPA based on flawed modeling].	
North State Water Alliance	9	<p>b. The FEIR/EIS Explicitly Abdicates Any Effort to Analyze How the California WaterFix Will Impact Water Supplies In Future Droughts.</p> <p>In the responses to comments, the FEIR/EIS attempts to gloss over the glaring hole in its analysis that results from the admission that the Proponents' Revised Modeling is not reliable for very dry conditions by claiming that it would be "impossible" for DWR and Reclamation to attempt to determine what impacts implementation of California WaterFix might have on other water users and interests in a future drought. FEIR/EIS, Vol. II, Master Response 47, pp. 1-351 to 1-357. This statement, standing alone, demonstrates that there is no substantial evidence to support the FEIR/EIS's conclusion that implementation of California WaterFix will not have any significant impact on other water supplies or streamflows: if the lead agencies have a duty to determine the dry year impacts, and they claim they simply are not able to perform that analysis, they have no basis on which to conclude that there will be no impacts.</p> <p>Master Response 47 explains the lead agencies' position as follows:</p> <p>[I]t is not reasonably foreseeable how the various agencies will respond to future droughts, with or without the proposed project, because each drought is different in scope, location and severity, the regulatory setting is likely to be different, and new or altered infrastructure and improved scientific knowledge will all inform future responses to drought.</p> <p>FEIR/EIS, Vol. II, p. 1:351, lines 18-22; see also FEIR/EIS, Vol. II, p. 1-357, lines 5-10.</p> <p>However, Master Response 47 itself belies the claim that it is not possible to predict how the CVP and the SWP would operate in future droughts. Master Response 47 describes how, in 1977, the State Water Resources Control Board modified the then-existing Bay-Delta water quality standards to allow the SWP to conserve upstream water storage and allowed for temporary measures in the Delta to protect water quality. FEIR/EIS, p. 1-353, lines 5-13. Master Response 47 also describes how, in the 1987-1992 drought, DWR installed temporary measures in the Delta to protect water quality and also arranged for water transfers. FEIR/EIS, p. 1-354, lines 12-18. Finally, Master Response 47 generally describes how DWR and Reclamation, along with other agencies, managed CVP and SWP operations during the drought year of 2014. FEIR/EIS, pp. 1-355 to 1-356.</p>	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>The modeling shows that changes in climate and sea level could result in "dead pool" conditions in SWP and CVP reservoirs upstream of the Delta even without BDCP alternatives. The "dead pool" conditions presented in the CALSIM II model results in the Final EIR/EIS are based on modeled SWP and CVP water operations under current regulations and future demand assumptions. In addition, CALSIM II cannot make decisions that occur in real-time, such as drought operations during the ongoing drought. Instead the model includes operating criteria per the current regulations for all dry periods, and does not reflect specific relaxations that have occurred in recent drought conditions and could occur, if approved by the regulatory agencies, in future drought conditions. As described in Final EIR/EIS Chapter 5, Water Supply, the Final EIR/EIS analyses assume continued implementation of regulatory requirements in accordance with the requirements under the CEQA definition of Existing Conditions and under the NEPA definition of the No Action Alternative. Changes in the regulatory requirements would only occur following detailed analyses, including project-specific CEQA and NEPA analyses and ESA and CESA analyses. Following adoption of changes to the regulatory requirements by the State and federal governments, DWR and Reclamation would need to determine if changes in the SWP and CVP would be necessary. These changes are considered to be speculative and are not included in the No Action Alternative or in the Cumulative Impact Analysis.</p> <p>These same assumptions are used in the No Action Alternative and the action alternatives; and therefore, the incremental difference determined through the comparison of the action alternatives to the No Action Alternative indicates the increase or decrease in effects on other users.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
North State Water Alliance	10	<p>Moreover, in both 2014 and 2015, DWR and Reclamation sought, and obtained from the SWRCB, temporary urgency change orders that modified certain Bay-Delta water quality standards in their water-right permits. See SWRCB orders concerning CVP and SWP water-right permits dated January 31, 2014; February 7, 2014; February 28, 2014; March 18, 2014; April 9, 2014; April 11, 2014; April 18, 2014; September 24, 2014; October 7, 2014; February 3, 2015; March 5, 2015; April 6, 2015; July 3, 2015; and December 15, 2015 (attached as Exhibit K). This historical data provides the lead agencies with sufficient information to make reasonable assumptions about how California WaterFix would operate during future drought conditions. Droughts are a reasonably foreseeable fact of life in California, and agencies must</p>	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>The modeling shows that changes in climate and sea level could result in "dead pool" conditions in SWP and CVP reservoirs upstream of the Delta even without BDCP alternatives. The "dead pool" conditions presented in the CALSIM II model results in the Final EIR/EIS are based on modeled SWP and CVP water operations under current regulations and future demand assumptions. In addition, CALSIM II cannot make decisions that occur in real-time, such as drought operations during the ongoing drought. Instead the model includes operating criteria per the current</p>

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		<p>evaluate the potential impacts of a project during future drought conditions. <i>Voicesfor Rural Living v. El Dorado Irrig. Dist.</i>, 209 Cal. App. 4th 1096, 1111-12 (2012). Although the precise details of future droughts may be difficult to forecast, the lead agencies cannot simply ignore the reasonably foreseeable possibility that droughts will occur. Rather, they must use their best efforts to evaluate how the California WaterFix would affect other water users and streamflow-dependent environmental resources in severely dry years and droughts. "When an agency preparing an EIR is obliged to examine future events that are difficult to forecast, the agency 'must use its best efforts to find out and disclose all that it reasonably can.'" <i>Planning and Conservation League v. Castaic Lake Water Agency</i>, 180 Cal. App. 4th 210, 242 (2009); State CEQA Guidelines, 14 C.C.R. §15144. Here, as discussed above in Section I.A.2, computer models of CVP and SWP operations are available and developed precisely to address how the two Projects could operate through drought periods. See also MBK Report, at 8-9. If Proponents' Revised Models are unable to predict reliably what would happen in dry periods, the Proponents should have used one of the other readily available models to perform this key piece of analysis.</p> <p>Because it fails to make any attempt to use models that reliably predict dry year results or to provide such an analysis, the FEIR/EIS is fatally deficient. Indeed, the FEIR/EIS seems to be repeating the same mistakes that proved fatal to the EIR in <i>Berkeley Keep Jets Over the Bay v. Board of Port Comm'rs of the City of Oakland</i>, 91 Cal. App. 4th 1344 (2001). In <i>Keep Jets Over the Bay</i>, the EIR simply stated that the public health impact of the Toxic Air Contaminant emissions was "unknown." <i>Berkeley Keep Jets Over the Bay v. Board of Port Comm'rs of the City of Oakland</i>, 91 Cal. App. 4th 1344, 1367 (2001). Commenters claimed that there were means of calculating these impacts, but the lead agency, in its responses to comments, simply stated that its experts disagreed and refused to undertake the analysis. The Court rejected the lead agency's claims and held that the lead agency was required to make a meaningful attempt to quantify the amount of emissions from normal operations and to determine whether these emissions will result in any significant health impacts. <i>Berkeley Keep Jets Over the Bay v. Board of Port Comm'rs of the City of Oakland</i>, 91 Cal. App. 4th 1344, 1371 (2001). It was important for the lead agency to undertake this new analysis and determine the potential significance of the impacts not only to fulfill CEQA's public disclosure functions, but also because the EIR must identify and evaluate feasible mitigation measures to minimize or avoid the project's significant environmental effects. <i>Berkeley Keep Jets Over the Bay v. Board of Port Comm'rs of the City of Oakland</i>, 91 Cal. App. 4th 1344, 1371 (2001).</p> <p>Here, like DEIR/EIS and the RDEIR/SDEIS, the FEIR/EIS admits that Proponents' Revised Models fail to provide reliable forecasts of what impacts will occur in dry years. Collectively, none of the Proponents' environmental documents provide reliable analysis of what the Project's potential impacts will be on dry year water supplies. After acknowledging the flaw in the Proponents' Revised Models, the lead agencies simply abdicate their obligations under CEQA and NEPA to analyze these potentially significant environmental effects. This is untenable, particularly since severely dry years and droughts are the very situations in which it would most matter how the California WaterFix will affect other water users and the environment. Absent the required analysis of the project's impacts on water</p>	<p>regulations for all dry periods, and does not reflect specific relaxations that have occurred in recent drought conditions and could occur, if approved by the regulatory agencies, in future drought conditions. As described in Final EIR/EIS Chapter 5, Water Supply, the Final EIR/EIS analyses assume continued implementation of regulatory requirements in accordance with the requirements under the CEQA definition of Existing Conditions and under the NEPA definition of the No Action Alternative. Changes in the regulatory requirements would only occur following detailed analyses, including project-specific CEQA and NEPA analyses and ESA and CESA analyses. Following adoption of changes to the regulatory requirements by the State and federal governments, DWR and Reclamation would need to determine if changes in the SWP and CVP would be necessary. These changes are considered to be speculative and are not included in the No Action Alternative or in the Cumulative Impact Analysis.</p> <p>These same assumptions are used in the No Action Alternative and the action alternatives; and therefore, the incremental difference determined through the comparison of the action alternatives to the No Action Alternative indicates the increase or decrease in effects on other users.</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/S.</p>

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North State Water Alliance	11	<p>supplies in droughts, the FEIR/EIS is fatally flawed under both CEQA and NEPA.</p> <p>3. Since the Project Will Cause Changes in Water Supplies, the Significance of the Environmental Impacts Associated with Those Changes Must Be Analyzed</p> <p>Even if all the environmental documents produced for this project - the initial DEIR/EIS, the RDEIR/SDEIS, and the Final EIR/EIS - are considered collectively, they do not contain adequate analysis of the significance of the project's potential water supply impacts, for two reasons. First, the FEIR/EIS does not contain any analysis of the impacts associated with the revised project description, even though the range of operations was substantially enlarged after the analysis undertaken in the RDEIR/SDEIS. Second, while each of the environmental documents for this project has included modeling that purports to show the project's potential effects on water supplies and deliveries, the FEIR/EIS, RDEIR/SDEIS and DEIR/EIS have all incorrectly stated that these do not constitute "physical environmental impacts" - and, consequently, the environmental documents have neglected to analyze the significance of these impacts.</p> <p>First, the FEIR/EIS fails to analyze the potential environmental impacts of the revised project description. After the release of the DEIR/SDEIS, the project changed in several significant ways. Habitat restoration and conservation benefits were removed, leaving just the construction and operation of massive new water diversion and conveyance facilities that will divert water further upstream and convey it to State Water Project and Central Valley Project contractors south-of-Delta. This change was described in the RDEIR/SDEIS.</p>	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>Results for specific CALSIM II and DSM2 model runs for the proposed project, Alternative 4A, and action alternatives, Alternatives 2D and 5A, are presented in the 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/S.</p>
North State Water Alliance	12	<p>After the release of the RDEIR/SDEIS, the scope of the proposed project's operations changed again, with the range of operations increasing from the Alternative 4A scenario described in the RDEIR/SDEIS to now operating between Boundaries 1 and 2. See FEIR/EIS p. 5-167 ("Future conveyance facilities operational changes may also be made as a result of adaptive management to respond to advances in science and understanding of how operations affect species. Conveyance facilities would be operated under an adaptive management range represented by Boundary 1 and Boundary 2.")</p> <p>The Boundary 1 and Boundary 2 scenarios represent a significantly different range of operations than the preferred alternative identified in the RDEIR/SDEIS (Alternative 4A). According to DWR testimony in the hearings on the California WaterFix being conducted by the State Water Resources Control Board, Boundary 1 would represent an increase in total average annual exports of approximately 1.2 million acre-feet (MAF) relative to the No Action Alternative, and Boundary 2 would represent a reduction in total average annual exports of approximately 1.1 MAF relative to the No Action Alternative, representing a differential spread of approximately 2.3 MAF/year on average. Alternative 4A exports would fall between the B1 and B2 numbers. The FEIR/EIS did not explain or analyze impacts of the Project as DWR now states it will operate (i.e., under much wider range of operations than considered in the DEIR/EIS or RDEIR/SDEIS). The potential project impacts to upstream reservoir operations and water supply cannot be understood without a distinct evaluation of each alternative, including impacts of Boundary 1 and Boundary 2 separately from those of Alternative 4A. Because it does not include</p>	<p>The model results for the Boundary 1 and Boundary 2 Scenarios submitted to the State Water Resources Control Board as part of the Water Rights Petition indicate that the projected changes would be within the range of alternatives analyzed in the Final EIR/EIS, as described in the Appendix 5E of the FEIRS.</p> <p>See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.</p>

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		<p>this analysis, the FEIR/EIS does not disclose the full range of impacts of the project to upstream water supplies.</p> <p>By substantially increasing diversions from the Sacramento River north of the Delta, these new facilities have the potential to cause changes in streamflow and reservoir release patterns. If more water is diverted upstream of the Delta, supplemental flow will be needed to meet flow-dependent Delta water quality standards and also to protect fish. It is reasonable to assume these replacement flows will have to come from increased releases of stored water in upstream reservoirs. Changes in the volume of water available in the reservoirs necessarily affect the available water supplies of water users who divert from those reservoirs or between those reservoirs and the Delta. As set forth in Section I.A.1., above, the effects and significance of the project's potential changes to upstream water supplies must be analyzed.</p>	
North State Water Alliance	13	<p>Second, the environmental documents for this project violate both CEQA and NEPA because they fail to recognize water supply impacts as a physical impact on the environment which must be evaluated. Instead, they merely include modeling results, without analysis of the significance of the changes that the project will cause to the water supplies available to upstream users.</p> <p>"[I]n preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, irrespective of whether an established threshold of significance has been met with respect to any given effect." <i>Protect the Historic Amador Waterways v. Amador Water Agency</i>, 116 Cal. App. 4th 1099, 1109 (2004), emphasis added. Thus, an EIR that fails to analyze the significance of the project's potential environmental impact on water supplies per se is invalid. See <i>Protect the Historic Amador Waterways v. Amador Water Agency</i>, 116 Cal. App. 4th 1099, 1111(2004). The lead agency does not fulfill its CEQA obligation by the EIR's mere reference to the results of studies; rather, the EIR must analyze the information that has been disclosed and reach a conclusion about its significance. <i>East Sacramento Partnership for a Livable City v. City of Sacramento</i>, 5 Cal. App. 5th 281, 303 (2016).</p> <p>Likewise, NEPA compels Reclamation to evaluate and determine the significance of a project's potential changes to water use. <i>California ex. rel. Imperial Cty. Air Pollution Control Dist. v. United States DOI</i>, 767 F.3d 781, 798 (9th Cir. 2014) [holding NEPA requires a "hard look" at a project's impacts]; <i>N. Plains Res. Council, Inc. v. Surface Transp. Bd.</i>, 668 F.3d 1067, 1075 (9th Cir. 2011); <i>Reclamation's NEPA Handbook</i>, February 2012, pp. 4-11 to 4-12, 8-14 to 8-15, 8-17 to 8-18.</p>	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>As described in Chapter 5, Water Supply, of the Final EIR/EIS, the water supply impact analysis is based upon changes in water deliveries based upon SWP and CVP operations. The potential impacts and associated mitigations related to changes in water deliveries are presented in Final EIR/EIS Appendix 5B, Response to Reduced South of Delta Water Supplies, and within applicable resource chapters, such as Final EIR/EIS Chapter 14, Agricultural Resources.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
North State Water Alliance	14	<p>The initial Draft EIR/EIS contains just two sentences to explain the agencies' reasoning:</p> <p>For each alternative, descriptions of changes in Delta outflow and upstream SWP/CVP reservoir storage are presented to provide a basis for understanding of the changes in SWP/CVP exports and deliveries. However, no specific environmental consequences/impact assessment results are presented for changes in Delta outflow and SWP/CVP upstream reservoir storage in this chapter because the environmental effects of these changes under CEQA and NEPA are not considered as</p>	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>As described in Chapter 5, Water Supply, of the Final EIR/EIS, the water supply impact analysis is based upon changes in water deliveries based upon SWP and CVP operations. The potential impacts and associated mitigations related to changes in water deliveries are presented in Final EIR/EIS Appendix 5B, Response to Reduced South of Delta Water Supplies, and within applicable resource chapters, such as Final EIR/EIS Chapter 14, Agricultural Resources.</p>

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		<p>water supply effects or impacts.</p> <p>Draft EIR/EIS, p. 5-46, II. 26 - 31. This claim is neither factually accurate nor legally supportable. As shown above in Section I.A.1. and the authorities cited therein, changes in the amount of water delivered to a location do constitute physical changes to the environment. See also Pub. Res. Code § 21060.5 [""Environment' means the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water . . ."]. This is precisely why proposed water transfers, changes in water allocation plans, and even the CALFED project which was this project's predecessor have required environmental analysis of the projects' likely impacts on water supplies.</p> <p>Regrettably, the legal errors of failing to identify water supply impacts as a physical impact on the environment and analyze the significance of those impacts were carried through all the environmental documents produced for this project, from the DEIR/EIS, to the RDEIR/SDEIS, to the FEIR/EIS. New alternatives, including Alternative 4- H3, were introduced several years after the release of the initial EIR/EIS, so the only analysis of these alternatives appears in the RDEIR/SDEIS. Like the DEIR/EIS, though, the RDEIR/SDEIS fails to analyze the significance of the project's potential impacts on water supplies. The RDEIR/SDEIS' explanation of this decision is limited to one cryptic sentence:</p> <p>As indicated in Section 5.3.2, Determination of Effects, of the Draft EIR/EIS, NEPA adverse effect and CEQA significant impact conclusions are not provided for the impacts discussed in this water supply sections. RDEIR/SDEIS, p. 4.3.1-1, II. 12 - 14 (emphasis added). Thus, the RDEIR/SDEIS merely includes the results of Proponents' Revised Models, without analyzing them or reaching any conclusions about the significance of the water supply impacts those model runs revealed. The RDEIR/SDEIS presents the "changes in May and September reservoir storage under Alternative 4A (ELT) as compared to the No Action Alternative (ELT) and Existing Conditions" in "Figures 4.3.1-4 through 4.3.1-10 and Tables B.1-1 through B.1-3 in Appendix B of this RDEIR/SDEIS for Trinity Lake, Shasta Lake, Lake Oroville, and Folsom Lake" and states that "SWP and CVP San Luis Reservoir storages are presented in Figures 4.3.1-15 11 through 4.3.1-14 for completeness." However, the RDEIR/SDEIS contains no text explaining the meaning of any of these figures, nor is there any analysis of the significance of the changes. This omission is particularly puzzling since the RDEIR/SDEIS notes, without explanation, that average annual end of September storage in all four identified reservoirs - Trinity, Shasta, Oroville, and Folsom - will decrease under the project as compared to existing conditions. RDEIR/SDEIS, pp. 4.3.1-2 - 4.3.1-3. The volume of water in storage at the end of September is a key factor in determining water managers' ability to manage supplies through a dry year; it reflects "banked" supplies that can be drawn upon in the following year if the intervening winter were to be dry.</p> <p>The RDEIR/SDEIS approach of referring the reader to various charts and figures without providing text to explain what those charts and figures mean does not satisfy the fundamental requirements of CEQA or NEPA. "The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to</p>	<p>The Draft EIR/EIS, RDEIR/RDEIS, and Final EIR/EIS describe that the substantial changes in water supply conditions under the action alternatives as compared to the Existing Conditions are due to climate change and sea level rise, as can be determined through the comparison between the No Action Alternative and Existing Conditions. Effects due to climate change, sea level rise, and population growth that would occur with or without the project are not caused by the project and do not lead to mitigation by the project, as described in the 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/S.</p>

