

Letter	Comment #	Comments	Relation to Final EIR/EIS
Planning and Conservation League	1	<p>By this supplemental comment letter, PCL and the undersigned signatory public interest organizations oppose approval of the Bay Delta Conservation Plan/California Water Fix (BDCP/CWF) and its Final Environmental Impact Report/Final Environmental Impact Statement (EIR/EIS) of December 22, 2016, including preferred alternative 4A, all other variants of the Delta Water Tunnels, and any new upstream conveyance for exporting water south. We set forth in this letter additional documentation of noncompliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). For the reasons stated below, a new environmental analysis—one that complies with state and federal laws—is needed to achieve the objective of CEQA and NEPA for informed decision making based on accurate information about the purpose of the project, alternatives, and its full impacts.</p> <p>In these supplemental comments, we focus on two broad and interactive areas of noncompliance with CEQA and NEPA: (1) the lack of an accurate, stable, and consistent project definition; and (2) the granting of preferential influence to select state and federal water contractors who would benefit most from the proposed project. Both of these shortcomings are critical and illegal flaws that disqualify the project and the EIR/EIS.</p> <p>Lack of an accurate, stable, and consistent project definition</p> <p>An accurate, stable, and consistent project definition is a fundamental requirement of an acceptable and legal EIR/EIS. From the outset, however, the public has been provided a misleading and changing project description and purpose. The project was initiated in 2008 by USFWS and NMFS as a conservation habitat plan with the purpose of restoring the San Francisco Bay Sacramento-San Joaquin Estuary. After years of difficult-to-follow flux in the project purpose and definition, in 2015 the lead agencies were changed to just USBR and DWR, dropping USFWS and NOAA, and the project purpose focused solely on the construction of two massive tunnels, 150 deep and some 30 miles long, with three intakes to take water from the Sacramento River at new diversion points and export it south of the Delta estuary to the project proponents (select state and federal water contractors). The Habitat Conservation Plan [HCP] &amp; Natural Community and Conservation Plan [NCCP] purposes were largely dropped from the project, such that now the proposed water export project will exist primarily to withdraw freshwater inflows to the San Francisco Bay-Delta Estuary for use by agricultural and urban water contractors, thereby diverting freshwater inflows critical to endangered species habitat and water quality essential to drinking water, recreation, along with water dependent business activities and farming.</p> <p>"An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." County of Inyo v. City of Los Angeles (3d Dist. 1977) 71 CA3d 185, 193. Additionally, the entire project being proposed must be described in the EIR, and the project description must not minimize project impacts. City of Santee v. County of San Diego (1989) 214 CA3d 1438, 1450. Without an accurate description of the project and its environmental setting, an EIR-EIS cannot achieve the foremost objective of CEQA &amp; NEPA, that is, the disclosure and analysis</p>	This comment is about CEQA/NEPA compliance. 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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		of project related impacts on the environment.	
Planning and Conservation League	2	<p>The Chronology (see Exhibit A attached) of federal register public notices and related actions shows that various elements of the project and, specifically the lack of public notification for the virtually invisible Delta Habitat Conservation and Conveyance Program (DHCCP) agreements and funding (MOAs), have resulted in a hidden shift in project definition and purpose, and have provided select water contractors inappropriate preferential influence on project definition, purpose, and the selected alternative. These non-public agreements have been used to fund and influence the environmental review of the more quasi-public Bay Delta Conservation Plan (BDCP) and now the Cal WaterFix water tunnels export program, thereby embedding the biases of project proponents in the environmental analysis, lack of a reasonable range of alternatives considered and jeopardizing an accurate disclosure and analysis of the environmental impacts.</p> <p>These non-public agreements were made available only after months of tedious Public Record Act requests and Freedom of Information Requests by PCL et.al. The federal assistance agreements (FAA) between DWR and USBR required the delivery of a "DHCCP EIR-EIS, a federal feasibility report, an implementation agreement, and other deliverables. Some contractually required work products such as a federal feasibility report that requires a cost benefit analysis were not delivered. The agreements and work products were not submitted for public review and analysis, or were cloaked in another name— the DHCCP—and slipped into the Bay Delta Conservation Plan NEPA and CEQA documents without public disclosure. These virtually invisible funding agreements, decision making agreements contained in the MOAs, and where the DHCCP environmental analysis documents were used to develop an entirely new design of a conveyance system of tunnels, diversions and water exports in which federal and state water contractors were formally provided elevated status as “cooperating agencies” (federal) or “responsible agencies” (state), thus enabling their promotion of additional water exports from the Bay-Delta estuary as the primary alternative considered. The additional water exports would violate the Delta Reform Act of 2009. Additionally, the DHCCP MOAs provide the water export contractors with inside and outsized access to information and hidden opportunities to influence the BDCP planning process, the EIS/EIR development, and the science to support both. Comments regarding this potential prejudicial decision making body were ignored and not addressed in the FEIR-EIS for the Cal Fix water export tunnels. This level of influence by project beneficiaries on a public project, as will be detailed further below, is inappropriate and illegal.</p>	This comment is about CEQA/NEPA compliance, DHCCP and the Delta Reform Act. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