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		adequately inform the public and decision makers, who may or may not be previously familiar with the details of the project. Information 'scattered here and there in EIR appendices,' or a report 'buried in an appendix' is not a substitute for 'a good faith reasoned analysis. . .'" Habitat and Watershed Caretakers v. City of Santa Cruz, 213 Cal. App. 4th 1277, 1306 (2013), citing Vineyard, 40 Cal. 4th at 442; see also 40 C.F.R., § 1502.8 [requiring the EIS to be organized and written so it is readily understandable]; Oregon Environmental Council v. Kunzman, 817 F.2d 484, 493-95 (9th Cir. 1987); California ex rel. Lockyer v. United States Forest Serv., 465 F. Supp. 2d 917, 923 (N.D. Cal. 2006). The information contained in this RDEIR/SDEIS is presented in such a piecemeal manner that it is difficult even for engineers and other water managers and professionals to understand.	
North State Water Alliance	15	Even if the RDEIR/SDEIS' heavy reliance on figures in lieu of analysis were permissible, though, these environmental documents would be fatally defective because they fail to analyze or even include any text disclosing the project's potentially significant dry year impacts - and the sparse text that is included in the RDEIR/SDEIS obfuscates these impacts and misleads the reader. For example, the RDEIR/SDEIS states that, "Under Alternative 4A, average annual total CVP deliveries as compared to Existing Conditions, [sic] would increase by up to 3%. . ." (RDEIR/SDEIS p. 4.3.1-5, II. 6 - 7.) The RDEIR/SDEIS further claims that "average annual CVP north of Delta M&I deliveries would remain similar or increase under Alternative 4A as compared to the conditions without the project." (RDEIR/SDEIS p. 4.3.1-6, II. 31- 32.) But, as noted above, the RDEIR/SDEIS also notes that, under the project, end of September storage in all reservoirs will decrease as compared to existing conditions. Water managers and other experts recognize that this effect presents a potential problem for future dry year water supplies - even though the RDEIR/SDEIS does not say it. Thus, although the text of the RDEIR/SDEIS claims that there will be no impact to CVP water supplies as a result of the project, that conclusion is based on average deliveries and does not take account of potential impacts in dry years, when the water is most needed. Since drought is a normal part of the water cycle in California, CEQA requires agencies to determine what a project's water supply impacts will be in dry years. <i>Voicesfor Rural Living v. El Dorado Irrig. Dist.</i> , 209 Cal. App. 4th 1096, 1112 (2012); Water Code §§ 10910 [for projects subject to CEQA, water agencies must assess whether projects have secure water supplies during single and multiple dry year conditions], 10631(c) [urban water management plans must describe water supply availability in multiple dry years], 10632 [urban water management plan must include water shortage contingency plan].	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>As described in Chapter 5, Water Supply, of the Final EIR/EIS, the water supply impact analysis is based upon changes in water deliveries based upon SWP and CVP operations. The potential impacts and associated mitigations related to changes in water deliveries are presented in Final EIR/EIS Appendix 5B, Response to Reduced South of Delta Water Supplies, and within applicable resource chapters, such as Final EIR/EIS Chapter 14, Agricultural Resources.</p> <p>The Draft EIR/EIS, RDEIR/RDEIS, and Final EIR/EIS describe that the substantial changes in water supply conditions under the action alternatives as compared to the Existing Conditions are due to climate change and sea level rise, as can be determined through the comparison between the No Action Alternative and Existing Conditions. Effects due to climate change, sea level rise, and population growth that would occur with or without the project are not caused by the project and do not lead to mitigation by the project, as described in the 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/S.</p>
North State Water Alliance	16	Careful review of the RDEIR/SDEIS Figures confirms that the project will have dry year water supply impacts that have not been disclosed in the RDEIR/SDEIS analysis. For example, Figure 4.3.1-10 shows the results of Proponents' Revised Modeling for end of September storage for Folsom Reservoir under Existing Conditions (dashed orange line), the No Action Alternative (dashed black line), Alternative 4 H3 (solid green line) and Alternative 4 H4 (solid grey line). The vertical graph marks the end of September storage volume in Folsom Reservoir in thousands of acre-feet. The values shown range from less than 100,000 acre-feet (the "dead pool" level at which releases from the reservoir downstream are physically impossible) to over 650,000 acre-feet. The Exceedance Probability at the bottom of the graph shows how frequently those conditions are expected to occur. When a point is graphed at 90%	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>The modeling shows that changes in climate and sea level could result in "dead pool" conditions in SWP and CVP reservoirs upstream of the Delta even without BDCP alternatives. The "dead pool" conditions presented in the CALSIM II model results in the Final EIR/EIS are based on modeled SWP and CVP water operations under current regulations and future demand assumptions. In addition, CALSIM II cannot make decisions that occur in real-time, such as drought operations during the ongoing drought. Instead the model includes operating criteria per the current regulations for all dry periods, and does not reflect specific relaxations that have</p>

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		<p>exceedance, that means there is a 90% chance that conditions will be wetter than shown at that point. In other words, a 90% exceedance point shows the conditions that the model anticipates would occur in the driest 10% of years.</p>	<p>occurred in recent drought conditions and could occur, if approved by the regulatory agencies, in future drought conditions. As described in Final EIR/EIS Chapter 5, Water Supply, the Final EIR/EIS analyses assume continued implementation of regulatory requirements in accordance with the requirements under the CEQA definition of Existing Conditions and under the NEPA definition of the No Action Alternative. Changes in the regulatory requirements would only occur following detailed analyses, including project-specific CEQA and NEPA analyses and ESA and CESA analyses. Following adoption of changes to the regulatory requirements by the State and federal governments, DWR and Reclamation would need to determine if changes in the SWP and CVP would be necessary. These changes are considered to be speculative and are not included in the No Action Alternative or in the Cumulative Impact Analysis.</p> <p>These same assumptions are used in the No Action Alternative and the action alternatives; and therefore, the incremental difference determined through the comparison of the action alternatives to the No Action Alternative indicates the increase or decrease in effects on other users.</p> <p>The Draft EIR/EIS, RDEIR/RDEIS, and Final EIR/EIS describe that the substantial changes in water supply conditions under the action alternatives as compared to the Existing Conditions are due to climate change and sea level rise, as can be determined through the comparison between the No Action Alternative and Existing Conditions. Effects due to climate change, sea level rise, and population growth that would occur with or without the project are not caused by the project and do not lead to mitigation by the project, as described in the 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/S.</p>
North State Water Alliance	17	<p>It should also be noted that Proponents' Revised Modeling includes, and Figure 4.3.1-10 reflects, the use of two separate baselines. The dashed orange line, Existing Conditions, reflects the results that the model predicts if the existing pre-project conditions were carried forward into the future. This is the type of baseline normally used for determining a project's environmental impacts under CEQA. State CEQA Guidelines, 14 C.C.R. § 15125. In the No Action Alternative, the Proponents' Revised Modeling incorporates assumptions about climate change, future sea level rise, and increases in North-of-Delta demands for water. The Proponents claim that the No Action Alternative is the appropriate baseline to determine the project's potential impacts; the commenters dispute this because their experts indicate that the changes incorporated into Proponents' Revised Models render their results unreliable. See Section I.A.5, below. For purposes of this issue, however, the differences between the models are irrelevant because both Proponents' Revised Models and the corrected CALSIM II modeling undertaken by commenters' experts at MBK Engineers reveal that this project results in potentially significant water supply impacts.</p> <p>In the bottom left corner of the graph, the green line showing the modeling results of Alternative 4 H3 goes flat - indicating that the reservoir has hit deadpool storage levels, at about 90,000 acre-feet - at about 93% exceedance. This means that, in the</p>	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>The modeling shows that changes in climate and sea level could result in "dead pool" conditions in SWP and CVP reservoirs upstream of the Delta even without BDCP alternatives. The "dead pool" conditions presented in the CALSIM II model results in the Final EIR/EIS are based on modeled SWP and CVP water operations under current regulations and future demand assumptions. In addition, CALSIM II cannot make decisions that occur in real-time, such as drought operations during the ongoing drought. Instead the model includes operating criteria per the current regulations for all dry periods, and does not reflect specific relaxations that have occurred in recent drought conditions and could occur, if approved by the regulatory agencies, in future drought conditions. As described in Final EIR/EIS Chapter 5, Water Supply, the Final EIR/EIS analyses assume continued implementation of regulatory requirements in accordance with the requirements under the CEQA definition of Existing Conditions and under the NEPA definition of the No Action Alternative. Changes in the regulatory requirements would only occur following detailed analyses, including project-specific CEQA and NEPA analyses and ESA and CESA analyses. Following adoption of changes to the regulatory requirements by the State and federal governments, DWR and Reclamation would need to determine if</p>

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		<p>with-project conditions, Folsom Reservoir will be drawn down to deadpool storage, with no "water in the bank" at the end of September, in about the driest 7% of years. Without the project, under the orange dashed Existing Conditions line, Folsom Reservoir would hit deadpool storage at about 97%, meaning that this dire situation would only occur in about the driest 3% of years. These data points show that the project will about double the number of future years that Folsom Reservoir will be at deadpool in future dry conditions. This is, obviously, a significant water supply impact for those who rely on that reservoir to meet their water needs.</p>	<p>changes in the SWP and CVP would be necessary. These changes are considered to be speculative and are not included in the No Action Alternative or in the Cumulative Impact Analysis.</p> <p>These same assumptions are used in the No Action Alternative and the action alternatives; and therefore, the incremental difference determined through the comparison of the action alternatives to the No Action Alternative indicates the increase or decrease in effects on other users.</p> <p>The Draft EIR/EIS, RDEIR/RDEIS, and Final EIR/EIS describe that the substantial changes in water supply conditions under the action alternatives as compared to the Existing Conditions are due to climate change and sea level rise, as can be determined through the comparison between the No Action Alternative and Existing Conditions. Effects due to climate change, sea level rise, and population growth that would occur with or without the project are not caused by the project and do not lead to mitigation by the project, as described in the 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/S.</p>
North State Water Alliance	18	<p>The data from Figure 4.3.1-10 also show that in years between about 85 and 89% exceedance - in other words, in those years that are drier than about 85 - 89% of all years - there is a significant divergence between what happens in the No Action Alternative (the black dashed line) and the proposed project (which, as the RDEIR/SDEIS, was represented by Alternative 4 H3's green line and Alternative 4 H4's grey line) as compared to the Existing Conditions (the dashed orange line). In those years, the Existing Conditions dashed orange line appears to show about 100,000 - 110,000 acre- feet more water in Folsom Reservoir at the end of September than would occur under Alternative 4 H3, and about 50,000 acre-feet more water than would occur under the No Action Alternative. Thus, in these years, which are in the top 15% of driest conditions, Figure 4.3.1-10 reveals that the project would reduce available water supplies in Folsom Reservoir by 50,000 acre-feet or more. As set forth below, the commenters believe Proponents' Revised Modeling significantly understates the actual water supply impacts of the proposed project, because it conflates the impacts of climate change, increased north of Delta demands, and the proposed project. Nevertheless, even Proponents' Revised Modeling shows that the project would reduce end of September storage - and thus, curtail available water supplies - in Folsom Reservoir at certain dry conditions by about 15% as compared to the No Action Alternative, or by about 30% as compared to Existing Conditions. The RDEIR/SDEIS neither acknowledges nor analyzes the significance of this potential impact, or any of the other water supply impacts that water professionals can discern by evaluating the figures.</p>	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>The modeling shows that changes in climate and sea level could result in "dead pool" conditions in SWP and CVP reservoirs upstream of the Delta even without BDCP alternatives. The "dead pool" conditions presented in the CALSIM II model results in the Final EIR/EIS are based on modeled SWP and CVP water operations under current regulations and future demand assumptions. In addition, CALSIM II cannot make decisions that occur in real-time, such as drought operations during the ongoing drought. Instead the model includes operating criteria per the current regulations for all dry periods, and does not reflect specific relaxations that have occurred in recent drought conditions and could occur, if approved by the regulatory agencies, in future drought conditions. As described in Final EIR/EIS Chapter 5, Water Supply, the Final EIR/EIS analyses assume continued implementation of regulatory requirements in accordance with the requirements under the CEQA definition of Existing Conditions and under the NEPA definition of the No Action Alternative. Changes in the regulatory requirements would only occur following detailed analyses, including project-specific CEQA and NEPA analyses and ESA and CESA analyses. Following adoption of changes to the regulatory requirements by the State and federal governments, DWR and Reclamation would need to determine if changes in the SWP and CVP would be necessary. These changes are considered to be speculative and are not included in the No Action Alternative or in the Cumulative Impact Analysis.</p>

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		<p>Thus, the California WaterFix environmental documents suffer from the same fatal flaw as the EIR that was invalidated in East Sacramento Partnership for a Livable City: collectively, the DEIR/EIS, RDEIR/SDEIS, and FEIR/EIS merely cite to the results of the Proponents' Revised Modeling - but none of these documents analyzes the significance of the impacts disclosed by those modeling results. East Sacramento Partnership for a Livable City v. City of Sacramento, 5 Cal. App. 5th 281,301-303 (2016). This violates the fundamental precept that environmental documents should be understandable to the lay reader; an EIR/EIS should not require a reader to translate and interpret the meaning of their figures and graphs. Lacking this information, the environmental documents are fatally flawed under both CEQA and NEPA.</p>	<p>These same assumptions are used in the No Action Alternative and the action alternatives; and therefore, the incremental difference determined through the comparison of the action alternatives to the No Action Alternative indicates the increase or decrease in effects on other users.</p> <p>The Draft EIR/EIS, RDEIR/RDEIS, and Final EIR/EIS describe that the substantial changes in water supply conditions under the action alternatives as compared to the Existing Conditions are due to climate change and sea level rise, as can be determined through the comparison between the No Action Alternative and Existing Conditions. Effects due to climate change, sea level rise, and population growth that would occur with or without the project are not caused by the project and do not lead to mitigation by the project, as described in the 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/S.</p>
North State Water Alliance	19	<p>4. The Project's Cumulative Impacts on Water Supply Must Also Be Analyzed</p> <p>CEQA requires lead agencies to answer two questions to determine whether a project will have cumulative impacts. First, the agency must determine whether the effects of the proposed project, in combination with other projects, would be cumulatively considerable. If so, the agency must then evaluate whether the project's incremental contribution is cumulatively considerable. Communities for a Better Environment v. California Resources Agency, 103 Cal. App. 4th 98, 120 (2002), disapproved on other grounds in Berkeley Hillside Preservation v. City of Berkeley, 60 Cal. 4th 1086, 1109 n. 3 (2015). When the project's incremental effect is cumulatively considerable, the EIR must discuss the project's cumulative impacts. San Francisco Baykeeper v. State Lands Comm'n, 242 Cal. App. 4th 202, 222 (2015). On the other hand, if the cumulative impact is insignificant or if the project's incremental contribution to the impact is not cumulatively considerable, the EIR need not conduct a full cumulative impacts analysis, but it must include a brief explanation of the basis for the agency's conclusions. San Francisco Baykeeper v. State Lands Comm'n, 242 Cal. App. 4th 202, 222 (2015). NEPA also requires analysis of a project's contribution to cumulative impacts. See 40 C.F.R., § 1508.7; Lands Council v. Forester of Region One of the United States Forest Serv., 395 F.3d 1019, 1027 (9th Cir. 2005).</p> <p>Here, neither the RDEIR/SDEIS nor the FEIR/EIS includes the required analysis of the project's cumulative impacts to water supplies. The RDEIR/SDEIS simply does not evaluate whether the project's incremental contribution to water supply impacts is cumulatively considerable. As shown in the example set forth above in Section I.A.3, in years that are in the 10 - 15% driest range, the No Action Alternative will reduce end of September water supplies in Folsom Reservoir by about 50,000 acre-feet as compared to existing conditions, and the project will further reduce them by about 50,000 acre feet more. RDEIR/SDEIS, Figure 4.3.1.-10. In other words, even under Proponents' Revised Modeling, the impacts of the project will double the impacts that are anticipated to occur as a result of climate change, sea level rise, and increased demand north-of-Delta. In combination, the cumulative, with-project</p>	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>The modeling shows that changes in climate and sea level could result in "dead pool" conditions in SWP and CVP reservoirs upstream of the Delta even without BDCP alternatives. The "dead pool" conditions presented in the CALSIM II model results in the Final EIR/EIS are based on modeled SWP and CVP water operations under current regulations and future demand assumptions. In addition, CALSIM II cannot make decisions that occur in real-time, such as drought operations during the ongoing drought. Instead the model includes operating criteria per the current regulations for all dry periods, and does not reflect specific relaxations that have occurred in recent drought conditions and could occur, if approved by the regulatory agencies, in future drought conditions. As described in Final EIR/EIS Chapter 5, Water Supply, the Final EIR/EIS analyses assume continued implementation of regulatory requirements in accordance with the requirements under the CEQA definition of Existing Conditions and under the NEPA definition of the No Action Alternative. Changes in the regulatory requirements would only occur following detailed analyses, including project-specific CEQA and NEPA analyses and ESA and CESA analyses. Following adoption of changes to the regulatory requirements by the State and federal governments, DWR and Reclamation would need to determine if changes in the SWP and CVP would be necessary. These changes are considered to be speculative and are not included in the No Action Alternative or in the Cumulative Impact Analysis. Effects due to climate change, sea level rise, and population growth that would occur with or without the project are not caused by the project and do not lead to mitigation by the project, as described in the 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/S.</p>

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		<p>conditions are expected to reduce available Folsom Reservoir end-of-September stored water supplies from about 350,000 acre-feet to about 250,000 acre-feet. RDEIR/SDEIS, Figure 4.3.1.-10. Yet without acknowledging these data from the Figure, the RDEIR/SEIS offhandedly dismisses these impacts with a statement that "This decrease primarily would occur due to sea level rise, climate change, and increased north of Delta demands." RDEIR/SDEIS, p. 4.3.1-3, II. 19 - 20. This statement is inconsistent with the RDEIR/SDEIS's own data, which show that, in the driest range of years when effects would be most severe, Project-related effects on Folsom Reservoir, for example, will be at least as large as those caused by all other non-Project factors together.</p>	
North State Water Alliance	20	<p>The cumulative impacts analysis of Alternative 4 is also discussed separately in Chapter 5 of the RDEIR/SDEIS. However, the cumulative impacts analysis indicates that it does not address the topic of the project's cumulative impacts on water supplies; rather, for an analysis of the "effects of changes to SWP/CVP export or deliveries. . . such as the need to develop future water supplies" it refers the reader back to the impact analyses "throughout this RDEIR/SDEIS and in the Draft EIR/EIS." RDEIR/SDEIS, p. 5-9, II. 28 - 37. Thus, neither the cumulative impacts analysis in Section 5 nor the water supply analysis in Section 4.3.1 of the RDEIR/SDEIS includes any evaluation of whether the project's incremental contribution to water supply impacts is cumulatively considerable. In fact, those words do not even appear in the text. The FEIR/EIS makes no attempt to fill in the missing analyses. This clearly does not meet CEQA's mandate.</p> <p>Even assuming, arguendo, that the future with-project reductions in water supply are caused "primarily" by sea level rise, climate change, and increased north-of-Delta demand, the environmental documents must still analyze the project's incremental contribution to those impacts and determine whether it is cumulatively considerable. The data in the Figures of the RDEIR/SDEIS show that, in wetter years, the project's potential cumulative impacts on water supplies may be less, as demonstrated by the smaller variations between the No Action Alternative and the Alternative 4 H3 and Alternative 4 H4 graphs. Yet the RDEIR/SDEIS must still analyze the project's incremental contribution to those impacts. Under both CEQA and NEPA, a project's cumulative environmental impact cannot be deemed insignificant merely because its individual contribution to an existing environmental problem is relatively small. <i>San Francisco Baykeeper v. State Lands Comm'n</i>, 242 Cal. App. 4th 202, 223 (2015), citing <i>Kings County Farm Bureau v. City of Hanford</i>, 221 Cal. App. 3d 692, 718-21 (1990); <i>Kern v. United States BLM</i>, 284 F.3d 1062, 1075 (9th Cir. 2002). To the contrary, "the greater the existing environmental problems are, the lower the threshold should be for treating a project's contribution to cumulative impacts as significant." <i>San Francisco Baykeeper v. State Lands Comm'n</i>, 242 Cal. App. 4th 202, 222 (2015); <i>Communities for a Better Environment v. California Resources Agency</i>, 103 Cal. App. 4th 98, 120 (2002).</p>	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>The modeling shows that changes in climate and sea level could result in "dead pool" conditions in SWP and CVP reservoirs upstream of the Delta even without BDCP alternatives. The "dead pool" conditions presented in the CALSIM II model results in the Final EIR/EIS are based on modeled SWP and CVP water operations under current regulations and future demand assumptions. In addition, CALSIM II cannot make decisions that occur in real-time, such as drought operations during the ongoing drought. Instead the model includes operating criteria per the current regulations for all dry periods, and does not reflect specific relaxations that have occurred in recent drought conditions and could occur, if approved by the regulatory agencies, in future drought conditions. As described in Final EIR/EIS Chapter 5, Water Supply, the Final EIR/EIS analyses assume continued implementation of regulatory requirements in accordance with the requirements under the CEQA definition of Existing Conditions and under the NEPA definition of the No Action Alternative. Changes in the regulatory requirements would only occur following detailed analyses, including project-specific CEQA and NEPA analyses and ESA and CESA analyses. Following adoption of changes to the regulatory requirements by the State and federal governments, DWR and Reclamation would need to determine if changes in the SWP and CVP would be necessary. These changes are considered to be speculative and are not included in the No Action Alternative or in the Cumulative Impact Analysis. Effects due to climate change, sea level rise, and population growth that would occur with or without the project are not caused by the project and do not lead to mitigation by the project, as described in the 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/S.</p>
North State Water Alliance	21	<p>As disclosed in the RDEIR/SDEIS, the results obtained using Proponents' Revised Modeling appear to show that climate change and other factors will curtail future water supplies as compared to Existing Conditions. For example, on Figure 4.3.1-10, from 30% exceedance to about 70% exceedance, the dashed orange line showing Existing Conditions generally runs 100,000 acre-feet or more higher than the No Action Alternative. This means that, in many years, end of September storage in</p>	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>The modeling shows that changes in climate and sea level could result in "dead pool" conditions in SWP and CVP reservoirs upstream of the Delta even without BDCP alternatives. The "dead pool" conditions presented in the CALSIM II model results in</p>

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		<p>Folsom would be significantly higher under Existing Conditions, and the impacts of climate change, sea level rise, and increased north-of-Delta demand as calculated under Proponents' Revised Models substantially reduce available water supplies. The fact that these other factors account for some of the water supply loss shown in the results of Proponents' Revised Modeling does not excuse the lead agencies' failure to analyze the additional incremental effects of the project itself. Even in those years where the other factors may be "primarily" responsible for the reductions in water supply, the environmental documents must analyze the cumulative contribution of this project. In fact, the more that these other factors curtail future water supplies, the more important it is for the environmental documents to take a hard look at the additional reductions caused by the project, even if they are small amounts in some years</p>	<p>the Final EIR/EIS are based on modeled SWP and CVP water operations under current regulations and future demand assumptions. In addition, CALSIM II cannot make decisions that occur in real-time, such as drought operations during the ongoing drought. Instead the model includes operating criteria per the current regulations for all dry periods, and does not reflect specific relaxations that have occurred in recent drought conditions and could occur, if approved by the regulatory agencies, in future drought conditions. As described in Final EIR/EIS Chapter 5, Water Supply, the Final EIR/EIS analyses assume continued implementation of regulatory requirements in accordance with the requirements under the CEQA definition of Existing Conditions and under the NEPA definition of the No Action Alternative. Changes in the regulatory requirements would only occur following detailed analyses, including project-specific CEQA and NEPA analyses and ESA and CESA analyses. Following adoption of changes to the regulatory requirements by the State and federal governments, DWR and Reclamation would need to determine if changes in the SWP and CVP would be necessary. These changes are considered to be speculative and are not included in the No Action Alternative or in the Cumulative Impact Analysis. Effects due to climate change, sea level rise, and population growth that would occur with or without the project are not caused by the project and do not lead to mitigation by the project, as described in the 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/S.</p>
North State Water Alliance	22	<p>5. By Relying on Faulty and Inadequate Modeling for Its Sole Analysis of the Project's Water Supply Impacts, the Final EIR/EIS Understates Those Impacts and Fails to Fulfill the Disclosure Obligations Imposed by CEQA and NEPA</p> <p>The CALSIM II model has been considered by prior courts, and it has been deemed to be a generally reliable model for predicting the potential water supply impacts of a proposed project. See, e.g., Planning and Conservation League v. Castaic Lake Water Agency, 180 Cal. App. 4th 210, 248-49 (2009). It is true that minor variations in the results may be obtained when the hydrological models are revised, and these modeling variations will not invalidate an EIR's water supply analysis, as long as the EIR "adequately discusses the reliability" of the water supplies, pre- and post-project conditions, future conditions, and operations. Planning and Conservation League v. Castaic Lake Water Agency, 180 Cal. App. 4th 210, 245 (2009).</p> <p>Here, though, as indicated in Section I.A.3, above, Proponents' Revised Models do not adequately discuss the reliability of the water supplies under pre- and post-project conditions, future conditions, and operations. For this reason, it was necessary for the commenters' expert hydrologists to re-run the hydrologic modeling using the standard CALSIM II models. Gray v. County of Madera, 167 Cal. App. 4th 1099, 1115 (2008) [additional testing - or modeling - is required if the initial testing is insufficient]; In Re State Water Resources Control Bd. cases, 136 Cal. App. 4th 674, 796 (2006) [hydrologic modeling that includes unreasonable assumptions may be found "clearly inadequate or unsupported"]; see also Laurel Heights Improvement Assn. v. Regents of University of California ("Laurel Heights I"), 47 Cal. 3d 376, 409 n. 12 (1988) [CEQA does not require that the studies are irrefutable, but the lead agency cannot "uncritically rely on every study or analysis presented by a</p>	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>It appears that this comment was based on the MBK January 2014 review of BDCP modeling. BDCP EIR/EIS modeling of Alternative 4 H1 through H4 was based on a No Action Alternative model developed in 2010. Models always evolve as the understanding of the system and operations improves and the assumptions are better defined. MBK's independent modeling of the No Action Alternative included different assumptions than the BDCP EIR/EIS No Action Alternative, which was the basis for their independent modeling of Alternative 4. Furthermore, MBK's independent modeling of the Alternative 4 included different assumptions than the BDCP EIR/EIS Alternative 4 H1 through H4. Some of the differences in Alternative 4 assumptions include May – Oct north Delta diversion bypass flow operations, Delta Cross Channel gate operations, Old and Middle River flow and south Delta export operations, and discretionary summer export operations. Different assumptions in the MBK's modeling of the No Action Alternative and Alternative 4 result in different results from the BDCP EIR/EIS. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report for a discussion on the MBK modeling.</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>

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		<p>project proponent in support of its position"].</p> <p>As noted in the MBK Report, the Proponents' Revised Modeling of the FEIR/EIS suffers from several fatal defects. Perhaps most significantly, the Proponents' Revised Modeling is inconsistent with the project description set out in the environmental documents. This alone render the results obtained under the Proponents' Revised Modeling invalid, as they do not analyze the features of the proposed project.</p> <p>Furthermore, the Proponents' Revised Modeling for the FEIR/EIS contains at least three operational assumptions that are inappropriate and skew the results of the modeling. First, the Proponents' Revised Modeling for the FEIR/EIS does not consider the effects that would result from the additional conveyance capacity that the project facilities would add. If the tunnels are built, presumably they will be used for their intended purpose of conveying water south-of-Delta. To present a valid forecast of future with-project conditions, then, the hydrologic modeling of the project should include this increased conveyance capacity.</p>	This comment does not raise any substantive new environmental information or analysis that would result in a new significant environmental impact.
North State Water Alliance	23	<p>Second, the Proponents' Revised Modeling for the FEIR/EIS includes artificial limits on the use of the tunnels to convey water south-of-Delta for the CVP. In the Proponents' Revised Modeling for the FEIR/EIS, the use of the North Delta Diversion - i.e., the tunnels - is limited to the remaining amount of permitted capacity at the existing South Delta Diversion (SDD), even if the water is being conveyed through the new North Delta Diversion. This incorrect assumption artificially and inappropriately inflates the modeling results for storage in upstream CVP reservoirs under the Preferred Alternative as compared to the respective No Action Alternatives.</p>	See comments in MBK's report, attached. 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 State Water Alliance	24	<p>Third, contrary to statements in the Final EIR/EIS that upstream operating criteria will not change under the project (see, e.g., Final EIR/EIS, Master Response 25, p. 1-248, lines 34-35), Proponents' Revised Modeling for the Final EIR/EIS actually does change the criteria for balancing reservoirs north and south of the Delta. These changes are made in a manner that causes operations under the Preferred Alternative to release less upstream water for storage south of the Delta during summer months, which causes the modeled results for north-of-Delta upstream reservoir storage to be held artificially higher under the Preferred Alternative as compared to the No Action Alternative.</p>	See comments in MBK's report, attached. 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 State Water Alliance	25	<p>Finally, the Proponents acknowledge that none of the Proponents' Revised Modeling addresses how the proposed project may impact the environment in severe drought conditions. This is a very serious deficiency, because project impacts are almost always greater during drought periods; some impacts may occur only during dry conditions.</p> <p>Any one of these flaws would render the Proponents' Revised Modeling of the Final EIR/EIS fatally defective. In combination, the errors are compounded, and the results cannot be considered reliable. In short, this modeling, like the rest of the modeling runs included in the Proponents' Revised Modeling, is clearly inaccurate and unsupported. Consequently, as set forth in the MBK Report, it does not constitute substantial evidence upon which the lead agencies can base their conclusions about the project's environmental impacts.</p>	<p>This section contains the commenter's view of potential insufficiencies in modeling and analysis in the Final EIR/S.</p> <p>The modeling shows that changes in climate and sea level could result in "dead pool" conditions in SWP and CVP reservoirs upstream of the Delta even without BDCP alternatives. The "dead pool" conditions presented in the CALSIM II model results in the Final EIR/EIS are based on modeled SWP and CVP water operations under current regulations and future demand assumptions. In addition, CALSIM II cannot make decisions that occur in real-time, such as drought operations during the ongoing drought. Instead the model includes operating criteria per the current regulations for all dry periods, and does not reflect specific relaxations that have occurred in recent drought conditions and could occur, if approved by the regulatory agencies, in future drought conditions. As described in Final EIR/EIS Chapter 5, Water</p>

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		<p>"The dispute in this regard goes beyond a disagreement of qualified experts over the reasoned conclusions as to what the data reveals. The EIR failed to acknowledge the opinions of responsible agencies and experts who cast substantial doubt on the adequacy of the EIR's analysis of this subject. The conclusory and evasive nature of the response to comments is pervasive, with the EIR failing to support its many conclusory statements by scientific or objective data. These violations of CEQA constitute an abuse of discretion." Berkeley Keep Jets Over the Bay v. Board of Port Comm'rs of the City of Oakland, 91 Cal. App. 4th 1344, 1355 (2001).</p>	<p>Supply, the Final EIR/EIS analyses assume continued implementation of regulatory requirements in accordance with the requirements under the CEQA definition of Existing Conditions and under the NEPA definition of the No Action Alternative. Changes in the regulatory requirements would only occur following detailed analyses, including project-specific CEQA and NEPA analyses and ESA and CESA analyses. Following adoption of changes to the regulatory requirements by the State and federal governments, DWR and Reclamation would need to determine if changes in the SWP and CVP would be necessary. These changes are considered to be speculative and are not included in the No Action Alternative or in the Cumulative Impact Analysis. Effects due to climate change, sea level rise, and population growth that would occur with or without the project are not caused by the project and do not lead to mitigation by the project, as described in the 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/S.</p>
North State Water Alliance	26	<p>The environmental documents are also defective because they have failed to address the issues related to the boundary analysis and the numerous other errors in the Proponents' Revised Modeling that the commenters and their experts have repeatedly raised. As set forth in the MBK Report, the commenters and their experts have previously informed the lead agencies that the boundary analysis does not, as boundary analysis usually does, evaluate a range of potential operations of the Central Valley Project and the State Water Project with the project, and the additional capacity to convey water across the Delta that it would provide. Because the boundary analysis that the lead agencies performed does not consider this additional capacity or the flexibility in operations that it would provide, the boundary analysis fails to meet its purported purpose of evaluating a range of project operations under the with-project conditions. While commenters and their experts have previously raised these issues with the lead agencies, the FEIR/EIS fails to correct this deficiency. Likewise, the FEIR/EIS does not correct any of the other modeling deficiencies that the commenters previously raised. See MBK Report, at 9-10 ("Modeling Issues Not Addressed in FEIR/S")</p> <p>Where, as here, "comments from responsible experts disclose new or conflicting data or opinions that cause concern that the agency may not have fully evaluated the project and its alternatives, these comments may not simply be ignored." Berkeley Keep Jets Over the Bay v. Board of Port Comm'rs of the City of Oakland, 91 Cal. App. 4th 1344, 1367 (2001). Thus, when responsible experts have noted that the modeling that includes unreasonable assumptions that may render it "clearly inadequate or unsupported," as stated in In Re State Water Resources Control Bd. cases, 136 Cal. App. 4th 674, 796 (2006), those comments must be addressed. Since the lead</p>	<p>The CALSIM II model results in the EIR/EIS are based on modeled SWP and CVP water operations under current regulations and future demand assumptions. In addition, CALSIM II cannot make decisions that occur in real-time, such as drought operations during the ongoing drought. Instead the model includes operating criteria per the current regulations for all dry periods, and does not reflect specific relaxations that have occurred in recent drought conditions and could occur, if approved by the regulatory agencies, in future drought conditions. As described in Final EIR/EIS Chapter 5, Water Supply, the Final EIR/EIS analyses assume continued implementation of regulatory requirements in accordance with the requirements under the CEQA definition of Existing Conditions and under the NEPA definition of the No Action Alternative. Changes in the regulatory requirements would only occur following detailed analyses, including project-specific CEQA and NEPA analyses and ESA and CESA analyses. Following adoption of changes to the regulatory requirements by the State and federal governments, DWR and Reclamation would need to determine if changes in the SWP and CVP would be necessary. These changes are considered to be speculative and are not included in the No Action Alternative or in the Cumulative Impact Analysis. Effects due to climate change, sea level rise, and population growth that would occur with or without the project are not caused by the project and do not lead to mitigation by the project, as described in the Final EIR/EIS.</p> <p>See comments in MBK's report, attached.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>

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North State Water Alliance	27	<p>agencies have failed to meet this standard, the Final EIR/EIS is fatally defective.</p> <p>B. The Final EIR/EIS Inadequately Analyzes Project Impacts to Fish Species.</p> <p>1. The Final EIR/EIS's Statistically-Based Analysis Is Inadequate to Analyze Project Impacts on Pelagic Fish.</p> <p>Robert Latour, Ph.D., provided comments on the Draft EIR/EIS and the Recirculated EIR/EIS. Based on his extensive review of the data underlying CDFW's fall midwater trawl, Dr. Latour has published a peer-reviewed scientific paper that used standard catch-per-unit-of-effort analysis to assess the statistical relationship between pelagic fish abundance in the Delta and a number of environmental variables, including streamflows. (Latour, R.J., Estuaries and Coasts (2016) 39: 233. doi:10.1007/s12237-015-9968-9.) In light of the very short time provided to review the Final EIR/EIS, Dr. Latour has focused his review of the Final EIR/EIS on its response to his previous comments and the new mitigation measure concerning Alternative 4A's effect on longfin smelt, namely Mitigation Measure AQUA-22d. See Robert J. Latour, Comments on the Final California WaterFix Environmental Impact Report/Statement (EIR/EIS) (January 26, 2017) (attached as Exhibit E.) In his review, Dr. Latour identified at least two significant scientific problems. His attached technical memorandum discusses these problems in detail. The problems are summarized as follows. First, the Final EIR/EIS does not adequately account for the uncertainty inherent in the data and analyses on which the Final EIR/EIS relies to conclude, among other things, that specific numbers of longfin smelt will be generated with certain levels of Delta flows. Second, the Final EIR/EIS takes an internally inconsistent approach to using scientific models by rejecting detailed lifecycle models because they do not address some biological variables, but relying entirely on a simple statistical model that correlates streamflows to numbers of fish in its analysis of the California WaterFix's effects on longfin smelt.</p>	<p>Regarding uncertainty, it is acknowledged that there is appreciable uncertainty in predicting longfin smelt relative abundance as a function of X2/Delta outflow. Such acknowledgement is provided in a number of locations in the Final EIR/EIS, e.g., Impact AQUA-22 for Alternative 4A (p. 11-3206). Explicit examination of uncertainty in terms of variability around mean estimates of longfin smelt relative abundance was provided in the California WaterFix CESA Incidental Take Permit application submitted in October 2016.</p> <p>The Final EIR/EIS is not internally inconsistent in the manner the commenter suggests. The commenter claims that some life cycle models were not used because "they do not address some biological variables". However, they were not used because not all variables included in the life cycle models could be provided with appropriate input values (e.g., prey abundance). A summary of the reasons for not including the potential life cycle models is provided in Table 5.G-1 of Appendix 5.G Fish Life Cycle Models in the public draft BDCP. Use of relatively simple statistical models was undertaken where appropriate, e.g., X2-abundance regression from Kimmerer et al. (2009) for longfin smelt.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
North State Water Alliance	28	<p>2. The Final EIR/EIS's Analysis of Project Impacts on Salmon Contains Numerous Inadequacies.</p> <p>Fisheries biologist Dave Vogel, who provided comments on the Draft EIR/EIS and Recirculated EIR/EIS, reviewed the Final EIR/EIS as set forth in his attached comments. Mr. Vogel's review concluded that the Project will have adverse impacts on anadromous salmon species in the Sacramento River Basin that are not disclosed or are downplayed in the Final EIR/EIS. See Dave Vogel, Comments on the Bay Delta Conservation Plan/California WaterFix Final Environmental Impact Report/Environmental Impact Statement (January 25, 2017) (attached as Exhibit F). Due to the very constrained comment period on the Final EIR/EIS, Mr. Vogel's review focused on the responses to his previously submitted comments, which provided a significant amount of additional information and studies on salmon and predatory fish in the Sacramento River and numerous detailed comments that demonstrated problems with the EIR/EIS's conclusions about the siting of the North Delta intakes, sweeping velocities, predation, and comparisons to the Glenn Colusa Irrigation District (GCID) fish screens. At a minimum, the following errors or unsubstantiated conclusions remain in the Final EIR/EIS:</p> <ul style="list-style-type: none"> • The Final EIR/EIS has not included the best available science to reach its 	<p>This section contains the commenter's view of potential insufficiencies in fisheries analysis in the Final EIR/S. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>