Planning and Conservation League	3	The failure to provide a stable definition and purpose of the project began early. The February 13, 2009, Notice of Intent to prepare an Environmental Impact Statement, 74 Fed. Reg. 7257, (“NOI”) states that the proposed federal actions are issuance of ESA permits and implementation of one or more components of the BDCP. However, this is not an accurate description of what came to be. In particular, the new project purpose of delivery of "up to full contract amounts" for specific water contractors also was added. Full contract amounts have never been delivered historically and actual feasible amounts are poorly defined in the FEIR/EIS, such that this metric is an inappropriate project purpose.	This comment is about CEQA/NEPA compliance, SWP/CVP deliveries and operations, water quality, and habitat conservation. 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>As can be seen by the June 15, 2015, Notice of Intent To Prepare a "Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement to the Draft Environmental Impact Statement on the Bay Delta Habitat Conservation Plan and Natural Community Conservation Plan for the Sacramento-San Joaquin Delta, California", 80 Fed. Reg. 34170, the latest purpose is dramatically different from where it began. The purpose is now a new water export delivery project with tunnels and new diversion points that would dewater critical habitat upstream, reduce estuary flows some 20%, degrading critical habitat within the San Francisco Bay-Delta estuary, degrade water quality within the region, and does not include a habitat conservation plan component in the preferred alternative. Perhaps the changes made in the 2009 NOI predicted the shift from a conservation plan to a water export project with the addition of the language of the project to deliver "up to full contract amounts" for Kern County Water Agency and specific federal contractors. This change in purpose was criticized by EPA in which they noted there is not unlimited discretion in adopting a project purpose and the fact that 'up to full contract amounts' is not defined and as a metric has never occurred. These changes and the undue water exporter access and influence also limited the range of alternatives considered.</p> <p>The major federal action—in the latest definition of the project—is operation of the SWP and CVP at increased rates of export through one of three alternative tunnel conveyance options. It is the continued operation of the CVP and SWP at increased export levels through a set of tunnels taking water under the estuary that creates the jeopardy to the smelt, salmon and other listed species (and the take) by diverting critical water and essential flows from the delta and estuary and bay. The Habitat Conservation Plan ("HCP") and the ESA Section 10 permits are discarded in the preferred alternative. The NOI's misstatement of the major federal action and definition of the project has been carried through the eight year process and resulted in widespread public perception that the BDCP is a 15.5 billion dollar peripheral canal or tunnel project designed to be a habitat conservation project, rather than its true purpose as a water development project to increase exports of freshwater to water contractors. The suggestion in the project purpose statements that this new project is merely a "remodel" of the existing State Water Project and the Central Valley Project, has been legally challenged as factually incorrect.</p>	
Planning and Conservation League	4	<p>Furthermore, the virtually hidden and undisclosed DHCCP MOA and other non-public DHCCP agreements and funding documents, described above, confuse the public and decision makers when they characterize the water export tunnels as a "conservation measure." Federal and state endangered species laws define conserve and conservation to mean "methods and procedures which are necessary to bringing any endangered species or threatened species to the point at which the measure provided pursuant to this chapter are not longer necessary." The proposed tunnels are a water export project that increases threats to endangered and threatened species and does nothing to help conserve these species. The project purpose and intent is to divert large amounts of water out of the ecosystem for purposes of export for consumptive use. Such a facility cannot be reasonably considered a "conservation measure."</p> <p>This misleading information about the project over time and the lack of public</p>	<p>This comment is about DHCCP, alternatives development, and project definition. 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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		disclosure of key underlying documents, especially the DHCCP MOA's and funding agreements, have kept the public and decision makers in the dark, obfuscated impacts, and created a FEIR-FEIS where the alternatives are various versions of same tunnels export project rather than a reasonable range of alternatives. The result has been public injury due to the denial of accurate information and a confusing ever-changing project definition across almost a decade long period.	
Planning and Conservation League	5	<p>Select State and Federal Water Contractors Given Preferential Treatment and Undue Influence</p> <p>Undisclosed 'Delta Habitat Conservation and Conveyance Program' agreements and funding mechanisms elevated the status of water contractors, giving them inappropriate access to information and opportunities for undue influence on the BDCP-Cal Waterfix planning process and FEIR-FEIS process. As discussed, the Federal Register Notices of Intent in 2008 and 2009 describe a project purpose for the Bay Delta Conservation Plan (BDCP) as a 'recovery plan for endangered species' (Section 10 permit) and stated a general purpose as follows: "...allow for projects that restore and protect water supply, water quality, ecosystem, and ecosystem health to proceed within a stable regulatory framework". The Delta Habitat Conservation and Conveyance Program MOA signed March 12, 2009, however, is not publicly disclosed, despite being a major federal and public agency action designed with a purpose, according to the MOA, to fund and design a major water export project to export more water from the Bay-Delta Estuary and produce an Environmental Impact Statement, including a feasibility report for the then BDCP project. All of these activities are kept secret until 2011 when a "First Amendment to the DHCCP MOA" and a federal White Paper issued in response to concerns expressed by Congressman Miller, first disclosed this agreement and the elevated status of these select contractors in a request for comment on the BDCP Financing MOA. It is at this time the public learns that select federal water export contractors are elevated to "Cooperating Agencies." This elevated status for these select project proponents and beneficiaries is automatically continued throughout the definition and purpose of the project through Federal Register Notices in 2015 and 2016.</p> <p>Elevating these select state and federal Water Contractors to Cooperating Agency status through a federal White Paper that explains and defends the Amendment, when the term "Cooperating Agency" was not used with respect to these select Water Contractors prior to the White Paper (including in the DHCCP-BDCP MOA 2011 Amendment), is not consistent with NEPA implementing regulations and standard agency practice.</p>	This comment is about water contractors involvement. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