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		<p>conclusions. Instead, it has ignored relevant scientific evidence and studies specifically recommended by Mr. Vogel in previously submitted comments.</p> <ul style="list-style-type: none"> • The Final EIR/EIS's continued conclusion that the siting of the North Delta intakes will not significantly harm salmon is based on unsupported assumptions that the future design of Project fish screens will reduce or prevent salmon impingement or predation. This is largely based on erroneous conclusions that the location for the intakes is beneficial to salmon, when in fact the sites chosen are merely the least bad for salmon out of a limited set of bad locations along the Sacramento River. • The Final EIR/EIS continues to include low sweeping velocities across the fish screens, which increases salmon exposure time to both the fish screens themselves (thus increasing impingement risk) and to predatory fish hiding near the screens. In fact, it appears that the Final EIR/EIS has misinterpreted the California Department of Fish and Wildlife's (CDFW) criteria for sweeping velocities to require not more than two times the allowable approach velocity, when it actually requires at least two times the allowable approach velocities. • The Final EIR/EIS continues to state that the North Delta intakes and fish screen design will control predatory fish, when it will actually create refuges for predatory fish that will adversely affect salmon. <p>The Final EIR/EIS concludes that the Project would result in lower salmon mortality than the GCID fish screen project, yet data shows that greater numbers of predatory fish occur in stretches of the Sacramento River closer to the North Delta intakes than occur near the GCID screens.</p>	
North State Water Alliance	29	<p>C. The Final EIR/EIS Improperly Defers Analysis of Impacts of Intakes and Fish Screens.</p> <p>The Final EIR/EIS for the California WaterFix project improperly defers analysis of the impacts of the North Delta intakes and fish screens on fish, particularly the predation of salmon. Specifically, the Final EIR/EIS and responses to comments repeatedly assert that the final design of the intakes and their fish screens have not yet been developed and will be developed based on a series of future studies the lead agencies promise to conduct. (See DEIR/S Ltr # 1597, Response to Comment149.) However, the failure to provide more certain design information for the intakes and the fish screens prevents full disclosure and analysis of the impacts that these structures may have on the environment. The failure to adequately study these impacts is especially egregious given the EIR's assertion that impacts to salmonids would be minimal.</p> <p>"While proper tiering of environmental review allows an agency to defer analysis of certain details of later phases of long-term linked or complex projects until those phases are up for approval, CEQA's demand for meaningful information is not satisfied by simply stating information will be provided in the future." (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 431 [internal quotes omitted].) There is no indication in the Final EIR/EIS that the final design for the North Delta intakes and fish screens will be subject to later environmental review, thus the deferral of this analysis cannot be considered "proper tiering." Moreover, the intakes themselves are an integral part of the project that would be approved alongside the certification of the Final EIR/EIS for</p>	This section contains the commenter's view of potential insufficiencies in the intake and fish screen analysis in the Final EIR/S. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.

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		<p>California WaterFix . The elements of the project that are presently being approved should be fully analyzed for their impacts on the environment, particularly sensitive species like salmon. Without critical details about sweeping velocities across the intakes and fish screens, there is insufficient evidence to support the EIR's conclusions about whether salmon will be significantly impacted by the project, particularly in regard to predation by other fish species and impingement.</p>	
North State Water Alliance	30	<p>D. The Environmental Documents Are So Difficult to Navigate That It Is Often Unclear Exactly What Has Been Disclosed.</p> <p>Instead of providing a user-friendly, understandable analysis of the potential effects of the California WaterFix, the Final EIR/EIS furthers the unorganized, scattered and unreadable nature of the previous environmental documents issued for the Project. One "purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment." Pub. Res. §21061. The California Supreme Court has long declared that an environmental impact report "protects not only the environment but also informed self-government." (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564 (quoting Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 392); see also Oregon Env'tl. Council v. Kuzman (9th Cir. 1987) 817 F.2d 484, 494.) Combining over 30,000 pages of the 2014 initial draft with certain new material in the 2015 recirculated draft document and unspecified additional new information into this Final EIR/EIS (for a cumulative total of more than 113,000 pages) makes the task of informed self-government unwieldy and ineffective.</p> <p>The Final EIR/EIS contains approximately 7,200 pages more than the DEIR/DEIS, and over 12,000 pages of responses to comments. The Final EIR/EIS explains that it "contains the full contents of the revised Draft EIR/EIS and appropriate portions of the RDEIR/SDEIS, with necessary corrections and updates." (Final EIR/EIS, Comments and Responses to Comments, at 1-321 (Master Response 38).) However, there is no specificity about what exactly are the "appropriate portions" or "necessary corrections and updates." The brief summary of revisions incorporated into the Final EIR/EIS does not include a description of fill changes nor does the document provide a redline of changes made in the Final EIR/EIS. (Compare Final EIR/EIS, ES-8 with FEIR/EIS Appendices 17F, 24B (examples of new information in the Final EIR/EIS that was not identified in the description of new information).) There is no "road map" or "user guide" to provide the public an opportunity to understand the changes made in the Final EIR/EIS or how those changes affect the analysis of the potential impacts of the Project.</p>	<p>This section contains the commenter's view on the difficulty in navigating the document. Please refer the Final EIR/EIS, Volume 2, Master Response 38 for more information. The Final EIR/EIS meets the requirements of providing meaningful information to the public.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
North State Water Alliance	31	<p>Take, for example, the process by which a commenter must locate the response to a particular comment. First, the commenter reads a news article about the availability of the Final EIR/EIS on or around Friday, December 22 (see e.g. "Final EIR/EIS for California Water Fix now available online," available at https://mavensnotebook.com/2016/12/22/final-eireis-for-the-california-water-fix-now-available-online/) Of course, being the day before the Christmas holiday weekend, many people were traveling and preparing for time with family and friends. Second, likely during the following week of December 26, the commenter must locate the online version of the Final EIR/EIS and reads that Volume II contains</p>	<p>This section contains the commenter's view on the difficulty in navigating the document. Please refer the Final EIR/EIS Volume 2 Master Response 38 for more information. The Final EIR/EIS meets the requirements of providing meaningful information to the public.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>

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		<p>responses to comments. A description of Volume II explains that the responses are organized into parts, including indices of master responses, responses to comments on the DEIR/DEIS and responses to comments on the RDEIR/SDEIS. Third, the commenter must access the "Index of 2013 Draft EIR-EIS Commenters" and/or the "Index of 2015 RDEIR-SDEIS Commenters" and locate the number assigned to the commenter's letter. The indices contain lists of commenters by First Name, Last Name, and Organization Name, but there is no apparent, logical order (e.g., alphabetical, etc.) by which the letters are listed in the index. Fourth, the commenter must download the appropriate file containing the commenter's letter number and scroll through pages and pages of responses to locate the applicable number. Finally, the commenter reads a response to its comment, only to find that it is referred to numerous other places for the response. Sometimes the commenter is sent to as many as four or five different places to locate a response, including master responses and responses to other commenter's letters. The task of simply locating the pertinent response can itself take several hours, all during a holiday week before the start of the New Year .</p> <p>The commenting parties acknowledge that the scope of the Project is massive and the task of analyzing the potential effects is enormous and complex. This however is all the more reason to make straightforward and clear responses to comments and to allow sufficient time for the public to digest and understand the information contained in the Final EIR/EIS. Instead, the Department of Water Resources has compounded the complexity of the Final EIR/EIS by attempting to artificially impose a deadline by which "any person may submit to DWR any grounds for noncompliance with CEQA, consistent with CEQA Section 21177(a)." (See 81 Fed. Reg. 96486; Bay Delta Conservation Plan, Final EIR/EIS, available at http://baydeltaconservationplan.com/FinalEIREIS.aspx.) The date of that deadline requires reference to yet another notice in the Federal Register posted by the U.S. Environmental Protection Agency on December 27, 2016. (81 Fed. Reg. 96451.) That notice indicates that the review period ends on January 30, 2017, less than 6 weeks after the Final EIR/EIS became available to the public. Compared to the 32 week comment period for the DEIR/DEIS and 16 weeks for the RDEIR/SDEIS, a truncated comment period on the Final EIR/EIS is unreasonable especially considering that the Final EIR/EIS is longer than the RDEIR/SDEIS, contains much new information, and there appears to be no plan for a public hearing regarding the Final EIR/EIS. Although the NSWA has endeavored to provide these comments within the period stated by DWR, the complexity and unwieldiness of the Project and the Final EIR/EIS demand additional time for public review and analysis in order for the document to attain the goals of informed self-government and transparency.</p>	
North State Water Alliance	32	<p>II. The Project Proponents Have Failed to Adopt Feasible Mitigation Measures to Lessen or Avoid the Project's Potentially Significant Environmental Impacts</p> <p>As shown above in Sections I.A.2, the project will have potentially significant water supply impacts in dry years, and the Final EIR/EIS fails to adequately analyze impacts to fish species. 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.l(a),</p>	<p>This section contains the commenter's view that the Final EIS/EIR did not adopt feasible mitigation measures. Please refer the Final EIR/EIS ,Volume 2, Master Response 22 (Standards Governing the Adequacy of Mitigation Measures) for more information. The Final EIR/EIS meets the adequacy standards of mitigation measures.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>

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		<p>21100(b)(3); State CEQA Guidelines, 14 C.C.R. § 15126.4(a)(1); Gray v. County of Madera, 167 Cal. App. 4th 1099, 1116 (2008) [project's potential to reduce the water supply available to others was a "potentially significant problem," requiring mitigation measures to "present a viable solution that can effectively replace the decline in the water available to the neighboring residents"]. To comply with NEPA, an EIS also must incorporate discussion of appropriate mitigation measures. 40 C.F.R., §§ 1502.14(f), 1502.16(h); Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 350-52 (1989). CEQA goes a bit further and actually requires the lead agency to adopt all feasible mitigation measures to avoid or reduce the project's potential environmental impacts: "It is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental impacts of such projects. . . ." Citizens of Goleta Valley v. Bd. of Supervisors, 52 Cal. 3d 553, 565 (1990).</p> <p>Here, as shown above, the FEIR/EIS does not identify all of the project's potentially significant impacts, and consequently the FEIR/EIS also fails to include any mitigation to address these impacts. For example, with respect to water supply, the hearing officers for the hearing that the State Water Resources Control Board is conducting to consider amending the water rights permits to authorize this project urged the lead agencies to propose terms and conditions that would protect other existing legal users of water from injury resulting from the project. February 11, 2016 California WaterFix Project Pre-Conference Ruling, pp. 6, 7; see also March 4, 2016 Revised Hearing Schedule, Revised Notices of Intent to Appear, Electronic Service and Submissions, and Other Procedural Issues Concerning the California WaterFix Water Right Change Petition, p. 2 (attached as Exhibit J). The lead agencies declined this invitation. May 16, 2016 Status Report Regarding Hearing on California Waterfix Water Rights Change Petition, pp. 1-2. However, as the commenters have repeatedly noted, there are feasible mitigation measures that could be imposed to avoid or minimize the project's dry year water supply impacts.</p>	
North State Water Alliance	33	<p>The lead agencies seem to be taking the position that they can identify the impacts of the operations of these proposed facilities, and mitigate them as appropriate, at some future time after the facilities are built. Master Response 33 (FEIS/EIR, Vol. II, pp. 1-294 to 1-297); see Mitigation and Monitoring Plan AQUA-22d (FEIS/EIR, pp. 2-18 to 2-19) [future determination of Delta outflow for longfin smelt]. Incongruously, though, they are seeking project-level approval to construct the new tunnel facilities. Master Response 2 (FEIS/EIR, Vol. II, pp. 1-17 to 1-24. The scope of their environmental analysis, therefore, must also reflect project-level consideration of the project's potential impacts and the measures necessary to mitigate them. While deferral of the specifics of mitigation is permissible when the lead agency commits itself to mitigation and articulates the specific performance criteria that the mitigation will meet, Sacramento Old City Assn. v. City Council, 229 Cal. App. 3d 1011, 1028-29 (1991), the lead agencies have not met this standard in this instance. Rather, they have not committed themselves to any specific performance standard that would mitigate the project's potentially significant impacts on dry year water supplies, and thus they have failed to meet their obligations under both CEQA and NEPA. Cf. Gray v. County of Madera, 167 Cal. App. 4th 1099, 1119 (2008); 5. Fork Band Council of W. Shoshone</p>	<p>This section contains the commenter's view on the sufficiency of the level of impact analysis. The Final EIR/S sufficiently meets all requirements of NEPA and CEQA. For more information, please see Master Response 2, Volume 2, in the Final EIR/S. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>

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		v. United States DOI, 588 F.3d 718, 727 (9th Cir. 2009) [holding failure to discuss effectiveness of mitigation proposed in EIS violated NEPA].	
North State Water Alliance	34	<p>III. The Final EIR/EIS Lacks an Accurate, Stable and Finite Project Description Because It Relies on Uncertainties of Science and Project Permitting.</p> <p>A finite project description is the "sine qua non of an informative and legally sufficient EIR." (County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 193.) In contrast, a "curtailed, enigmatic or unstable project description draws a red herring across the path of public input. (County of Inyo, 71 Cal.App.3d at 197-98.) A project description that does not provide the necessary detail is a fundamental flaw that precludes the public and decisionmakers from being adequately informed regarding a project's impacts. (San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645, 672.) Such a flaw is fatal because it cuts the heart out of the EIR process: if the EIR does not provide a clear, accurate, and stable description of the project, public agencies and members of the public simply cannot weigh the purported benefits of the project against its environmental cost, or properly evaluate project alternatives or measures to mitigate any adverse environmental impacts. (Id. at 654- 655.)</p>	<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.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
North State Water Alliance	35	<p>The Final EIR/EIS relies on uncertainties of adaptive management and future permitting to mask the lack of an accurate and stable project description. For example, certain responses contemplate "long-term changes in initial operations criteria to address uncertainties" regarding outflow requirements and other "conveyance facilities operational changes" resulting from the adaptive management program. See RDEIR/SDEIS Response 2623-20. In other places, the Final EIR/EIS admits that potential injury to water users and other beneficial uses will be reflected in as yet undefined terms and conditions imposed by the State Water Resources Control Board. (RDEIR/SDEIS Response 2623-31.)</p> <p>The spring Delta outflow requirements that will apply provides one good illustration of this problem, which has persisted throughout the environmental review process for this project. The applicable spring Delta outflows have been in flux throughout the entire course of environmental review for California WaterFix. The DEIR/EIS proposed a scientific "decision tree" process to determine - later - spring outflows for the then-proposed project, Alternative 4. DEIR/EIS, pp. 3-3, lines 28-37; 3- 202 to 3-209. In the RDEIR/SDEIS, with the shift to Alternative 4A - which involved removing of tens of thousands of acres of in-Delta habitat restoration from the project - spring outflows would be not determined by a decision tree, but rather would be assumed initially to be at some point still within the decision tree's bounds, with later adaptive management. RDEIR/SDEIS, p. 4.1-9; RDEIR/SDEIS, Appendix B, pp. B-1to B-2. The FEIR/EIS contains, as part of a revised description of Alternative 4A, the statement that the project would maintain average March-May Delta outflows generated under currently applicable biological opinions through limitations on total Delta exports, subject to change based on permitting under the California Endangered Species Act (CESA) by the California Department of Fish and Wildlife (CDFW). FEIR/EIS, pp. 3-44, 3- 47; see also FEIR/EIS, p. 11-3211(Mitigation Measure AQUA-22d).</p>	<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.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
North State Water Alliance	36	As recently as January 25, 2017, statements by CDFW in the California WaterFix Aquatic Science Peer Review 2B Materials meeting concerning CDFW's CESA	This section describes the commenter's view that no analysis was conducted for the CDFW's proposed spring outflow scenario. The CDFW's proposed spring outflow

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		<p>permitting demonstrated how uncertain the California WaterFix's potential impacts on upstream water supplies remain. Specifically, in a document entitled "Proposed Longfin Smelt Spring Outflow Methods for California WaterFix," CDFW stated the following:</p> <p>The following discussion provides an explanation of the multiple approaches CDFW considered to develop minimum Delta outflow criteria for operations of CWF [California WaterFix]. The approaches differ from what was submitted as part of the 2081(b) Application in that this approach would require the CVP/SWP to operate to achieve a minimum Delta outflow, rather than to operate to an operational criteria that may result in achieving a minimum Delta outflow.</p> <p>Id., January 25, 2017, attached as Exhibit I and available for download as CDFW's "Proposed Approach to Establishing Longfin Smelt Outflow Criteria" on the webpage for "CA WaterFix Aquatic Science Peer Review 2B Materials," accessed January 30, 2017 at http://www.westcoast.fisheries.noaa.gov/central_valley/WaterFix/WaterFixPeerReview_2BMaterials.html.</p> <p>In other words, as a result of the project, CDFW is contemplating imposing a spring Delta outflow requirement on the full coordinated operations of the CVP and the SWP, rather than what is set forth in the FEIR/EIS, which identifies such a requirement as being met only by limitations on Delta exports. CDFW's proposed change to the California WaterFix's spring Delta outflow requirements apparently could be incorporated into the project description under the FEIR/EIS. FEIR/EIS, p. 3-44. Those requirements then would apply to the CVP and the SWP generally and would impact the water supplies of all water users who rely on CVP and SWP operations because CDFW's proposal could compel the CVP and the SWP to release more water from reservoir storage in order to meet the California WaterFix's Delta-outflow requirements. The FEIR/EIS, however, contains no analysis at all of these possible water-supply impacts.</p> <p>Despite years of process and reams of paper, the project's environmental review has failed to provide meaningful information about how the California WaterFix may affect water supplies. The lack of a stable project description has prevented water users from understanding the project and resulted in an inadequate analysis of the project's water supply impacts, causing the California WaterFix environmental documents to fail in their essential purpose.</p>	<p>criteria referenced by the commenter falls within the range of operations proposed and analyzed under the Alternative 4A H3 and H4 operational scenarios. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>

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North State Water Alliance	37	<p>Likewise, the quantity and timing of water diverted at the North Delta Diversion, as well as how the CVP and SWP would be operated if the Project were to be approved, are critical to understanding the Project's environmental effects. North State Water Alliance members and others objected to the lack of detail about these essential elements of the Project. However, nothing in the Final EIR/EIS provides further certainty or clarity about these issues or the proposed adaptive management program.</p> <p>The changes to the Project that could result from the uncertainties of adaptive management and future permitting go to the heart of the project description and must be part of a proper evaluation of potential impacts and mitigation. Moreover, the extent of the potential changes resulting from such uncertainty is not within the impacts disclosed by the Boundary 1 and Boundary 2 scenarios presented in the State Water Resources Control Board proceeding for all of the reasons stated in Evaluation of California Water Fix Boundary Analysis Modeling, MBK Engineers (August 31, 2016). See MBK Report, at 5-6.</p>	<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. Please see Master Response 46 in the Final EIR/EIS, Volume 2, for more information. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
North State Water Alliance	38	<p>IV. The EIR/EIS Includes Voluminous Amounts of Significant New Information, And The Public Has Been Deprived of the Opportunity For Meaningful Comment On This Information.</p> <p>When a lead agency adds "significant new information" to an EIR after review by other agencies and the public, but before it certifies the EIR, the lead agency "must pursue an additional round of consultation" and recirculate the revised document. (Vineyard, 40 Cal.4th at 447, citing Pub. Res. Code § 21092.1; see also Cal. Code Regs. tit. 14 ("CEQA Guidelines"), § 15088.5(a).) Recirculation is required because the revised document 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, 87 Cal.App.4th at 131 (internal quotations omitted). New information is "significant" within the meaning of CEQA if, as a result of the information, "the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect." Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal.4th 1112, 1129-1130 (Laurel Heights II).</p> <p>Public and agency review is a "fundamental requirement" of both CEQA and NEPA, and failure to provide adequate public review of the significant new information included in the FEIR/EIS "eviscerate[s] ... the strongest assurance of the adequacy of the EIR.11 Sutter Sensible Planning, Inc. v. Board of Supervisors (1981) 122 Cal.App.3d 813; see also Natural Resources Defense Council, Inc. v. Morton (1972) 337 F. Supp. 170, 172. Under both CEQA and NEPA, a lead agency must assure that the public and other agencies have a meaningful opportunity to evaluate new information and the validity of conclusions that are drawn from it. See, e.g., Goleta Valley II, 52 Cal.3d at 563-564; CEQA Guidelines § 15088.5(a); see also Wildearth</p>	<p>This section contains the commenter's view on significant new information contained in the Final EIR/EIS. There is no significant new information in the Final EIR/S that would trigger recirculation. Please see Master Response 46 in the Final EIR/EIS, Volume 2, for more information regarding recirculation. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>

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		<p>Guardians v. Montana Snowmobile Ass'n, 790 F.3d 920, 927 (9th Cir. 2015). Where significant new information has been revealed that might impact an agency's evaluation of a project, additional public environmental review is necessary. See Cal. Pub. Res. Code § 21092.1; Spring Valley Lake Association v. City of Victorville (2016) 248 Cal. App. 4th 91, 108; 40 C.F.R. § 1502.9(c); Marsh v. Or. Natural Res. Council, 490 U.S. 360, 372 (1989).</p> <p>Here, the FEIR/EIS was released three days before Christmas; set for a 30-day review period that spanned multiple federal holidays; exceeds 70,000 pages of material, including eighteen new substantive appendices or sub-appendices; applies entirely new modeling data related to the project's impacts; includes entirely rewritten resource impact chapters that are thousands of pages long with no use of redline or strikethrough to identify the specific changes that were made; 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. See Laurel Heights II, 6 Cal.4th at 1129-1130.</p>	
North State Water Alliance	39	<p>Even in the face of these exasperating circumstances, the commenters 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. In a most telling example (of which there are many), the Final EIR/EIS admits that the hydrologic modeling in the Final EIR/EIS was updated to include the proposed project (Alternative 4A) and that scenario is an "impact analysis starting point." (Final EIR/EIS, at ES-8, line 20-24.) This new modeling alone requires recirculation because the public has been deprived of a meaningful opportunity to comment upon the substantial adverse environmental effects of the project. In particular, responses to comments in the Final EIR/EIS indicate that the Proponents' Revised Models modified the CALSIM II standard San Luis Reservoir rule curve in a manner that alters upstream operations. See RDEIR/SDEIS Response #102 to Letter 2654; see also MBK Report, at 4-6. Such modification demands meaningful opportunity to comment by the public and those whose water supplies would be impacted by those modifications.</p> <p>Notwithstanding these fundamental changes, the lead agencies suggest that no recirculation of the document is necessary because, for example, "it is legally permissible to confirm conclusions found in a Draft EIR through new modeling conducted in connection with the preparation of a Final EIR," See Response to DEIR/EIS 1597-2, citing San Francisco Baykeeper v. California State Lands Comm. (2015) 242 Cal.App.4th 202 and Beverly Hills Unified School Dist. v. Los Angeles County Metropolitan Transportation Authority (2015) 241 Cal. App.4th 627. However, the new information contained in the Final EIR/EIS is nothing like that in Baykeeper (in which additional modeling confirmed the State Land Commissions' prior conclusions regarding the impact of sand mining on local erosion) or Beverly Hills Unified School District (in which new seismic studies justified the Transportation Authority's decision to reject one alternative tunnel path in favor of another, also studied in the Draft EIR).</p>	This section contains the commenter's view on significant new information contained in the Final EIR/EIS. There is no significant new information in the Final EIR/S that would trigger recirculation. Please see Master Response 46 in the Final EIR/EIS, Volume 2, for more information regarding recirculation. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.

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		<p>The most recent law on this question, <i>Spring Valley Lake Association v. City of Victorville</i>, addresses facts that are directly analogous to the current circumstances. In <i>Spring Valley Lake Association</i>, the City redesigned a stormwater management plan associated with the Tamarisk Marketplace Project, and explained in the EIR that the associated hydrology and water quality analysis was "globally amended to reflect current designs, information, and analysis presented" in two hydrology reports. <i>Spring Valley Lake Association v. City of Victorville</i> (2016) 248 Cal. App. 4th 91, 108. The City provided no redline of the changes to that section, but instead "replaced 26 pages of the EIR's text with 350 pages of technical reports and the bald assurance the new design is an environmentally superior alternative for addressing the project's hydrology and water quality impacts." <i>Id.</i> This approach, which was soundly rejected by the appellate court, deprived the public of a meaningful opportunity to comment on the changes. Recirculation was required. <i>Id.</i> at 109.</p>	
North State Water Alliance	40	<p>Alternative 4A was first introduced in the 2015 RDEIR/SDEIS. The comment period for that document closed on October 30, 2015. However, the modeling data reflecting the Project's actual operations under Alternative 4A was not released to the public until February 3, 2016, a full four months after the opportunity for public comment had closed. The Final EIR explains 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." FEIR/EIS, p. ES-8. In support of these changes, the Final EIR includes ten new appendices, and more than 1000 pages of new analysis and information. And, as previously noted, the project changed again in the summer of 2016 when the Proponents disclosed, in the WaterFix hearing before the State Water Resources Control Board, that in fact future with-project operations could range between Boundary 1 and Boundary 2. No meaningful analysis of the impacts of operating under these conditions was provided; instead, model data for those substantially expanded project operations were simply dumped into an appendix of the Final EIR/EIS. Neither NEPA nor CEQA can countenance this sort of eleventh hour information dump: meaningful review and comment is required. See <i>Marsh</i>, 490 U.S. 360, 378. Here, as in <i>Spring Valley Lake Association</i>, the "breadth, complexity, and purpose" of the revisions deprived the public of a meaningful opportunity to comment, and therefore recirculation is mandatory.</p>	<p>This section contains the commenter's view on significant new information contained in the Final EIR/EIS. There is no significant new information in the Final EIR/S that would trigger recirculation. Please see Master Response 46 in the Final EIR/EIS, Volume 2, for more information regarding recirculation. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
North State Water Alliance	41	<p>V. Responses to Comments Are Not Responsive and Fail to Address in Detail the Reasons Why Specific Comments Were Not Accepted.</p> <p>CEQA and NEPA require not only effective public notice, but public participation in the evaluation of the environmental consequences of a proposed action. Accordingly, a thoughtful and meaningful response to public comment is an integral part of the EIR and EIS. (40 C.F.R. § 1510(a); <i>State of Cal. v. Block</i> (9th Cir. 1982) 690 F.2d 753, 773; CEQA Guidelines, § 15003(a); <i>Citizens of Goleta Valley v. Board of Supervisors</i> (1990) 52 Cal.3d 553, 564.) An agency's responses to comments must "address in detail . . . [the] reasons why specific comments and suggestions were not accepted." (CEQA Guidelines § 15088(c); see also 40 C.F.R. § 1503.4.) CEQA and NEPA require a lead agency to confront the significant environmental issues raised in comments, and do not allow these issues to be "swept under the rug." (See <i>City of Irvine v. County of Orange</i> (2015) 238 Cal.App.4th 526, 553.) cursory responses are not sufficient: the agency must "make available to the public high quality</p>	<p>This section describes the commenter's view of the sufficiency of responses to previous comments. The Final EIR/S meets all requirements of NEPA and CEQA and that all comments were thoughtfully and meaningfully responded to. The examples provided by the commenter are consistent with this requirement. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>

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		<p>information, including accurate scientific analysis, expert agency comments and public scrutiny, before decisions are made and actions are taken." (Center for Biological Diversity v. U.S. Forest Service (9th Cir. 2003) 349 F.3d 1157, 1167; see 40 C.F.R. § 1500.l(b), CEQA Guidelines § 15132(d); see also People v. County of Kern (1974) 39 Cal. App.3d 830, 841-842.)</p> <p>For example, responses in the Final EIR/EIS to comments requesting more definition of the source, quantity and timing of the water needed to meeting Delta outflow objectives did not provide any such detail. (See Response to RDEIR/SDEIS 2623- 31.) Although the response specifies that the Final EIR/EIS has been modified to "not include acquisition of water related to spring outflow criteria," it only generally refers to the RDEIR/SDEIS and the Biological Assessment for the analysis of potential sources of water for additional spring outflow, both of which include acquisitions of water as a potential source to supply the required outflow. RDEIR/SDEIS, at p. 4.1-6 (Section 4.1.2.2); California WaterFix Biological Assessment, at p. 3-83 (Section 3.3.1). Both documents also generally imply that spring outflow criteria will be met generally by CVP/SWP operations without any specificity as to how. These responses fail to provide the necessary detail about why the request for specificity about a crucial operational aspect of the Project was not acceted. Cf. In Re Bay-Delta Programmatic EIR Coordinated Proceedings, 43 Cal.4 h 1143, 1173 (2008) [where project will require additional sources of water, it must identify potential sources and analyze the associated environmental impacts at a level appropriate for the level of environmental review].</p> <p>In other responses, the Final EIR/EIS fails entirely to address the issue identified in the comment. For example, responses to comments about groundwater impacts due to increased reliance on groundwater north of the Delta were based on analysis and mitigation of impacts to groundwater in the Delta during construction. (See e.g. Response to RDEIR/SDEIS 2627-3.) Prior to certifying the Final EIR/EIS, the lead agencies must provide adequate responses to the actual issues raised in the comments.</p>	
North State Water Alliance	42	<p>Moreover, many of the comments made by fisheries biology expert Dave Vogel about the lack of detail provided for the design of the North Delta intakes and fish screens (and the associated impacts that poor design may have on salmon) were responded to by promising that all concerns would be addressed by a later series of studies. (DEIR/S Ltr # 1597, Response to Comments 150-175.) These responses ignored the several substantive issues that Mr. Vogel identified in his review of Alternatives 4 and 4A.</p> <p>For example, Mr. Vogel expressed concerns that the Draft EIR misrepresented data from studies conducted on Glenn Colusa Irrigation District's (GCID) fish screens. In this comment, Mr. Vogel provided citations for numerous studies related to GCID's fish screens that were not consulted in preparation of the Draft EIR/EIS as additional evidence for the lead agencies' review. (See DEIR/S Ltr # 1597, Response to Comment 197.) The response does not acknowledge the additional studies and materials recommended by Mr. Vogel. This is not only an inadequate response to a comment that raises specific and technical information that should have been discussed in environmental analyses in the Final EIR/EIS, it also fails to support the</p>	<p>This section describes the commenter's view on the sufficiency of responses to comments on previous EIR/EIS drafts. The Final EIR/EIS meets all requirements of NEPA and CEQA and that all comments were thoughtfully and meaningfully responded to. Although these comments have been responded to, with respect to consideration of GCID studies in the Comment 197 example provided by the commenter, consideration of such studies for intake design refinement would be done as part of the preconstruction studies (e.g., Preconstruction study 5, Predator Habitat Locations; see Table 3.4-18 in the CWF BA). This and other preconstruction studies require a detailed study design and must be developed prior to implementation, with review and approval by CDFW, NMFS, and USFWS prior to implementation. Such studies will be permit terms in the ESA and CESA permitting processes, demonstrating that there will be significant regulatory oversight from the permitting fishery agencies. Other preconstruction studies will also allow refinement of intake design in order to address issues related to factors such as sweeping velocity and the potential for sediment accumulation. Although apparently unsatisfactory to the commenter, as previously described (and cross-referenced to Appendix 3.F of the FEIR/S), the process of selecting north Delta intake locations</p>

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		<p>determination to reject the consideration of these studies with substantial evidence.</p> <p>Mr. Vogel identified other important technical concerns, such as the dangers of low sweeping velocity on salmon in regard to impingement and predation and the design of fish screens that provide hiding spaces for predatory fish. Rather than addressing these comments with detail to match, the lead agencies responded in a non-specific and general fashion. Mr. Vogel also commented that the locations chosen for the North Delta diversion intakes are not as beneficial to salmon as the Draft EIR/EIS and Recirculated EIR/EIS present them to be. (See DEIR/S Ltr # 1597, Response to Comment 147, 156, 160;RDEIR/SDEIS Ltr # 2623, Response to Comment 45.) Specifically, he noted that the locations are not on sufficiently curved portions of the Sacramento River or in areas with higher gradients, and thus would not have adequate sweeping velocity to prevent salmon from becoming impinged on the screens. (See DEIR/S Ltr # 1597, Response to Comment 156, 160, 164, RDEIR/SDEIS Ltr # 2623, Response to Comment 45.) Instead of considering the information presented in the comments and adjusting the language in the Final EIR/EIS or adjusting the location of the intakes, the lead agencies state that studies will be conducted at some time in the future. Studies that do not currently exist cannot refute the information presented in Mr. Vogel's comments that the location of the intakes is not appropriate to protect salmon, even though the EIR claims they are.</p> <p>The responses to these expert comments are inadequate and violate CEQA. (City of Irvine v. County of Orange (2015) 283 Cal.App.4th 526, 551 [noting that "nonspecific and general" responses are inadequate].) The detailed comments, and the additional information provided in them, required specific and detailed responses. The failure to provide adequate responses to comments contributed to the lead agencies' failure to adequately evaluate and disclose significant impacts of the Project and constitutes prejudicial error.</p>	<p>involved collaboration between the Fish Facilities Technical Team, DWR, and others in order to identify locations meeting the recommendations of the FFTT, including consideration of criteria such as potential sweeping velocity; responses to the comments were quite specific as necessary (e.g., response to comment 147). Preconstruction refinement is not deferral of mitigation. Here, the lead agencies are committing themselves to "eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval." (Sacramento Old City Association v. City Council (1991) 229 Cal.App.3d 1011, 1029.) Further, as stated above, detailed study designs must be developed prior to implementation and will be developed in consultation with and approved by CDFW, NMFS and USFWS consistent with CEQA's requirements. (See Center for Biological Diversity v. Department of Fish & Wildlife (2015) 234 Cal.App.4th 214, 245.) Further, should the lead agencies discover that additional mitigation is necessary or that mitigation measures must be changed due to substantial new information, additional analyses may be necessary, as is allowed under CEQA. (CEQA Guidelines, sections 15162 through 15164; see also Friends of the College of San Mateo Gardens v. San Mateo Community College Dist. (2016) 1 Cal.5th 937.)</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
North State Water Alliance	43	<p>VI. Conclusion</p> <p>Like the DEIR/DEIS and the RDEIR/SDEIS, the Final EIR/EIS fails to provide sufficient meaningful information about the Project's adverse effects and omits consideration of many impacts of concern to residents of the Sacramento Valley. Rather, the Final EIR/EIS continues to provide an overly optimistic assessment of Project effects on water supply, water quality, fish and wildlife that is not based on the best available science. The Final EIR/EIS relies on flawed technical studies and incomplete data and omits essential information, violating CEQA and NEPA requirements that it actually inform the public and decision makers about the Cal WaterFix Project's potential environmental impacts.</p> <p>Due to the fundamental changes in the Project since publication of the DEIR/DEIS and RDEIR/SDEIS, the significant changes needed to the underlying technical studies and analyses, and the extensive comment and criticism of these documents, the Final EIR/EIS does not satisfy CEQA and NEPA's informational mandate. The state and federal lead agencies must substantively and meaningfully address the numerous concerns and criticisms raised in comments on the DEIR/DEIS, RDEIR/SDEIS and the Final EIR/EIS.</p>	<p>This section summarizes the commenter's letter regarding the Final EIR/EIS. The Final EIR/EIS satisfies the NEPA and CEQA information madates and sufficiently meets all NEPA and CEQA requirements. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>

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North State Water Alliance	ATT 1	Exhibit A: List of Commenting Parties	This attachment is a list of commenting parties on the California WaterFix Final EIR/EIS and does not raise any environmental issue related to the Final EIR/EIS. This attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
North State Water Alliance	ATT 2	Exhibit B: List of Previous Comment Letters	This attachment is a list a comment letters and does not raise any environmental issue related to the Final EIR/EIS. This attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.

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North State Water Alliance	ATT 3	Exhibit C: List of State Water Resources Control Board Evidence	This attachment is a list of State Water Resources Control Board evidence and does not raise any environmental issue related to the Final EIR/EIS. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.
North State Water Alliance	ATT 4	<p>Exhibit D: MBK Engineers, Comments on the Final California WaterFix Environmental Impact Report/Statement (January 30, 3017)</p> <p>Introduction The modeling prepared for the California WaterFix (CWF) Final Environmental Impact Report/Statement (FEIR/S), which provides the basis for the environmental analysis in the FEIR/S, contains very limited useful information to understand the effects of the CWF. Furthermore, MBK Engineers has determined that the modeling supporting the Final EIR/EIS fails to properly assess project impacts, due to inappropriate assumptions regarding the operations of the Central Valley Project (CVP) and State Water Project (SWP) with the addition of the CWF. Major topics addressed in these comments are:</p> <ul style="list-style-type: none"> • Operating criteria • Critical drought operations • Issues identified in MBK Engineers' comments on the Draft Environmental Impact Report/Draft Environmental Impact Statement (DEIR/S) modeling that have not been addressed in the CWF Final EIR/EIS modeling • Differences between the CWF Final EIR/EIS modeling and the CWF Biological Assessment (BA) modeling 	This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
North State Water Alliance	ATT 4	<p>Operating Criteria</p> <p>Modeling performed by the California Department of Water Resources (DWR) and U.S. Bureau of Reclamation (USBR or Reclamation) for the CWF Final EIR/EIS contains errors that conceal potential impacts of the project. Moreover, the Final EIR/EIS modeling, like the modeling performed for the CWF BA, contains</p>	The modeling performed by the DWR and Reclamation relied on the best available tools and used standard, commonly used methods in evaluating the effects of the Final EIR/EIS Alternatives in comparison with the No Action Alternative. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.