Planning and Conservation League	6	Rather, NEPA implementing regulations contemplate that Cooperating Agencies will be designated through a formal process and will be publicly announced prior to beginning the scoping process, usually in the NOI. See 40 C.F.R. § 1501.5 (c) ("lead agencies shall determine by letter or memorandum which agency shall be the lead agency and which shall be cooperating agencies") (emphasis added); 40 C.F.R. § 1501.6(b)(2) (requiring that "[e]ach cooperating agency shall . . . [p]articipate in the scoping process")(emphasis added); Memorandum for the Heads of Federal Agencies, Subject: Reporting Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act (Dec. 23, 2004) (requirement for all federal agencies for "reporting the designation of Federal and non-federal	This comment is about water contractors involvement and incidental take permits. 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>cooperating agencies”); Memorandum for the Heads of Federal Agencies From James Connaughton, Subject: Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act (Jan. 30, 2002) (instructing heads of agencies to “identify as early as practicable” Cooperating Agencies); Memorandum For The Heads of Federal Agencies From James L. Connaughton, Subject: Report on Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act (May 26, 2005) (noting Lead Agencies are “designating formal cooperating agencies when beginning their NEPA process”).</p> <p>In this case, Reclamation partially complied with the regulations and standard agency practice by formally announcing federal Cooperating Agencies in the NOI. However, the Cooperating Agencies designated did not include the select Water Contractors. Instead Reclamation designated only The Army Corps of Engineers (“ACE”) and the United States Environmental Protection Agency (“USEPA”) as the Cooperating Agencies. NOI, 74 Fed. Reg. at 7257. In contrast, the NOI designates the Water Contractors as “Potentially Regulated Entities or PREs.” NOI, 74 Fed. Reg. at 7258. It is clear that at issuance of the NOI, which is the appropriate time to select Cooperating Agencies, the Water Contractors were not to be designated as Cooperating Agencies because it is not appropriate for a regulated entity to serve as a Cooperating Agency.</p> <p>Likewise, if select Water Contractors were to be Responsible Agencies under CEQA, the Notice of Preparation (“NOP”) filed by DWR did not follow required procedures for doing so. CEQA Guideline 3 section 15082(a) provides that “the lead agency shall send to the Office of Planning and Research and each responsible and trustee agency a notice of preparation stating that an environmental impact report will be prepared.” The distribution list attached to the NOP indicates that it was sent to twenty two public agencies. The list does not include the select state and federal Water Contractors. CEQA Guideline § 15096(b)(2) provides in pertinent part that “not longer than 30 days after receiving a Notice of Preparation from the Lead Agency, the Responsible Agency shall send a written reply by certified mail or any other method which provides the agency with a record showing that the notice was received. The reply shall specify the scope and content of the environmental information which would be germane to the Responsible Agency’s statutory responsibilities in connection with the proposed project.” The reply must also be sent to the State Clearinghouse. The State Clearinghouse website indicates that no reply was received from the Water Contractors. See SCH Number: 2008032062. That DWR did not follow required procedures for designating the Water Contractors as Responsible Agencies is not surprising because, like the NOI, the NOP identifies that Water Contractors not as Responsible Agencies but as “Potentially Regulated Entities.”( NOP at 2.) Public accountability is the cornerstone of CEQA. Whatever discussions or understandings the Water Contractors may have had with DWR regarding their roles at the time of preparation of the NOP are irrelevant. CEQA requires a specific public process to be followed in designating Responsible Agencies. In 2011, DWR discloses in a memorandum of agreement that these select project beneficiaries will be designated as ‘Responsible Agencies.’ This public process was not followed in the June 15, 2015, Federal Register Notice for the latest incarnation</p>	

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		<p>of this new water tunnels export project, which also declared the selected water export contractors to be Cooperating Agencies once again failing to follow the required public process.</p> <p>The water contractors neither own nor operate the CVP or SWP Projects (Projects). They do not have authority with regard to project operations, water rights, or obtaining a permit to change the point of diversion. These authorities are central to this new project water tunnels export project. The CVP and SWP are owned and operated by the U.S. government and the State of California, respectively, which is why the existing Biological Opinions that authorize take for the Projects operate against actions taken exclusively by the U.S. Bureau of Reclamation and the California Department of Water Resources. At issue in both of the Biological Opinions is the impact of coordinated Project operations on the biological resources of the Bay Delta Estuary. The issuance of any of the new incidental take authorizations at issue will inherently revolve around the coordinated Project operations that gave rise to the jeopardy opinions. While these select water export contractors are the ultimate beneficiaries of water deliveries from the Projects, it is the actions and decisions of the Bureau of Reclamation and the Department of Water Resources that are at issue in the USFWS and NOAA determinations about whether or not incidental take may be authorized for the Projects' Delta operations.</p>	
Planning and Conservation League	7	<p>Without following CEQA and NEPA regulations, allowing these select water contractors a front row seat in determining and analyzing and producing the environmental documents is prejudicial. The elevated status of the contractors is prejudicial to the general public, prejudicial to communities of color throughout the Bay-Delta region, and prejudicial to those like the Tribes along with fishing men and women whose livelihoods and culture rely on the water that will be taken to serve others under the water export tunnels project. And especially prejudicial to the Bay-Delta environmental justice communities which range from 19% to 50% of the population in Delta cities, towns, and rural regions. The Equal Protection Clause of the U.S. Constitution, demands that all citizens be afforded equal opportunity under the law without abridging, for example, the rights of the communities and people supported by the existing Delta Estuary waterways and fish and wildlife to access the process and receive information on an equal basis as those who would profit from taking the additional water.</p> <p>The adoption of a secret agreement, and subsequent First Amendment to the DHCCP MOU, has significant environmental impacts and physical impacts that need to be disclosed, but were not in the BDCP Cal WaterFIX FEIR-EIS. By law, the export water contractors have no authority or role beyond that of the general public in developing project operational parameters, developing or employing adaptive management limits of project operations, developing annual operations plans, or any other activity that may present conflicts between water exports and protection of Delta ecosystems water quality. Granting water contractors this elevated status without following CEQA and NEPA public disclosure processes has significant impacts that need to be disclosed and have thus far remain hidden.</p> <p>Creating a non-public process where the project beneficiaries are given prejudicial access also leads to outcome-driven results driven by these select water contractors,</p>	This comment is about water contractors involvement. 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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		rather than an effective development of alternatives and an objective appraisal of the project's impacts. As the May 2011 National Academy of Sciences report concluded, the BDCP's foundational work--the draft Conservation Plan--was fundamentally flawed, because "scientific reasons for not considering alternative actions were not presented in the plan." (Report in Brief, p. 2, May 5, 2011).	