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		<p>inappropriate assumptions that result in impractical and unrealistic modeled CVP and SWP operations. Finally, the modeled range of operations does not analyze the range of changes in operating criteria that may occur under operation of the CWF and its adaptive management process. Therefore, the CWF Final EIR/EIS Model provides only limited useful information about the effects of the CWF, and cannot be relied upon to evaluate the impacts of the proposed project.</p>	
North State Water Alliance	ATT 4	<p>CWF Final EIR/EIS Modeling is inconsistent with the project description</p> <p>The CWF Final EIR/EIS specifies bypass criteria that could affect how much flow could be diverted by the new North Delta Diversion (NDD) facilities, and when DWR and USBR would preferentially use either the new NDD facilities or the existing South Delta Diversion (SDD) facilities for these diversions. However, the CWF Final EIR/EIS Model contains an artificial constraint that reduces the NDD facilities from taking water as described in the CWF Final EIR/EIS project description when there is a choice between pumping at the NDD or SDD. In addition to affecting diversions at the NDD, this artificial constraint contains errors that affect the No Action Alternative (NAA) operation. These errors have been fixed by DWR and Reclamation in the more recent 2013 CalSim II Model and modifications were made to the model used for the CWF BA model to address this issue; however, the errors remain in the CWF Final EIR/EIS Model. The net effect of this error is that the CWF Final EIR/EIS Model significantly underestimates the amount of water that would be diverted at the NDD facilities, and thus significantly overestimates the amount of water that would be diverted at the SDD during summer months. Correcting this error would further decrease flows through the Delta, in comparison to what is presented in the CWF FEIR/S, and would likely cause greater degradation in Delta water quality than reported in the CWF FEIR/S. This error was recognized by DWR and Reclamation and corrected. The modified model was used in analysis for the CWF BA, but the CWF Final EIR/EIS Model still contains this error. State Water Resources Control Board (SWRCB) Hearing regarding CWF Exhibit SVWU-102, Page 26 summarized this error and the effects on NDD and SDD diversion amounts.</p> <p>The charts below contain exceedance probability charts of model output of the NDD required bypass flows and the bypass flows in the CWF Final EIR/EIS Preferred Alternative model. As shown by these figures, the modeled NDD bypass flows are significantly higher than the required bypass flows described in the project description. NDD bypass as modeled in the CWF Final EIR/EIS Model would not be required, and therefore would not occur at the frequency depicted in the CWF Final EIR/EIS modeling.</p>	<p>Appendix 5G of the Final EIR/EIS included a sensitivity analysis that compares the incremental changes under the Alternative 4A H3+ scenario compared to the No Action Alternative using both 2010 and 2015 versions of CalSim II. As concluded in this Appendix, the incremental changes remained substantially the same using either versions of CalSim II. Therefore, the impact analysis presented in the Final EIR/EIS based on 2010 version CalSim II is fully valid.</p> <p>See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
North State Water Alliance	ATT 4	<p>CWF Final EIR/EIS modeling contains inappropriate operational assumptions</p> <p>The primary reason for impractical and unrealistic modeled operations in the CWF Final EIR/EIS Model is that model parameters are set to limit use of the additional capacity made available to the CVP and SWP with CWF by the NDD. The most significant model parameters and resulting effects on CVP/SWP operations are as follows:</p> <p>a) CWF Final EIR/EIS Model does not consider additional capacity that would be</p>	<p>The model parameters identified by the commenter are related to the discretionary decisions in the model. Final EIR/EIS modeling used standard practices and reasonable assumptions for these discretionary decisions that attempts to mimic the CVP-SWP operators' decision making. Further, all the Final EIR/EIS Alternatives were modeled consistently, depicting same level of operational flexibility for the upstream storage as the No Action Alternative. This approach allowed systematic and unbiased comparative analysis in support of the Final EIR/EIS. This comment does not raise any substantive new environmental information or analysis that was not</p>

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		<p>made available by the NDD when making allocations to South of Delta (SOD) CVP and SWP contractors</p> <p>b) CWF Final EIR/EIS Model includes artificial limits on the use of SWP SDD facilities for CVP purposes</p> <p>c) CWF Final EIR/EIS Model changes reservoir balancing criteria so that less stored water is modeled as being conveyed from North of Delta (NOD) reservoirs to San Luis Reservoir during summer months</p>	<p>previously addressed in the Final EIR/S.</p>
North State Water Alliance	ATT 4	<p>CWF Final EIR/EIS Model does not consider additional capacity made available by the NDD when making allocations to SOD CVP and SWP contractors</p> <p>Although the NDD would provide increased ability to convey water released from storage in upstream reservoirs to south Delta exports, export estimates used in the CWF Final EIR/EIS Model to calculate SOD contract allocations are equal to those in the No Action Alternative. This artificially and unrealistically limits the CWF Final EIR/EIS Model's ability to increase CVP and SWP SOD allocations through use of the NDD. In actual operations, the ability to convey water through the Delta has restricted CVP SOD allocations in approximately two out of every three years since the addition of Old and Middle River requirements were established in 2008. Therefore, this assumption tends to artificially and incorrectly keep modeled storage in NOD CVP and SWP reservoirs higher under the CWF Final EIR/EIS Preferred Alternative as compared to the No Action Alternatives. A detailed description of export estimates used in CWF modeling and their influence on model results is located in CWF SWRCB Hearing Exhibit SVWU 109, pages 13-17. This description is applicable to the CWF Final EIR/EIS modeling, and is also applicable to modeling performed for the CWF BA.</p>	<p>As described in the SWRCB CWF part 1 rebuttal hearing exhibit DWR-86, the export estimate approach used for the Final EIR/EIS and BA modeling is what is used in the standard practice and closely mimics the approach used by the CVP-SWP operators. The approach proposed by the commenter to determine export estimates uses unreasonable foresight that the operators would not have in reality. See also Master Response 25 for a discussion on upstream reservoir effects,</p> <p>See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.</p>
North State Water Alliance	ATT 4	<p>CWF Final EIR/EIS Model includes artificial limits on the use of the NDD facilities for CVP purposes</p> <p>The addition of the NDD would allow the SWP and CVP to better utilize the SWP Banks Pumping Plant's full physical capacity of 10,300 cfs. South Delta exports at Banks are currently limited to U.S. Army Corps of Engineers permitted capacity of 6,680 cfs from March 16 through December 14, and may be authorized to be higher from December 15 through March 15, depending on San Joaquin River flow at Vernalis. With the NDD in place, Banks would be able to use its full physical capacity more often. Although the CWF Final EIR/EIS modeling allows the SWP to use NDD to increase Banks pumping plant above existing permitted capacity for SDD diversions, the modeling does not allow the CVP to use this increased capability.</p> <p>The CWF Final EIR/EIS Preferred Alternative modeling artificially limits exports from the NDD based on permitted capacity at Banks. Specifically, the use of NDD is limited to the remaining Banks SDD permitted capacity, regardless of whether the water is modeled as being conveyed through the SDD or the NDD. This assumption limits the CVP's ability to use the NDD to export both excess Delta outflow (outflow in excess of existing regulatory requirements), and water stored in upstream CVP reservoirs.</p> <p>This assumption artificially and inappropriately keeps modeled storage in upstream CVP reservoirs higher under the CWF Final EIR/EIS Preferred Alternative as compared to the No Action Alternative. The shared use of export facilities (called</p>	<p>As described in the SWRCB CWF part 1 rebuttal hearing exhibit DWR-86, FEIRS modeling uses appropriate assumptions for the export capacities for both CVP and SWP at the North Delta Diversion. The commenter points to the fact that the FEIRS and BA modeling assumed that the maximum Banks Pumping Plant capacity for CVP's use under JPOD to existing south Delta permitted capacity (i.e. 6680 cfs) instead of full 10,300 cfs pumping capacity. As noted in the exhibit DWR-86, this difference in assumption does not change the conclusions for the Alternatives evaluated under FEIRS and BA. Exhibits DWR-86 and DOI-33 address the commenter's statements regarding the CVP's use of JPOD under CWF.</p> <p>See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.</p>

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		<p>Joint Point of Diversion or JPOD) operation is further described in CWF SWRCB Hearing Exhibit SVWU 107, pages 15, and 51-53. This description is applicable to the CWF Final EIR/EIS modeling, and is also applicable to modeling performed for the CWF BA.</p>	
North State Water Alliance	ATT 4	<p>CWF Final EIR/EIS Model changes reservoir balancing criteria so that less stored water is conveyed from NOD reservoirs to San Luis Reservoir during summer months</p> <p>Contrary to statements contained in the CWF Final EIR/EIS that upstream operating criteria will not change under CWF (CWF FEIR/S, Master Response 25, p. 1-248, lines 34-35), the CWF Final EIR/EIS modeling actually does change the criteria for balancing reservoirs north and south of the Delta. These changes are made in a manner that changes modeled operations to release less water from upstream storage for conveyance to south of the Delta during summer months.</p> <p>CalSim II balances Sacramento Valley CVP and SWP reservoir storage with storage in San Luis Reservoir by setting target storage levels in San Luis Reservoir. These operations criteria, in conjunction with CVP and SWP SOD contract allocations, govern how much stored water is modeled as being released from upstream reservoirs and exported from the Delta. The CWF Final EIR/EIS Preferred Alternative Model increases San Luis Reservoir target storage levels in winter and spring months, and decreases modeled target storage levels during summer months. When combined with not considering additional capacity made available with the NDD when making allocations to SOD contractors, the result is a decrease in modeled release and conveyance of previously stored water from NOD CVP and SWP reservoirs during the summer. These criteria tend to artificially, and incorrectly, keep modeled storage in NOD CVP and SWP reservoirs higher in the CWF Final EIR/EIS Preferred Alternative as compared to the No Action Alternative. San Luis target storage levels (Rulecurve or rule curve) and reservoir operations are further described in CWF SWRCB Hearing Exhibit SVWU 107, pages 17-21. This description is applicable to the CWF Final EIR/EIS modeling, and is also applicable to modeling performed for the CWF BA.</p> <p>The CWF Final EIR/EIS describes reservoir operating criteria in Master Response 30 beginning on page 1-268 line 35 and ending on page 1-269 (quoted below). This text from the CWF Final EIR/EIS states that San Luis rule curve is input to CalSim II and is used to balance NOD and SOD storage conditions. It also states that different rule curves can result in differences in upstream reservoir release patterns and SWP/CVP Delta diversions. Review of the CWF Final EIR/EIS Preferred Alternative modeling shows the San Luis rule curve input to the model for the Preferred Alternative is different from the No Action Alternative. These changes are described in CWF SWRCB Hearing Exhibit SVWU 107, pages 17-21. However, Master Response 25, Page 1-248, line 34-35, (quoted below) states there are no proposed changes to upstream operational criteria in the preferred alternative. This statement is not consistent with the modeling analysis performed for the CWF DEIR/S, the CWF FEIR/S, or the CWF BA.</p> <p>Master response 30, Page 1-268, lines 35-44; Page 1-269, lines 1-2 “Delta SWP/CVP diversions in CALSIM II are a function of many factors including</p>	<p>Contrary to the proposed assumptions for the CWF described in the Final EIR/EIS and the Biological Assessment (BA), the commenter incorrectly claims that the upstream operating criteria will change under the CWF. As described in the BA and the Final EIR/EIS, even with the CWF, the upstream CVP/SWP reservoirs would be operated to meet the existing regulatory criteria. CWF does not propose any changes to the upstream operational criteria. The commenter’s statements are misleading and confuse upstream operational criteria with operator’s discretionary decision about balancing north and south storage. Balancing of north and south storage reflects the CVP-SWP operators’ tolerance for risk. More upstream storage allows the operators to manage the system better and minimizes overall risk. The Final EIR/EIS and BA CWF modeling depicts same level of risk tolerance between the No action Alternative and the CWF Alternatives.</p> <p>The Final EIR/EIS and BA CWF modeling balances the reservoirs north and south of the Delta, recognizing the operational flexibility offered by the CWF relative to the No Action Alternative. Final EIR/EIS and BA modeling recognizes CWF’s operational flexibility to export surplus water in winter and spring and reduces reliance on the stored water releases for the south-of-Delta exports in late-summer and fall, unlike the No Action Alternative. The CWF operations modeled in the Final EIR/EIS and the BA represent the upstream storage flexibility that can be achieved with CWF. This topic is further addressed in the SWRCB CWF part 1 rebuttal hearing exhibit DWR-86. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.</p> <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 is considered appropriate to support the lead agencies’ analysis of environmental impacts associated with the Proposed Project. As stated in Appendix 5A, Section B.2, these assumptions were selected by the DWR management team for the EIR/EIS in coordination with the Bureau of Reclamation, Fish and Wildlife Service, and National Oceanic and Atmospheric Administration National Marine Fisheries Service. The assumptions were selected to satisfy CEQA and NEPA requirements. The basis for these assumptions is described in Appendix 3D of the EIR/EIS. The modeling assumptions presented by the commenter would result in a different project than the one selected for analysis by the lead agencies. See Master Response 25, Volume 2, Final EIR/EIS, regarding upstream reservoir effects.</p>

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		<p>physical pumping capacities, health and safety pumping requirements, south-of-Delta allocations, monthly demand patterns, available SWP/CVP Delta diversion capacities considering regulatory and operational constraints, and the San Luis rule curve (rule curve). The rule curve is an input to CALSIM II that provides a target storage each month that is dependent on south-of-Delta allocation and upstream reservoir storage. The rule curve allows CALSIM II to emulate judgment of the operators in balancing the north-of-Delta and south-of-Delta storage conditions. The rule curve could differ depending on the available SWP/CVP Delta diversion capacity during winter and spring months and the need to protect upstream carryover storage in the fall months. In the absence of any other operating criteria controlling the upstream reservoir releases or the Delta SWP/CVP diversions, different rule curves can result in differences in upstream reservoir release patterns and SWP/CVP Delta diversions.”</p> <p>Master response 25, Page 1-248, lines 34-35 “Most of the alternatives considered, including Alternative 4A, the preferred alternative, do not propose any changes to upstream operational criteria.”</p> <p>Response to comment #515 of the CWF DEIR/S Ltr# 1597 (below), states that the San Luis rule curve in CalSim II was modified in the action alternative with the NDD because changes in the San Luis rule curve change upstream reservoir operational criteria (“modifications to the rule curve were included to preserve upstream carryover storage conditions...”). This statement is a direct contradiction to Master response 25, Page 1-248, lines 34-35 (above), which states that there are no proposed changes to upstream operational criteria.</p> <p>The description of how San Luis rule curve affects operations in response to comment #515 is in error. A fundamental component of CalSim II model logic is to export all excess flows in the Delta to the extent allowed under regulations, Biological Opinion criteria, and permits; this happens regardless of San Luis rule curve. Modifying the San Luis rule curve in CalSim II will not increase the ability to divert excess flows, it is only used to increase or decrease how much water stored in upstream reservoirs will be released and then exported to store in San Luis reservoir. There is no reason to change San Luis rule curve unless the intent is to change upstream reservoir operations. The modifications to the San Luis rule curve made in the action alternatives explicitly increase upstream reservoir releases in spring months then decrease them in summer months. This change in operating criteria would tend to decrease upstream reservoir storage from June through August, causing effects to upstream conditions.</p> <p>DEIR/S Ltr# 1597, Response to Comment #515. “Under the action alternatives with the north Delta diversion, the CALSIM II San Luis Reservoir rule curve was modified in expectation that the new north Delta diversion facility would allow capturing winter and spring excess flows and filling of the San Luis Reservoir to a greater extent than the No Action Alternative. Additional modifications to the rule curve were included to preserve upstream carryover storage conditions while minimizing south-of-Delta shortages in the fall months.”</p>	
North State Water Alliance	ATT 4	Range of operations	As described in SWRCB CWF part 1 rebuttal hearing exhibit DWR-86, the commenter

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		<p>As stated in Master response 28, page 1-262, Line 7-22 (quoted below), DWR and USBR performed a “Boundary Analysis” as a means to attempt to represent a potential range of operations.</p> <p>Master response 28, page 1-262 Line 7-22 “ ... Consistent with the State Water Board water rights petition process and at the request of State Water Board staff, Appendix 5E, Supplemental Modeling Related to the State Water Resources Control Board, provides supplemental modeling at 2025 (early long-term) for three scenarios: Boundary 1, Boundary 2 and a State Water Board staff scenario. Boundaries 1 and 2 were presented to the State Water Board during the water rights petition process as a means to represent a potential range of operations that could occur as a result of adaptive management, and within the range of the modeling and impact analysis presented for the alternatives in the EIR/EIS. The adaptive management process would address scientific uncertainty related to the potential effects of project operations and modify operational criteria in consideration of species effects and water supply reliability.</p> <p>In summary, the generalized representation of the existing and proposed operational criteria in CALSIM II provides likely long-term operations and flow changes in the CVP/SWP under the proposed alternatives in comparison to the No Action Alternative. However, actual operations will be driven by real-time decision making processes in addition to the operational criteria defined for the selected alternatives and possible changes from future actions arising from adaptive management, permits and biological opinions.”</p> <p>CWF SWRCB Hearing, Exhibit SVWU-109, “Evaluation of California Water Fix Boundary Analysis Modeling”, August 31, 2016, is a technical memorandum that describes the MBK review of the Boundary Analysis Modeling performed for the CWF. Based on our review of the models and documents, the Boundary Analysis fails in its purported purpose of bounding the range of potential effects of the CWF. The Boundary Analysis alters Delta outflow requirements and Delta export restrictions that currently apply to the SDD to create a range of changes in Delta outflow, compared to the No Action Alternative. However, the Boundary Analysis does not evaluate a range of potential operations of the CVP and the SWP with the CWF, or the additional capacity to convey water across the Delta that would be provided by the NDD, even though this additional conveyance capacity is the primary purpose of the CWF. The Boundary Analysis fails to meet its purported purpose because it does not consider this additional capacity or the flexibility it would provide to the operations of the CVP and SWP. These problems have not been corrected in the CWF FEIR/S.</p> <p>The CWF Final EIR/EIS modeling that was performed is impractical and unsatisfactorily executed. In each of the Boundary Analysis Alternatives, modeled exports are unrealistically curtailed, modeled allocations are unreasonably suppressed, and excess modeled water storage remains in NOD CVP and SWP reservoirs, and in San Luis Reservoir. These modeling results occur despite the increased ability to convey the water through the Delta that would be provided by the CWF. Given the lack of a true boundary analysis, as described above, and the</p>	<p>misunderstood the purpose of the boundary analysis performed by DWR and USBR. The purpose of the boundary analysis is to demonstrate to the State Water Board that the CWF offers enough flexibility to operate CVP-SWP without impacting other legal water users under a broad range of operations criteria that may occur through adaptive management. The purpose of the boundary analysis was not to perform a tradeoff analysis or to present hypothetical extreme possibilities of CVP-SWP operations with the CWF, as suggested by the commenter. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.</p> <p>The boundary analysis included operational scenarios with varying level of Delta export restrictions and/or Delta outflow requirements in addition to the proposed North Delta Diversion. The variations covered the initial operational range represented by H3 and H4 scenarios, and two additional scenarios Boundary 1 and Boundary 2, which are a reasonable representation of potential future changes resulting from the adaptive management. See Master Response 33, Volume 2, Final EIR/EIS, regarding adaptive management.</p> <p>Contrary to the commenter’s claim, the boundary analysis modeling assumed consistent discretionary decisions in the model to depict same level of flexibility for the upstream carryover storage conditions across the scenarios.</p>