Planning and Conservation League	8	<p>Outcome- and beneficiary-driven results and lack of consideration of viable alternatives are but one outcome of these non-public virtually invisible DHCCP water exporter agreements. Others include an inflated project baseline that masks the environmental impacts of the project, the failure to analyze the downstream effects of the alternatives on Suisun Bay, Carquinez Straight, San Pablo Bay, and San Francisco Bay, including modeling and measuring the effects of changing water export timing, volume, and rate on salinity, water quality, and aquatic and terrestrial biological resources throughout the entire Bay-Delta ecosystem. Also, virtually excluded from the impact analysis is the dewatering of upstream critical habitat for migrating anadromous fish, along with the lack of analysis of the magnitude of water transfers and other water exchanges that are likely during a drought and will occur more often if more pumping capacity under the BDCP/Cal WaterFix is adopted. Further the bias extends to the lack of seriously considering other alternatives and is displayed in the bias analysis of even the limited alternatives considered. Additional biased analysis is also exhibited in the environmental impacts of the land acquisition for the various alternatives, such as a Delta land acquisition plan that did not provide such information for all of the proposed even limited project alternatives. Furthermore, the bias has led to the segmentation of the project in that the impacts of SWP project proposed 50 year contracts extension, which are needed to pay for the project, are omitted entirely from the environmental analysis. These costs are substantial and fall particularly hard upon minority and low income communities who can least afford the potentially required land based charges or property taxes, especially when they receive no surface water from the existing or proposed project. For example, under the SWP, many communities are already paying for the BDCP-DHCCP-Cal WaterFix charges through property taxes even though they receive no water from the project. These communities include, but are not limited to, South Central Los Angeles, East Los Angeles, East Palo Alto, and Palo Alto, to name a few. Under the federal CVP, poor communities like El Porvenir and Cantua Creek are also paying for the Westlands' DHCCP land based charges for water they cannot use to drink or bath.</p>	<p>These issues were addressed in previous responses provided to comments on the Draft EIR/EIS and the RDEIR/SDEIS.</p> <p>The incremental changes in Delta outflow under Alternative 4A compared to baseline conditions are a function of both the facility and operations assumptions, including north Delta intakes capacity of 9,000 cfs, OMR flow requirements, Fall X2 requirements, and the reduction in water supply availability due to increased north of Delta urban demands, sea level rise, and climate change (the last three assumptions, plus Fall X2 requirements, are included in both the No Action Alternative (ELT) and Alternative 4A, but not in Existing Conditions). The CALSIM II modeling performed for conveyance facility operations takes into account projected future demand for water supply in areas upstream of the Delta (as part of the future No Action baseline) prior to calculating Proposed Project diversion estimates to ensure that no area-of-origin protections or upstream water rights are affected by project conveyance facilities. Please see Appendix 5A of the Final EIR/FEIS for additional modeling information. The appendix includes information regarding modeled upstream hydrologic conditions that would be expected to occur under each alternative. Results for the range of changes in Delta outflow under Alternative 4A are presented in more detail in Appendix 5A of the Final EIR/EIS, BDCP/California WaterFix EIR/S Modeling Technical Appendix. Changes in long-term average Delta outflow under Alternative 4A (ELT) as compared to the No Action Alternative (ELT) and Existing Conditions are shown in Figures 5-37 through 5-39 and Tables 5-10 through 5-12 in Chapter 5.</p> <p>The analysis in the EIR/EIS includes impacts to Delta outflows, which ultimately reach the San Francisco Bay as well as impacts to Southern California and the San Joaquin Valley. In addition, the Final EIR/EIS, Chapter 8 Water Quality, Impact WQ-34: Effects on San Francisco Bay Water Quality Resulting from Facilities Operations and Maintenance and Environmental Commitments, provides an assessment of impacts on water quality parameters within San Francisco Bay that may be affected by operation of the proposed project. Refer also to Master Response 14 (Water Quality), of Volume 2, Final EIR/EIS. No impacts under Impact WQ-34 were found to be significant or adverse.</p> <p>Please see Section 7 in Appendix 6A, FEIR/EIS, for potential effects to flood protection and levees in the Delta, including measures to minimize and avoid impacts to surface water and river flow. Also, see Section 8.2 for a discussion on potential future flood risk analysis, including hydraulic analysis on changes in velocity, water surface elevation, flowage distribution, scour, sedimentation, and any up- or downstream effects as a result of constructing and operating the new water conveyance facilities and implementation of the environmental commitments.</p> <p>Downstream effects on fish and aquatic species, including on San Francisco Bay, are</p>

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			<p>analyzed in Impact AQUA-218. The redd dewatering and juvenile stranding analyses are conducted in the Section 7 Biological Assessment, which was incorporated into the FEIR/FEIS by reference. These analyses find negligible effects on salmonids that would not rise to the level of adverse or significant in a NEPA/CEQA context.</p> <p>Water transfers and exchanges have been assumed as part of broader project operations in CALSIM modeling. Model outputs during prior historical droughts ('29-'34, '76-'77, and '87-'92) were examined as part of overall model output examination and analysis.</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>
Planning and Conservation League	9	<p>The FEIR-EIS at page 33, "Table 1-1. Summary of Agencies and Review, Approval, or Other Responsibilities, in Addition to Those under CEQA and NEPA" does little to meet legal obligations under CEQA and NEPA for meeting statutory and regulatory requirements. As the title indicates, the long list of various entities is 'in Addition to Those under CEQA and NEPA.' This list fails to address why the above regulations for establishing "Responsible Parties under CEQA" and "Cooperating Agencies under NEPA" were not followed in designating these select water export contractors this elevated status. The public is even more confused by the listing in the FEIR-FEIS when these select water export contractors (except for the SFWCA which is listed as a Cooperating Agency) are listed as "potential CEQA responsible agencies" –with the footnote that "The term potential is used in this table generally. Whether particular entities are responsible agencies will be determined when a final BDCP is approved. " This shifting sand is not legally allowed, as noted in the previous discussions.</p> <p>The fact that selected water export contractors with preferential status meet by contractual agreement in monthly meetings to decide the range of alternatives, respond to comments and provide engineering advice, and must be provided documents prior to public release, and yet were not properly designated 'Responsible Agencies' pursuant to the 1st MOA to the BDCP-DHCCP, does not meet the legal requirements.</p>	<p>This comment is about water contractors involvement. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
Planning and Conservation League	10	<p>Conclusion</p> <p>In these comments on the Bay Delta Conservation Plan/California Water Fix (BDCP/CWF) and its Final Environmental Impact Report/Final Environmental Impact Statement (EIR/EIS), we have documented and evaluated implications of two broad and interactive areas of noncompliance with CEQA and NEPA:</p> <p>(1) The lack of an accurate, stable, and consistent project definition has made the project impossible for the public to evaluate as it shifted over time, led to inadequate environmental analysis, deceptively shifted the intent of the project from conservation to maximum water export, and resulted in poorly defined and incomplete formulation and evaluation of project impacts; and</p> <p>(2) The granting of preferential influence to select state and federal water contractors who would benefit most from the proposed project was done by USBR and DWR without following required procedures and public disclosure, thus hiding</p>	<p>This comment is about CEQA/NEPA compliance. 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>this preferential influence from the public, and the preferential status of the contractors as Cooperating and Responsible Agencies has led to biased formulation and analysis of project alternatives and impacts because of their inside access to project analysis and decision making.</p> <p>These shortcomings are critical and illegal flaws that disqualify the project and the EIR/EIS.</p> <p>We appreciate the opportunity to provide these supplemental comments and by reference we adopt by reference the Environmental Advocates' supplemental comments submitted to the Delta Stewardship Council dated February 2, 2012, with attachments that can be found on the DWC website.</p>	
Planning and Conservation League	ATT 1	<a href="http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/California_WaterFix_RDEIR-SDEIS_FAQ_Aug-15.sflb.ashx">http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/California_WaterFix_RDEIR-SDEIS_FAQ_Aug-15.sflb.ashx</a>	This attachment is 2015 WaterFix outreach material 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.
Planning and Conservation League	ATT 2	<a href="http://www.deltatunnelsboondoggle.com/wp-content/uploads/2017/01/DHCCP-Original-MOA-WWD-SLDWA-et-al-with-DWR-2009.pdf">http://www.deltatunnelsboondoggle.com/wp-content/uploads/2017/01/DHCCP-Original-MOA-WWD-SLDWA-et-al-with-DWR-2009.pdf</a> & <a href="http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/First_Amendement_BDCP_MOA_Redline_Edits_12-16-11.sflb.ashx">http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/First_Amendement_BDCP_MOA_Redline_Edits_12-16-11.sflb.ashx</a> & <a href="http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/First_Amendement_BDCP_MOA_Redline_Edits_12-16-11.sflb.ashx">http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/First_Amendement_BDCP_MOA_Redline_Edits_12-16-11.sflb.ashx</a>	This attachment is information on the BDCP Memorandum of Agreement 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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Planning and Conservation League	ATT 3	<a href="http://www.deltatunnelsboondoggle.com/water-exporters-embedded-dwr/">http://www.deltatunnelsboondoggle.com/water-exporters-embedded-dwr/</a> & <a href="http://www.deltatunnelsboondoggle.com/wp-content/uploads/2017/01/hidden-water-exporter-plan.pdf">http://www.deltatunnelsboondoggle.com/wp-content/uploads/2017/01/hidden-water-exporter-plan.pdf</a>	This attachment is information on DHCCP participants, a Water Resources Committee meeting, and the BDCP Memorandum of Agreement 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.
Planning and Conservation League	ATT 4	See Federal Assistance Grants and Cooperative Agreements with the California Department of Water Resources: 09FC200011, R10AC20897 (Completion date March 2013 extended to March 2014) for \$51,841,000. Agreement # R10AC20897 ( Signed July 30, 2015 with a completion date December 31, 2016) for \$17,941,727.00. And the American Resource and Recovery Act (ARRA) Agreement # R10AC20R23 for \$3,950,372.00 signed on December 31, 2009 with extensions to be completed March 30, 2011 and then extended to March 30, 2014.	This attachment is about Federal Assistance Grants and Cooperative Agreements 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.