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		<p>listed modeling issues and defects also described, the results of the Boundary Analysis are inadequate to draw any accurate conclusions concerning the impacts that CWF actually would have. For example, the Boundary Analysis does not analyze the range of changes in operating criteria that may occur under the adaptive management process. Therefore, the CWF Final EIR/EIS does not fully address the effects these adaptive management actions may have. Furthermore, the addition of the CWF will likely require changes to the Coordinated Operating Agreement and it is unclear how the projects may be operated within that agreement under the proposed project.</p>	
North State Water Alliance	ATT 4	<p>Operating criteria conclusion</p> <p>The CVP and SWP are operated as an integrated system consisting of numerous reservoirs, rivers, diversions, and conveyance facilities. The central component of the CVP and SWP water system is the Sacramento – San Joaquin River Delta, and the Delta is the reason that CVP and SWP operations are integrated and are interdependent. Changes in any component of the CVP, SWP, or Delta, especially a major change to the key component of the system that binds the integrated operations together, affect operations of the entire water system. The California WaterFix would be such a major change to the central component of California’s water system; therefore, system-wide changes in operations are likely to result from this major change.</p> <p>The analysis for the CWF Final EIR/EIS was performed in a manner that attempts to decouple the proposed project (tunnels) from integrated operations of the CVP and SWP. This decoupling was accomplished in the CWF Final EIR/EIS Model by ignoring the increased conveyance capability when modeling conveyance of water stored in upstream reservoirs to south of the Delta and when modeling SOD water supply contract allocations. The CVP and SWP are currently operated by allocating all available SOD water supply to water contractors, and by conveying available water stored in upstream reservoirs to Delta exports to the extent allowed. It is reasonably foreseeable that the CVP and SWP will be operated in a similar manner with the CWF, and that the additional export capacity provided by the proposed project (NDD and twin tunnels) will be utilized when making SOD contract allocations, that Joint Point of Diversion will be used, and available water stored in upstream reservoirs will be released for Delta exports to the extent export capacity is available. The operating criteria used in the CWF Final EIR/EIS modeling artificially, and incorrectly, ignore these likely changes in operations and, as a result, artificially and incorrectly reduce the modeled effects of the CWF on Delta hydrodynamics, upstream reservoirs storage, river flows, and water deliveries.</p> <p>Independent modeling was performed by MBK Engineers to evaluate effects the CWF may have on CVP/SWP operations if artificial limits assumed in the CWF BA modeling are removed. All operating assumptions used in the MBK Engineers modeling are within existing regulations and proposed CWF operations criteria. Modeling performed by MBK Engineers is documented in CWF SWRCB Hearing Exhibit SVWU 107, which also compares the MBK Engineers modeling to modeling performed for the CWF BA. When artificial operation limits are removed from the models, upstream reservoirs are modeled to be operated in an integrated manner</p>	<p>The Final EIR/EIS CWF modeling recognizes the flexibility offered by the proposed north Delta diversion in managing the CVP-SWP operations. Contrary to the commenter’s claim, FEIRS CWF modeling fully integrates the north Delta diversion with CVP-SWP. The commenter speculates that the CVP-SWP upstream storage would be used more aggressively to benefit south of Delta contractors. However, the CVP-SWP operators would have same set of goals and constraints (such as the RPAs) as today as far as operating upstream storage. CWF provides operational flexibility to better manage upstream storage while relying on surplus water for exports, unlike the No Action Alternative.</p> <p>As described in SWRCB CWF part 1 rebuttal hearing exhibits DWR-86 and DOI-33, the independent modeling referenced in this comment did not use standard systematic approach that is commonly used in a comparative planning analysis. Instead the independent modeling relied upon unreasonable discretionary assumptions with unrealistic foresight, and flawed modeling approaches that included unusual amount of manual tweaking of inputs, dissimilarly for the CWF and the No Action Alternative simulations. This resulted in an unfair and biased results for CWF in comparison with the No Action Alternative.</p> <p>See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.</p>

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		<p>with the CWF and, as a result, tend to have lower modeled storage. In addition to lower storage, river flows, water deliveries, and Delta hydrodynamics are also significantly affected. To fully analyze effects due to the CWF, the CWF Final EIR/EIS should include an analysis of the potential effects the CWF will have on CVP/SWP operations under realistic, and reasonably foreseeable, operating criteria. The CWF Final EIR/EIS currently does not have such an analysis.</p>	
North State Water Alliance	ATT 4	<p>Critical Drought Operations</p> <p>Planning models have been used to analyze CVP/SWP operations for several decades. These models were first performed on paper and were hand written, then information was input to computers using punch-cards, and as punch-cards became obsolete models were run on mainframe computers. As personal computers became widely available, these models were adapted to be publically accessible. The sophistication of CVP/SWP operations models has increased exponentially over the past 20 years and the models are now capable of evaluating complex operations of the CVP and SWP system comprehensively and with extensive detail. CVP/SWP models were first developed to address how the two projects could operate through drought periods, and models were applied for the purpose of operating for adequate dry year water supply.</p> <p>Many key model operations studies focused solely on critical drought periods with little consideration for non-drought years. For example, operations modeling used to support negotiations for the “Agreement Between the United States of America and the State of California for the Coordinated Operation of the Central Valley Project and the State Water Project” (COA), signed in 1986, relied only on analysis of the critical drought period of water year 1928 through 1934. COA is the cornerstone for sharing system-wide water supply and obligations to meet Delta standards.</p> <p>The CWF Final EIR/EIS in Master Response 47, Page 1-357, lines 5-10 (quoted below), states the CWF Final EIR/EIS does not include modeling or analysis of how the proposed project may impact the environment in severe drought conditions. This is a very serious deficiency. Impacts of many proposed projects can be greater during drought periods, or may occur only in drought years. It therefore is essential that models be used to evaluate how the CWF would affect these periods. Operations models have been designed to evaluate drought operations and have been successfully applied in the past to estimate project impacts during drought periods. Based on the above discussion, it is reasonable to make modeling assumptions for the No Action Alternative and the Preferred Alternative to allow for comparison and assessment of the effects of the CWF during droughts.</p> <p>During actual critical drought conditions water operators will balance use of water with available supply. As available supply decreases water deliveries and instream flows are reduced and reservoir storage is drawn down. Because reservoir storage is critical for protecting environmental conditions, project operators balance reservoir storage with downstream needs, including instream flows. This balancing is primarily accomplished through reduced discretionary water deliveries and curtailed diversions based on water rights. After discretionary water deliveries have been reduced as much as possible, then project operators then will need to balance</p>	<p>CalSim II is a monthly model developed for a long-term planning level analyses over an 82-year simulation period (water year 1922 – 2003). This simulation period reflects historical hydrologic sequence and includes three major drought periods (1928-1934, 1976-1977 and 1986-1991). CalSim II relies on generalized rules to provide a coarse representation of the project operations under adjusted hydrologic conditions to reflect future demands and land use, and it does not include specific operations in response to extreme events.</p> <p>The model has no capability of adjusting these rules to respond to specific events that may have occurred historically, e.g., extreme droughts. Under stressed water supply conditions, CalSim II model can result in instances where the required minimum instream flows, or regulatory flow/salinity requirements cannot be achieved, or deliveries to senior water rights holders could be shorted due to extreme water supply conditions in the reservoirs. CalSim II does not currently reflect any potential temporary relaxations of standards that the State Water Resources Control Board in coordination with other regulatory agencies might invoke under extreme circumstances. CalSim II also does not account for the compromises and temporary arrangements that are made among stakeholders during such dry circumstances. In reality the operations are managed in close coordination with various regulatory agencies and stakeholders under such extreme circumstances. In actual operations, the project operators would continue to work in real time to satisfy legal and contractual obligations based on the water supply conditions and other information available at the time. None of these can be included in the CalSim II model as the portfolio of actions that may be considered under each occurrence of drought would vary depending on the circumstances specific to that event, to assume otherwise would be speculative.</p> <p>This comment does not raise any substantive new environmental information or analysis that would result in a new significant environmental impact.</p>

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		<p>limited supplies and prioritize which requirements will be satisfied, this is accomplished with input from a wide range of experts. During recent drought periods there has been a great deal of effort dedicated to balancing available water supplies with various beneficial uses, this balance avoided reservoir dead pool conditions and prioritized allocation of water supplies for various fish species and other beneficial water uses.</p> <p>The CalSim II balancing of water supply during critical conditions is different than what occurs in actual operations. CalSim II operating rules are established so that reservoirs fall to dead pool and then upstream flows are reduced below regulatory standards and deliveries to senior water right holders are reduced before junior water right holders. CalSim II modeling for the CWF Final EIR/EIS violates regulatory standards and makes cuts to senior water right holder diversions while at the same time allocating discretionary supplies to junior water right holders. Modeling for the CWF Final EIR/EIS should be performed by following rules that are used in actual operations; this would result in a more realistic assessment of impacts associated with the CWF. Realistic rules should be applied to both the No Action and Preferred Alternative so that these model simulation may be compared to determine the effects of the CWF during drought conditions. It is feasible to apply these operating rules to the CWF modeling and, if done, the resulting modeling would have a much more realistic analysis of impacts during critical droughts.</p> <p>Master Response 47, Page 1-357, lines 5-10 “As the above discussion of past drought responses demonstrates, it is not reasonably foreseeable how the various agencies will respond to future droughts, with or without the proposed project. Because each drought is different in scope, location, and severity, the regulatory setting is likely to be different, and new or altered infrastructure and improved scientific knowledge will all inform future responses to drought. Thus, the Final EIR/EIS does not, because it cannot, include modeling or analysis of how the proposed project may impact the environment in severe drought conditions.”</p>	
North State Water Alliance	ATT 4	<p>Modeling Issues Not Addressed in FEIR/S</p> <p>Many issues identified and commented on regarding the DEIR/S still existing in the Final EIR/EIS modeling. These issues are described below and include:</p> <ul style="list-style-type: none"> • Export estimate • Joint Point of Diversion or JPOD • San Luis rule curve • Coordinated Operating Agreement (COA) • Artificial NDD bypass criteria • Cross channel gate <p>Export Estimate (CVP and SWP) Issues regarding the export estimate used in CalSim II are described above and in CWF SWRCB Hearing Exhibit SVWU 109, pages 13-17; similar comments were made regarding the DEIR/S. In the MBK comments regarding the DEIR/S modeling (CWF SWRCB Exhibit SVWU-102, Page 77) it was stated: “CVP SOD Ag service and M&I allocations are limited by both systemwide water supply (storage plus inflow</p>	<p>Export estimate, JPOD, San Luis rule curve, and Artificial NDD bypass criteria are addressed in the previous comments above.</p> <p>COA and Delta Cross Channel operations were addressed in previous comments on the Draft EIR/EIS.</p> <p>This comment does not raise any substantive new environmental information or analysis that would result in a new significant environmental impact.</p> <p>See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.</p>

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		<p>forecasts) and Delta export constraints; whereas similar CVP NOD allocations are dependent solely on water supply. This frequently results in SOD water service contractors receiving a lower contract year allocation than NOD water service contractors, especially under the Biological Opinion export restrictions. However, with the NDD facility operations as proposed under Alt 4 H3, the CVP can largely bypass these Delta export restrictions, and the export capacity constraint on CVP SOD allocations was determine to be overly conservative.”</p> <p>In the Final EIR/EIS preferred alternative, CVP export estimates for purposes of allocating water to SOD service contractors are still artificially constrained in the Final EIR/EIS given the additional export capacity provided by the NDD facility. Furthermore, SWP export estimates for purposes of making Table A allocations are now artificially constrained in the Final EIR/EIS preferred alternative. The SWP export estimates were not constrained in the DEIR/S preferred alternative. Therefore, not only has this deficiency in the DEIR/S modeling has not been corrected in the Final EIR/EIS modeling, it has been exacerbated.</p> <p>Joint Point of Diversion The shared use of export facilities (called Joint Point of Diversion or JPOD) operation is described above and in CWF SWRCB Hearing Exhibit SVWU 107, pages 15, and 51-53, similar comments were made regarding the DEIR/S. In the MBK review of the DEIR/S (CWF SWRCB Exhibit SVWU-102 , Page 26) it was stated: “The Independent Modeling shows that implementation of the BDCP could shift a portion of the SWP exports from summer to winter and spring because the proposed NDD facilities can export water at times when the existing SDD facilities are constrained due to fishery concerns. As a result of this shift in timing, capacity is available at the SWP facilities during the summer months. The BDCP Model assumes that CVP could utilize the SWP facilities (Table 4) at any time when the CVP facilities are fully utilized; this sharing of diversion facilities is termed “joint point of diversion” or JPOD. Additional criteria to meet specific water quality and water level objectives are defined in response plans required by the State Water Board’s water right decision D-1641. BDCP Model assumes that these additional criteria are met; the Independent Modeling continues this assumption without making any judgment as to whether the criteria would be met. An evaluation of this would require additional hydrodynamic modeling.”</p> <p>In the MBK review of the CWF BA modeling, it was discovered that JPOD was artificially constrained by permitted capacity. This is also true of the Final EIR/EIS modeling and was true of the DEIR/S modeling. This partly explains the underutilization of JPOD with the NDD facility as identified in the statement above. This deficiency identified in the DEIR/S modeling has not been corrected in the FEIR modeling.</p> <p>San Luis rule curve San Luis target storage levels (Rulecurve or rule curve) and reservoir operations are described above and further described in CWF SWRCB Hearing Exhibit SVWU 107, pages 17-21, similar comments were made regarding the CWF DEIR/S. In the MBK review of the DEIR/S (CWF SWRCB Hearing Exhibit SVWU-102, Pages 17) it was</p>	

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		<p>stated: "In the BDCP Model, CVP and SWP reservoir operating criteria for Alternative 4 H3 ELT differ from the corresponding without project scenario (e.g. NAA-ELT). The difference in criteria and result is primarily driven by changes to the artificial constraint used to determine when to fill SLR: the SLR target storage. In Alternative 4 H3 ELT, SLR target storage is set very high in the spring and early summer months, and then reduced in August and set to SLR dead pool from September through December. This change in SLR target storage relative to the no action alternative causes upstream reservoirs to be drawn down from June through August and then recuperate storage by cutting releases in September. This change to the artificial operating criteria SLR target storage causes changes in upstream cold water pool management and affects several resource areas."</p> <p>In the MBK review of the Final EIR/EIS preferred alternative, it was found there were adjustments to San Luis rulecurve for SWP in the FEIR/S. The adjustments prevent rulecurve from dropping to dead pool in September as it did in the DEIR/S. However, as identified in the MBK independent modeling, the rulecurve formulation is problematic and causes an unrealistic difference in reservoir balancing between the NAA and the CWF preferred alternative; this is still the case and a deficiency in the FEIR modeling still remains.</p> <p>Coordinated Operating Agreement (COA) FEIR preferred alternative has new spring outflow criteria. However, this outflow is not accounted for as in-basin use under the COA as current outflow requirements are. If these new outflow criteria are counted as in-basin use, the FEIR studies do not capture operational impact of such accounting. This was an issue identified in the high outflow scenario in the DEIR studies, and it hasn't been corrected in the FEIR preferred alternative.</p> <p>Artificial bypass criteria The CWF Final EIR/EIS specifies bypass criteria, as described above, there is an artificial bypass criteria that is higher than what's described in the project description. Issues with this bypass flow are described above and in comment on the DEIR/S in CWF SWRCB Hearing Exhibit SVWU-102, Page 5 and 18. Comments regarding the DEIR/S are in the MBK review of the DEIR modeling, it states: "The Draft BDCP and associated Draft EIR/EIS specify criteria for how much flow can be diverted by the new NDD facilities and specify when to preferentially use either the NDD facilities or the existing SDD facilities. However, the BDCP Model contains an artificial constraint that prevents the NDD facilities from taking water as described in the BDCP project description. In addition to affecting diversions from the NDD, this artificial constraint contains errors that affect the NAA operation. This error has been fixed by DWR and Reclamation in more recent versions of the model; however, the error remains in the BDCP Model. Additionally, the BDCP Model does not reflect the Summer operations of the SDD that are described in the Draft EIR/EIS as a feature of the BDCP project intended to prevent water quality degradation in the south Delta. The net effect of these two errors is that the BDCP Model significantly underestimates the amount of water diverted from the NDD facilities and overestimates the amount of water diverted from the SDD."</p>	

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		<p>This deficiency, described above, in the DEIR/S modeling has not been corrected in the FEIR modeling.</p> <p>Delta Cross Channel operational Delta Cross Channel gate operations in the Final EIR/EIS modeling tend to overestimate Delta outflow in October. CWF SWRCB Hearing Exhibit SVWU-102, Page 22, contains comments on the DEIR/S and describe how this operation is in consistent with actual operations, in the MBK review of the DEIR modeling it states: "The BDCP Alt 4 results in significantly more October surplus Delta outflow as compared to the baseline. The cause of this Delta surplus at a time when the Delta is frequently in balance is a combination of proposed through-Delta export constraints Old and Middle River (OMR) flow criteria and no through-Delta exports during the San Joaquin River October pulse period), Rio Vista flow requirements, and DCC gate operations. In DWR's BDCP studies, it was assumed that the DCC gates would be open for the entire month of October thereby requiring much higher Sacramento River flows at Hood in order to meet the Rio Vista flow requirement than if the DCC gates were closed. Whereas in the Independent Modeling of the BDCP it was assumed that the DCC gates were closed for a number of days during the month such that the 7,000 cfs NDD bypass criteria would be sufficient to meet the weekly average Rio Vista flow requirements. The intent was to minimize surplus Delta outflow while meeting Delta salinity standards and maintaining enough bypass flow to use the NDD facility for SDD. This is an approximation of what is likely to occur in real-time operations under similar circumstances."</p> <p>The October Delta surplus is still an issue in the Final EIR/EIS modeling. The operational deficiency identified in the above paragraph has not been corrected in the Final EIR/EIS modeling.</p>	
North State Water Alliance	ATT 4	<p>Final EIR/EIS Modeling and Biological Assessment Modeling</p> <p>Although there are many modeling issues that are common to both the CWF BA and CWF FIER/S modeling, there are also issues that remain in the CWF Final EIR/EIS modeling that have been addressed in the BA modeling. CalSim II is continuously undergoing updates and corrections and over the 5 years between the time the CWF DEIR/S modeling was performed and when the CWF Final EIR/EIS modeling were performed numerous improvements and corrections were made to the model. These changes affect how the CVP and SWP operate in the model and may change how the CWF affects operations. Many of these changes are documented in CWF SWRCB Hearing Exhibits SVWU-102 and SVWU-107, and other reports, but others remain undocumented.</p> <p>Master response 30, Page 1-271, lines 13-25 addresses differences between the CWF Final EIR/EIS modeling and the CWF BA modeling. Although it states that the results of these two modeling efforts are similar, there actually are significant differences. For example, increases in SWP deliveries due to the CWF are 216,000 acre feet in the BA modeling and 189,000 acre feet in the CWF Final EIR/EIS modeling, this difference of 27,000 acre feet is a 12% decrease in the SWP water supply increase. There are also significant differences in upstream reservoir</p>	Appendix 5G of the Final EIR/EIS included a sensitivity analysis which compares the incremental changes under the Alternative 4A H3+ scenario compared to the No Action Alternative using both 2010 and 2015 versions of CalSim II. As concluded in this Appendix, the incremental changes remained substantially same using either versions of CalSim II. Therefore, the impact analysis presented in the Final EIR/EIS based on 2010 version CalSim II is fully valid. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.