Planning and Conservation League	ATT 5	<a href="http://www.pacific.edu/Documents/schoolbusiness/BFC/WaterFix%20benefit%20cost.pdf">http://www.pacific.edu/Documents/schoolbusiness/BFC/WaterFix%20benefit%20cost.pdf</a>	This attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
Planning and Conservation League	ATT 6	<a href="http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0001-0050/sbx7_1_bill_20091112_chaptered.html">http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0001-0050/sbx7_1_bill_20091112_chaptered.html</a>	This attachment is Delta Reform Act Water Code 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.
Planning and Conservation League	ATT 7	<a href="http://www.cwater.com/DocumentCenter/Home/View/1981">http://www.cwater.com/DocumentCenter/Home/View/1981</a>	This attachment is Contra Costa Water District comments on the First Amendment to the BDCP Memorandum of Agreement 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.

Letter	Comment #	Comments	Relation to Final EIR/EIS
Planning and Conservation League	ATT 8	<a href="http://deltacouncil.ca.gov/sites/default/files/documents/files/EDF_111611.pdf">http://deltacouncil.ca.gov/sites/default/files/documents/files/EDF_111611.pdf</a>	This attachment is Environmental Defense Fund's comments on the First Amendment to the BDCP Memorandum of Agreement 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.
Planning and Conservation League	ATT 9	<a href="http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/STCDA%20et%20al/scda_51.pdf">http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/STCDA%20et%20al/scda_51.pdf</a>	This attachment is Exhibit Number SCDA-51 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.
Planning and Conservation League	ATT 10	<a href="https://www.epa.gov/sites/production/files/documents/epar9commentsbdcpurpmt6-10-2010.pdf">https://www.epa.gov/sites/production/files/documents/epar9commentsbdcpurpmt6-10-2010.pdf</a>	This attachment is an EPA letter regarding the purpose statement for the BDCP 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.
Planning and Conservation League	ATT 11	<a href="http://www.restorethedelta.org/wp-content/uploads/2015/11/BDCP-CWF-Army-Corps-Cmts-PCL-et-al-10-30-15.pdf">http://www.restorethedelta.org/wp-content/uploads/2015/11/BDCP-CWF-Army-Corps-Cmts-PCL-et-al-10-30-15.pdf</a>	This attachment was received during a previous comment period and does not raise any substantive new environmental issues that were not previously addressed in Volume 2, response to comment letter 2491 of the Final EIR/S.
Planning and Conservation League	ATT 12	<a href="http://www.water.ca.gov/swp/">http://www.water.ca.gov/swp/</a>	This attachment is the State Water Project website 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.
Planning and Conservation League	ATT 13	<a href="https://www.usbr.gov/mp/accomp-rpt/2010-accomp-rpt.pdf">https://www.usbr.gov/mp/accomp-rpt/2010-accomp-rpt.pdf</a>	This attachment is a USBR 2010 booklet 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.

Letter	Comment #	Comments	Relation to Final EIR/EIS
Planning and Conservation League	ATT 14	<a href="http://www.restorethedelta.org/wp-content/uploads/2016/08/Tim-Stroshane-Testimony-SIGNED.pdf">http://www.restorethedelta.org/wp-content/uploads/2016/08/Tim-Stroshane-Testimony-SIGNED.pdf</a>	This attachment is testimony of Tim Stroshane 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.
Planning and Conservation League	ATT 15	<a href="http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/Letter_to_Congressman_Miller_regarding_MOA.sflb.ashx">http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/Letter_to_Congressman_Miller_regarding_MOA.sflb.ashx</a>	This attachment is a 2011 letter from the Secretary of Interior regarding the BDCP Memorandum of Agreement 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.
Planning and Conservation League	ATT 16	<a href="http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=13148">http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=13148</a>	This attachment is a 2011 news article about the Draft BDCP 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.

Letter	Comment #	Comments	Relation to Final EIR/EIS
Planning and Conservation League	ATT 17	<a href="http://www.waterboards.ca.gov/waterrights/water_issues/programs//bay_delta/california_waterfix/exhibits/exhibit3/rdeir_sdeis_comments/RECIRC_2582_SWRCB.pdf">http://www.waterboards.ca.gov/waterrights/water_issues/programs//bay_delta/california_waterfix/exhibits/exhibit3/rdeir_sdeis_comments/RECIRC_2582_SWRCB.pdf</a>	This attachment was received during a previous comment period and does not raise any substantive new environmental issues that were not previously addressed in Volume 2, response to comment letter 2582 of the Final EIR/S.
Planning and Conservation League	ATT 18	<a href="https://www.epa.gov/sites/production/files/2015-10/documents/waterfix-ltr-murillo-103015.pdf">EPA 10-3-15 comments https://www.epa.gov/sites/production/files/2015-10/documents/waterfix-ltr-murillo-103015.pdf</a>	This attachment was received during a previous comment period and does not raise any substantive new environmental issues that were not previously addressed in Volume 2, response to comment letter 2577 of the Final EIR/S.
Planning and Conservation League	ATT 19	<a href="http://www.restorethedelta.org/comment-letters-on-bdcp-california-waterfix/">http://www.restorethedelta.org/comment-letters-on-bdcp-california-waterfix/</a>	This attachment is a link to a website containing comment letters on the BDCP/California WaterFix 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.
Planning and Conservation League	ATT 20	<a href="http://www.deltatunnelsboondoggle.com/wp-content/uploads/2017/01/Water_Use_Efficiency_and_Jobs_2011.pdf">http://www.deltatunnelsboondoggle.com/wp-content/uploads/2017/01/Water_Use_Efficiency_and_Jobs_2011.pdf</a>	This attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
Planning and Conservation League	ATT 21	<a href="http://www.restorethedelta.org/wp-content/uploads/2015/08/DCE-Cm1-Property-Acquisition-Plan-1-Fr-MWD-PRA-2015.pdf">http://www.restorethedelta.org/wp-content/uploads/2015/08/DCE-Cm1-Property-Acquisition-Plan-1-Fr-MWD-PRA-2015.pdf</a>	This attachment is the DCE CM1 Property Acquisition Management Plan 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.

Letter	Comment #	Comments	Relation to Final EIR/EIS
Planning and Conservation League	ATT 22	<a href="http://www.scpr.org/news/2015/11/10/55575/mwd-votes-to-buy-delta-islands-critics-see-water-g/">MWDhttp://www.scpr.org/news/2015/11/10/55575/mwd-votes-to-buy-delta-islands-critics-see-water-g/</a>	This attachment is a 2015 news article regarding MWD's purchase of Delta Islands 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.
Planning and Conservation League	ATT 23	<a href="http://www.lloydgcarter.com/content/140130649_swp-water-supply-contract-extension">http://www.lloydgcarter.com/content/140130649_swp-water-supply-contract-extension</a>	This attachment is a report on the SWP Water Supply Contract Extension 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.
Planning and Conservation League	ATT 24	<a href="https://mavensnotebook.com/wp-content/uploads/2014/04/March-4th-PCL-et-al-SWP-Water-Supply-Contract-Extension-Comment-2.pdf">https://mavensnotebook.com/wp-content/uploads/2014/04/March-4th-PCL-et-al-SWP-Water-Supply-Contract-Extension-Comment-2.pdf</a>	This attachment is a 2013 comment letter regarding SWP Water Supply Contracts 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.
Planning and Conservation League	ATT 25	<a href="http://www.deltatunnelsboondoggle.com/wp-content/uploads/2017/01/SWP-contract-extension-PCL-DEIR-comments-10-17-16.pdf">http://www.deltatunnelsboondoggle.com/wp-content/uploads/2017/01/SWP-contract-extension-PCL-DEIR-comments-10-17-16.pdf</a>	This attachment is a 2016 comment letter regarding the Draft EIR for the Water Supply Contract Extension Project 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.
Planning and Conservation League	ATT 26	<a href="http://www.fresnobee.com/news/local/water-and-drought/article19538838.html#storylink=cpy">http://www.fresnobee.com/news/local/water-and-drought/article19538838.html#storylink=cpy</a>	This attachment is a 2015 news article regarding water service rates 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.

Letter	Comment #	Comments	Relation to Final EIR/EIS
Planning and Conservation League	ATT 27	<a href="http://www.latimes.com/business/la-fi-westlands-sec-20160309-story.html">www.latimes.com/business/la-fi-westlands-sec-20160309-story.html</a>	This attachment is a 2016 news article on Westlands Water District 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.
Planning and Conservation League	ATT 28	<a href="http://deltacouncil.ca.gov/sites/default/files/documents/files/20120202_Env_Advocates.pdf">http://deltacouncil.ca.gov/sites/default/files/documents/files/20120202_Env_Advocates.pdf</a>	This attachment is a 2012 comment letter regarding the Delta Plan DEIR 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.
Planning and Conservation League	ATT 29	NOI-BDCP--Federal Register Notice of Intent (NOI) to Prepare EIS-EIR for Bay Delta Habitat Conservation Plan designed to provide a 'recovery plan for endangered species' (Section 10 permit) [73 FR 4178]	This attachment is the BDCP Notice of Intent 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.
Planning and Conservation League	ATT 30	NOI-BDCP---USBR is added as another Lead Agency for the NOI for the BDCP [73 FR 20326]	This attachment is information on the BDCP 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.
Planning and Conservation League	ATT 31	NOI-BDCP--EPA and ACE are added as Cooperating agencies and a new project purpose is added to deliver "up to full water contract amounts" for Kern and specified San Luis Delta Mendota Water Contractors such as WWD. [74 FR 7257]	This attachment is information on the BDCP Cooperating Agencies 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.

Letter	Comment #	Comments	Relation to Final EIR/EIS
Planning and Conservation League	ATT 32	MOA between DWR, USBR and specific water contractors is signed, creating the Delta Habitat Conservation Conveyance Program (DHCCP) MOA to fund an EIS-EIR document covering "analysis of appropriate habitat conservation and water supply measures, including Delta conveyance options that are developed in the Bay Delta Conservation Planning (BDCCP) process." <a href="http://www.deltatunnelsboondoggle.com/wp-content/uploads/2017/01/DHCCP-Original-MOA-WWD-SLDWA-et-al-with-DWR-2009.pdf">http://www.deltatunnelsboondoggle.com/wp-content/uploads/2017/01/DHCCP-Original-MOA-WWD-SLDWA-et-al-with-DWR-2009.pdf</a>	This attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
Planning and Conservation League	ATT 33	Federal Assistance Agreement (FAA) between DWR and USBR is signed to fund EIR-EIS for DHCCP "planning activities" deliveries include EIS-EIR & Feasibility Document at \$ 51.841 million dollars --Cooperative Agreement - 09FC200011 <a href="http://www.deltatunnelsboondoggle.com/wp-content/uploads/2013/02/DHCCP-Original-Agreement-09FC200011-2.pdf">http://www.deltatunnelsboondoggle.com/wp-content/uploads/2013/02/DHCCP-Original-Agreement-09FC200011-2.pdf</a>	This attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
Planning and Conservation League	ATT 34	Agreement for Advance Payment of Operation and Maintenance charges (09-WC-20-3801) allowing a reimbursement credit back to federal water districts that pay for DHCCP EIS-EIR funding of EIS and making these costs taxpayer funded & non-reimbursable. <a href="http://www.deltatunnelsboondoggle.com/wp-content/uploads/2013/02/DHCCP-USBR-3-09-Agreement-09-wc-20-3801-Westlands.pdf">http://www.deltatunnelsboondoggle.com/wp-content/uploads/2013/02/DHCCP-USBR-3-09-Agreement-09-wc-20-3801-Westlands.pdf</a>	This attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.