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		operations and Delta hydrodynamics between the CWF Final EIR/EIS modeling and CWF BA modeling results. Modeling for the DEIR/S was performed using a version of CalSim II completed in 2010 and there have been numerous corrections and improvements made to this model that are now incorporated into the 2015 version used for the CWF BA. However, modeling for the CWF Final EIR/EIS was performed using the 2010 version of CalSim II that includes known issues; therefore the CWF FIER/S version of CalSim II is not the best available for evaluating this CWF.	
North State Water Alliance	ATT 4	<p>There are many issues identified in the CWF BA modeling that also exist in the CWF Final EIR/EIS modeling. These issues are discussed above and in CWF SWRCB Hearing Exhibit SVWU-107; this describes MBK Engineers' findings and opinions on the hydrologic modeling that the U.S. Bureau of Reclamation, and the California Department of Water Resources, performed for the January 2016 CWF draft BA under Section 7 of the ESA. Of the many issues described in CWF SWRCB Hearing Exhibit SVWU-107, the most significant model issues and resulting effects on CVP/SWP operations are:</p> <ul style="list-style-type: none"> • DWR/USBR BA Model does not consider the additional capacity that would be made available by the NDD when modeling allocations to South of Delta CVP and SWP contractors. • DWR/USBR BA Model includes artificial limits on the use of Joint Point of Diversion. • DWR/USBR BA Model changes NOD/SOD reservoir balancing criteria so that less stored water is modeled as being conveyed from NOD reservoirs to San Luis Reservoir during summer months. • CalSim II does not address effects on many types of water users. <p>These problems are common to both the CWF BA and CWF Final EIR/EIS modeling, and these defects therefore remain in the FIER/S.</p>	These issues were addressed in previous comments, above. This comment does not raise any substantive new environmental information or analysis that would result in a new significant environmental impact.
North State Water Alliance	ATT 5	Exhibit E: Robert J. Latour, Comments on the Final California WaterFix Environmental Impact Report/Statement (EIR/EIS) (January 26, 2017)	This attachment does not raise any substantive new environmental issues that were not previously addressed in Volume 2 of the Final EIR/EIS.
North State Water Alliance	ATT 6	Exhibit F: Dave Vogel, Comments on the Bay Delta Conservation Plan/California WaterFix Final Environmental Impact Report/Environmental Impact Statement (January 25, 2017)	This attachment does not raise any substantive new environmental issues that were not previously addressed in Volume 2 of the Final EIR/EIS.
North State Water Alliance	ATT 7	Exhibit G: "90,000-Page Environmental Report on Delta Tunnels Released," Courthouse News, December 22, 2015; "Governor Brown Issues Statement on Release of Final Environmental Reports for California WaterFix," Office of Governor Edmund G. Brown, Jr., December 22, 2015.	This attachment is a news article and does not raise any substantive new environmental issues that were not previously addressed in the Final EIR/EIS.
North State Water Alliance	ATT 8	Exhibit H: Secretary of the Interior Order No. 3343, January 3, 2017.	This attachment is the Secretary of Interior's Order No. 3343 regarding actions to address effects of drought and climate change on California's water supply and listed species and does not raise any environmental issue related to the Final EIR/EIS. This attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
North State Water Alliance	ATT 9	Exhibit I: Proposed Longfin Smelt Spring Outflow Methods for California WaterFix	The specifics of spring outflow methods for California WaterFix remain under discussion between DWR, DFW, and the other resource agencies; however, regardless of which final methods are adopted, the effects on upstream water supplies will remain within the bounds of those analyzed in the EIR/S. This attachment 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 State Water Alliance	ATT 10	Exhibit J: February 11, 2016 California WaterFix Project Pre-Conference Ruling, March 4, 2016 Revised Hearing Schedule, Revised Notices of Intent to Appear, Electronic Service and Submissions, and Other Procedural Issues Concerning the California WaterFix Water Right Change Petition, and May 16, 2016 Status Report Regarding Hearing on California Waterfix Water Rights Change Petition	This attachment provides hearing schedules and pre-conference rulings and status reports that relate 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.
North State Water Alliance	ATT 11	Exhibit K: SWRCB orders concerning CVP and SWP water-right permits dated January 31, 2014; February 7, 2014; February 28, 2014; March 18, 2014; April 9, 2014; April 11, 2014; April 18, 2014; September 24, 2014; October 7, 2014; February 3, 2015; March 5, 2015; April 6, 2015; July 3, 2015; and December 15, 2015.	This attachment is a news article and does not raise any substantive new environmental issues that were not previously addressed in the Final EIR/EIS.
North State Water Alliance	ATT 12	Testimony of Eugene Massa	This attachment is Exhibit BWGWD-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 State Water Alliance	ATT 13	Written Testimony of James Peifer	This attachment is Exhibit CITYSAC-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 State Water Alliance	ATT 14	Statement of Qualifications of James Peifer	This attachment is Exhibit CITYSAC-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 State Water Alliance	ATT 15	PowerPoint Overview of James Peifer Testimony	This attachment is Exhibit CITYSAC-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 State Water Alliance	ATT 16	Written Testimony of Brett Ewart	This attachment is Exhibit CITYSAC-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 State Water Alliance	ATT 17	Statement of Qualifications of Brett Ewart	This attachment is Exhibit CITYSAC-5 presented for the hearing proceedings

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			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 State Water Alliance	ATT 18	Statement of Qualifications of Pravani Vandeyar	This attachment is Exhibit CITYSAC-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 State Water Alliance	ATT 19	Statement of Qualifications of Bonny L. Starr	This attachment is Exhibit CITYSAC-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 State Water Alliance	ATT 20	PowerPoint Overview of Bonny L. Starr Testimony	This attachment is Exhibit CITYSAC-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 State Water Alliance	ATT 21	Pre-1914 Appropriative Right (Statement S014834)	This attachment is Exhibit CITYSAC-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 State Water Alliance	ATT 22	Appropriative Permit No. 992	This attachment is Exhibit CITYSAC-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.
North State Water Alliance	ATT 23	Appropriative Permit No. 11358	This attachment is Exhibit CITYSAC-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.

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North State Water Alliance	ATT 24	Appropriative Permit No. 11361	This attachment is Exhibit CITYSAC-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 State Water Alliance	ATT 25	Appropriative Permit No. 11359	This attachment is Exhibit CITYSAC-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 State Water Alliance	ATT 26	Appropriative Permit No. 11360	This attachment is Exhibit CITYSAC-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 State Water Alliance	ATT 27	Operating Contract dated June 28, 1957 between Bureau of Reclamation and the City of Sacramento	This attachment is Exhibit CITYSAC-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 State Water Alliance	ATT 28	Map of the City of Sacramento's Places of Use	This attachment is Exhibit CITYSAC-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.
North State Water Alliance	ATT 29	Carollo Report entitled Evaluation of Pump Intakes for Drought Conditions, dated January 2016	This attachment is Exhibit CITYSAC-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 State Water Alliance	ATT 30	CBEC Memorandum entitled Sacramento River Low Flow Modeling at SRWTP Intake, dated February 12, 2016	This attachment is Exhibit CITYSAC-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.

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North State Water Alliance	ATT 31	CBEC Memorandum entitled American River Low Flow Modeling at EAFWTP Intake, dated February 15, 2016	This attachment is Exhibit CITYSAC-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.
North State Water Alliance	ATT 32	City of Sacramento Comments on the Bay Delta Conservation Plan (BDCP) Draft DEIR/EIS and the BDCP, dated July 22, 2014	This attachment is Exhibit CITYSAC-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 State Water Alliance	ATT 33	City of Sacramento Comments on the California Water Fix Recirculated Draft Environmental Impact Report and Supplemental Draft Environmental Impact Statement, dated October 29, 2015	This attachment is Exhibit CITYSAC-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 State Water Alliance	ATT 34	Written Testimony of Ray Sahlberg	This attachment is Exhibit DOI-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 State Water Alliance	ATT 35	PowerPoint Presentation for Ray Sahlberg Testimony	This attachment is Exhibit DOI-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 State Water Alliance	ATT 36	Written Testimony of Ron Milligan	This attachment is Exhibit DOI-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 State Water Alliance	ATT 37	Contract Between United States and Maxwell Irrigation District (Sacramento River Settlement Contract - District Form) - Sample, dated March 4, 2015	This attachment is Exhibit DOI-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

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			Recourses Control Board hearing materials.
North State Water Alliance	ATT 38	14-06-200-4816A LA City of Folsom Hatch & Parent Transfer of Rights 8-16-1996	This attachment is Exhibit DOI-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 State Water Alliance	ATT 39	14-06-200-4816A LA2 City of Folsom SoCalEdison Transfer of Rights 9-10-1996	This attachment is Exhibit DOI-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.
North State Water Alliance	ATT 40	14-06-200-5515A City of Folsom Water Rights 6-22-1971	This attachment is Exhibit DOI-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 State Water Alliance	ATT 41	14-06-200-6497 City of Sacramento	This attachment is Exhibit DOI-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.

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North State Water Alliance	ATT 42	Oakdale ID SSJID 1988 8-07-20-W0714 Aug.30.1988 New Melones Ops	This attachment is Exhibit DOI-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.

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North State Water Alliance	ATT 43	Project Overview PowerPoint errata corrected	This attachment is Exhibit DWR-1 errata (corrected) 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 State Water Alliance	ATT 44	Engineering PowerPoint errata	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.
North State Water Alliance	ATT 45	Water Rights PowerPoint	This attachment is Exhibit DWR-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.

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North State Water Alliance	ATT 46	Operations PowerPoint errata	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 State Water Alliance	ATT 47	Modeling PowerPoint errata	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.

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North State Water Alliance	ATT 48	Written Testimony- 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 State Water Alliance	ATT 49	Written Testimony - 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.

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North State Water Alliance	ATT 50	Written Testimony- 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.
North State Water Alliance	ATT 51	Written Testimony- John Leahigh	This attachment is Exhibit DWR-61 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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North State Water Alliance	ATT 52	Written Testimony - 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 State Water Alliance	ATT 53	Written Testimony- 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.

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North State Water Alliance	ATT 54	Alternatives Comparison	This attachment is Exhibit DWR-114 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North State Water Alliance	ATT 55	Delta Habitat Conservation & Conveyance Program - Conceptual Engineering Report, Volume 1, dates July 1, 2015	This attachment is Exhibit DWR-212 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, 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 State Water Alliance	ATT 56	California WaterFix Petition for Change in point of Diversion, Identification of information required under the California code of regulations, title 23 section 794, Petition information and map requirements. Date Feb 11, 2016	This attachment is Exhibit DWR-324 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 State Water Alliance	ATT 57		This attachment is Exhibit DWR-51 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.

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North State Water Alliance	ATT 58		This attachment is Exhibit DWR-515 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 State Water Alliance	ATT 59	Testimony of Thaddeus Bettner	This attachment is Exhibit GCID-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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 60	Testimony of Donnie Stinnett on Behalf of Richvale Irrigation District, Butte Water District, Sutter Extension Water District and Biggs-West Gridley Water District	This attachment is Exhibit MLF-40 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 State Water Alliance	ATT 61	Testimony of Einar Maisch	This attachment is Exhibit PCWA-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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 62	Sacramento Valley Group Protest	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.
North State Water Alliance	ATT 63	Testimony of Marc Van Camp	This attachment is Exhibit SVG-01-001 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 64	Statement of Qualifications of Marc Van Camp	This attachment is Exhibit SVG-01-002 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 State Water Alliance	ATT 65	Settlement Contract between the United States and Carter Mutual Water Company, 14-06-200-2401A-R-1, March 31, 2005	This attachment is Exhibit SVG-02-028 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 66	Settlement Contract between the United States and Howald Farms, Inc, 14-06-200-1042A-R-1, March 18, 2005.	This attachment is Exhibit SVG-03-001 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 State Water Alliance	ATT 67	Settlement Contract between the United States and Maxwell Irrigation District, 14-06-200-6078A-R-1, March 4, 2005.	This attachment is Exhibit SVG-04-056 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 68	Settlement Contract between the United States and Meridian Farms Water Company 14-06-200-838A-R-1, February 28, 2005.	This attachment is Exhibit SVG-05-013 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 State Water Alliance	ATT 69	Settlement Contract between the United States and Natomas Central Mutual Water Company, 14-06-200-885A-R-1, May 10, 2005.	This attachment is Exhibit SVG-06-059 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 70	Settlement Contract between the United States and Oji Brothers Farm, Inc., 14-06-200-3753A-R-1, March 4, 2005.	This attachment is Exhibit SVG-07-022 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 State Water Alliance	ATT 71	Settlement Contract between the United States and Oji Family Partnership, 4-06-200-2427A-R-1, March 4, 2005.	This attachment is Exhibit SVG-08-017 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 72	Settlement Contract between the United States and Pelger Mutual Water Company, 14-06-200-2073A-R-1, February 28, 2005.	This attachment is Exhibit SVG-09-019 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 State Water Alliance	ATT 73	Settlement Contract between the United States and Pleasant- Grove Verona Mutual Water Company, 14-06-200-5520A-R-1, February 28, 2005.	This attachment is Exhibit SVG-10-097 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 74	Settlement Contract between the United States and Princeton Codora-Glenn Irrigation District, 14-06-200-849A-R-1, March 4, 2005.	This attachment is Exhibit SVG-11-031 and 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 State Water Alliance	ATT 75	Settlement Contract between the United States and Provident Irrigation District, 14-06-200-856A-R-1, March 4, 2005.	This attachment is Exhibit SVG-12-049 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 76	Settlement Contract between the United States and Reclamation District 108, 14-06-200-876A-R-1, February 28, 2005.	This attachment is Exhibit SVG-13-079 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 State Water Alliance	ATT 77	Settlement Contract between the United States and Henry D. Richter, et al., 14-06-200-4362A-R-1, March 9, 2005.	This attachment is Exhibit SVG-14-023 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 78	Settlement Contract between the United States and River Garden Farms Company, 14-06-200-878A-R-1 , February 28, 2005.	This attachment is Exhibit SVG-15-036 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 State Water Alliance	ATT 79	Settlement Contract between the United States and Sutter Mutual Water Company, 14-06-200-815A-R-1, March 2, 2005.	This attachment is Exhibit SVG-16-104 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 80	Settlement Contract between the United States and Tisdale Irrigation and Drainage Company, 14-06-200-2781A-R-1, April 4, 2005.	This attachment is Exhibit SVG-17-015 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 State Water Alliance	ATT 81	Settlement Contract between the United States and Windswept Land and Livestock Company, 14-06-200-2045A-R-1, April 7, 2006.	This attachment is Exhibit SVG-18-009 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 82	Reclamation Report of Monthly Sacramento River Deliveries (Long-Term Contracts) Table 28 (2010)	This attachment is Exhibit SVG-19-001 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 State Water Alliance	ATT 83	Reclamation Report of Monthly Sacramento River Deliveries (Long-Term Contracts) Table 28 (2011)	This attachment is Exhibit SVG-19-002 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 84	Reclamation Report of Monthly Sacramento River Deliveries (Long-Term Contracts) Table 28 (2012)	This attachment is Exhibit SVG-19-003 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 State Water Alliance	ATT 85	Reclamation Report of Monthly Sacramento River Deliveries (Long-Term Contracts) Table 28 (2013)	This attachment is Exhibit SVG-19-004 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 86	Reclamation Report of Monthly Sacramento River Deliveries (Long-Term Contracts) Table 28 (2014)	This attachment is Exhibit SVG-19-005 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 State Water Alliance	ATT 87	Reclamation Report of Monthly Sacramento River Deliveries (Long-Term Contracts) Table 28 (2015)	This attachment is Exhibit SVG-19-006 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 88	Agreement between Department of Water Resources and the Joint Water Districts Board on Diversion of Water from the Feather River, May 27, 1969	This attachment is Exhibit SVG-20-072 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 State Water Alliance	ATT 89	Joint Water Districts Board Hydrology Report, 2015	This attachment is Exhibit SVG-20-073 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 90	Long-Term Renewal Contract between the United States and El Dorado Irrigation District Providing for Project Water Service from the American River Division, 14-06-1357A-LTR1, February 28, 2006.	This attachment is Exhibit SVG-22-180 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 91	Draft Long-Term Renewal Contract between the United States and Sacramento Municipal Utility District Providing for Project Water Service from the American River Division, 14-06-200- 5198A-LTR1, October 18, 2012	This attachment is Exhibit SVG-23-062 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 State Water Alliance	ATT 92	Interim Renewal Contract between the United States and Sacramento Municipal Utility District Providing for Project Water Service from the American River Division, 14-06-200- 5198A-IR2	This attachment is Exhibit SVG-23-063 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 93	American River Contractors, CVP Deliveries, 2002-2014	This attachment is Exhibit SVG-24-001 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 State Water Alliance	ATT 94	Bay-Delta Settlement Agreement with SSWD and DWR	This attachment is Exhibit SVG-25-037 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 95	Excerpt from Hearing Transcript Vol. 21 , Part I B: SVG Direct Testimony	This attachment is a transcript 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 State Water Alliance	ATT 96	Excerpt from Hearing Transcript Vol. 21 , Part I B: Cross Examination of SVG	This attachment is a transcript 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 97	Draft January 2016 Biological Assessment for the California WaterFix	This attachment is Exhibit SVWU-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 State Water Alliance	ATT 98	Monthly Probability of Exceedance - Storage at Shasta Reservoir	This attachment is Exhibit SVWU-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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 99	Testimony of Walter Bourez	This attachment is Exhibit SVWU-100 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 State Water Alliance	ATT 100	Statement of Qualifications for Walter Bourez	This attachment is Exhibit SVWU-101 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 101	MBK Report on Review of Bay Delta Conservation Program Modeling, June 20, 2014	This attachment is Exhibit SVWU-1 02 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 State Water Alliance	ATT 102	MBK Technical Comments on the Bay Delta Conservation Plan/California Water Fix Partially Recirculated Draft BIR/Supplemental Draft EIS, October 28, 2015	This attachment is Exhibit SVWU-103 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 103	MBK Technical Comments on Coordinated Long-Term Operation of the Central Valley Project and State Water Project Draft Environmental Impact Statement, September 29, 2015	This attachment is Exhibit SVWU-104 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North State Water Alliance	ATT 104	Testimony of Dan Easton	This attachment is Exhibit SVWU-105 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 105	Statement of Qualifications for Dan Easton	This attachment is Exhibit SVWU-106 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North State Water Alliance	ATT 106	MBK California WaterFix Modeling Review, August 30, 2016	This attachment is Exhibit SVWU-107 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 107	MBK Technical Memorandum with example 2-year injury	This attachment is Exhibit SVWU-108 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North State Water Alliance	ATT 108	MBK Technical Memorandum regarding B1 , H3, and H4 scenanos	This attachment is Exhibit SVWU-109 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 109	Walter Bourez Powerpoint Presentation	This attachment is Exhibit SVWU-110 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North State Water Alliance	ATT 110	SVWU Opening Statement	This attachment is SVWU's opening statement 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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 111	Excerpt from Hearing Transcript Vol. 4, Part I A: SVWU Cross of Overview Panel.	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 State Water Alliance	ATT 112	Excerpt from Hearing Transcript Vol. 5, Part I A: SVWU Re-Cross of Overview Panel.	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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 113	Excerpt from Hearing Transcript Vol. 6, Part I A: SVWU Cross of Engineering Panel.	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 State Water Alliance	ATT 114	Excerpt from Hearing Transcript Vol. 8, Part I A: SVWU Cross of Operations Panel.	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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 115	Excerpt from Hearing Transcript Vol. 13, Part I A: SVWU Cross of Modeling Panel 1.	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 State Water Alliance	ATT 116	Excerpt from Hearing Transcript Vol. 14, Part I A: SVWU Cross of Modeling Panel 2.	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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 117	Excerpt from Hearing Transcript Vol. 17, Part I A: SVWU	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 State Water Alliance	ATT 118	Excerpt from Hearing Transcript Vol. 20, Part I B: SVWU	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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 119	Excerpt from Hearing Transcript Vol. 20, Part I B: Cross	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 State Water Alliance	ATT 120	Excerpt from Hearing Transcript Vol. 21, Part I B: Cross	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.

Letter	Comment #	Comment	Relation to Final EIR/EIS
North State Water Alliance	ATT 121	Excerpt from Hearing Transcript Vol. 21, Part I B: Re-Direct of svwu	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 State Water Alliance	ATT 122	Excerpt from Hearing Transcript Vol. 21, Part I B: Re-Cross of	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.