Letter	Comment #	Comments	Relation to Final EIR/EIS
Planning and Conservation League	ATT 35	BDCP MOA changes & disclosure of DHCCP MOA 1st Amendment and Federal White Paper first public mention of contractors elevated role and access as Responsible Agencies (CEQA) and Cooperating Agencies (NEPA) <a href="http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/Letter_to_Congressman_Miller_regarding_MOA.sflb.ashx">http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/Letter_to_Congressman_Miller_regarding_MOA.sflb.ashx</a>	This attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
Planning and Conservation League	ATT 36	First Amendment DHCCP MOA & BDCP MOA--commits DWR and USBR to listing water export contractors-- WWD, SCVWD, SLDMWA, KCWA and SWPC--as Responsible Agencies and Cooperating Agencies, thus elevating their interests and influence above others in this massive public project, and also increases planning funding. <a href="http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/First_Amendment_MOA_September_2011.sflb.ashx">http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/First_Amendment_MOA_September_2011.sflb.ashx</a>	This attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
Planning and Conservation League	ATT 37	Joint Federal and State draft EIS-EIR for a Bay-Delta conservation plan to support a 50 year permit for the SWP CVP projects, with 150,000 acres of mitigation proposed.	This attachment is information on the Joint Federal and State draft EIS-EIR for the BDCP 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.

Letter	Comment #	Comments	Relation to Final EIR/EIS
Planning and Conservation League	ATT 38	Federal Register NOI for BDCP-Cal Water Fix Re-circulated EIR_Supplemental EIS. Reclamation and DWR are lead federal and state agencies. NMFS, USFWS, and the U.S. Army Corps of Engineers are now cooperating agencies for the RDEIS/SDEIR. Tunnels (only) strategy is the export project alternative added. Water export contractors are again identified as Cooperating Agencies through prior agreements and retain this elevated status for the RDEIR/SDEIS. [73 FR 4178]	This attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
Planning and Conservation League	ATT 39	Released partially Re-circulated Draft Environmental Impact Report (EIR)/Supplemental Draft Environmental Impact Statement (EIS) on the Bay Delta Conservation Plan/California WaterFix. Project has now been transformed to construction and operation of a new export and diversion tunnels project with greater CVP-SWP exports, taking more water from the Bay-Delta estuary and seeking an ESA Section 7 take permit as the State & Federal preferred project. Actions necessary to protect water quality and aquatic life are deferred to sometime in the future.	This attachment is information on the Partially Recirculated Draft EIR/ Supplemental Draft 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.

Letter	Comment #	Comments	Relation to Final EIR/EIS
Planning and Conservation League	ATT 40	<p>Executed Financial Assistance Agreement (FAA) for the final EIS-EIR of the Delta Habitat and Conveyance Program (DHCCP) for \$17.941+ Million. Funding agreement between USBR and DWR for a FEIS-FEIR document for the DHCCP specified purpose which includes, "implementation of the proposed Habitat Conservation Plan and California Natural Community Conservation Plan alternatives within the Final Bay Delta Conservation Plan (BDCP) Environmental Impact Statement/Environmental Impact Report (EIR/EIS) document..." [Agreement # R15AC0052]  <a href="https://mcnerney.house.gov/sites/mcnerney.house.gov/files/documents/Murillo%20Ltr%20Re%20DHCCP_BDCP_CWF%20Appropriations%202016-2.pdf">https://mcnerney.house.gov/sites/mcnerney.house.gov/files/documents/Murillo%20Ltr%20Re%20DHCCP_BDCP_CWF%20Appropriations%202016-2.pdf</a></p>	This attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
Planning and Conservation League	ATT 41	<p>Statutory [S 612 Title III, Subtitle J], provides governing operations of the federal and state water projects under the Endangered Species Act for up to five years, regardless of drought conditions. It also alters federal water policy in the Sacramento–San Joaquin Delta requiring maximum exports under specified conditions. The amount of additional water the new law will make available to CVP and SWP contractors is uncertain—though it is likely to vary considerably with hydrologic conditions.</p>	This attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.

Letter	Comment #	Comments	Relation to Final EIR/EIS
Planning and Conservation League	ATT 42	Federal Register Notice FEIS-EIR, DWR identified Alternative 4A i.e. the new tunnels, with three intakes, new diversion and export project as their proposed project and Reclamation has selected Alternative 4A as the National Environmental Policy Act preferred alternative. Now called Cal WaterFix. Water export contractors are identified as Cooperating Agencies through prior agreements and retain this elevated status for the FEIS/FEIR, giving them front row seats to ensure contractor "certainty" for maximum exports.[81 FR 96485]	This attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.