

Letter	Comment #	Comments	Relation to Final EIR/EIS
Sacramento Regional County Sanitation District	1	<p>The Sacramento Regional County Sanitation District (Regional San) submits the following comments on the Final Environmental Impact Report/Environmental Impact Statement (FEIR/EIS) for the California WaterFix Project (Project). Regional San provides wastewater collection, conveyance and treatment for over 1.4 million people in the Sacramento region. On average, we safely treat and discharge 140 million gallons of wastewater per day in accordance with our National Pollutant Discharge Elimination System (NPDES) permit. We take our mission very seriously to protect public health and the environment.</p> <p>Many of our NPDES permit requirements are tied to conditions in the Sacramento River and the Delta ecosystem. Changes in those conditions can affect Regional San adversely by leading to modifications of its NPDES permit or its facilities that in turn can impose costs to our rate payers that would not otherwise occur. Significant environmental effects will result from the construction and operation of the Project's facilities.</p> <p>Accordingly, Regional San is concerned with the Project's large-scale changes and impacts to the Sacramento River and the Delta, which also has the potential to impact our operations, our NPDES permit and ultimately the interests of our region.</p> <p>Regional San previously submitted numerous comments on early versions of BDCP, the 2013 Draft BDCP EIR/EIS and the 2015 Draft CA WaterFix Recirculated DEIR/Supplemental DEIS. Our comments have consistently focused on: the need for using the best-available, sound science; the point that all Project related impacts on Regional San need full mitigation; and the need for a transparent and meaningful public review process. These same themes are relevant with the FEIR/EIS. Our overarching concerns are highlighted below and our comments are expanded upon in more detail in this letter and in Attachment 1. In summary, Regional San's major concerns continue to include that the FEIR/EIS:</p> <ul style="list-style-type: none"> •Failed to satisfy CEQA's and NEPA's informational mandates; •Provided inadequate opportunity for public review and comment; •Failed to adequately address or actually evaluate the potential for Project impacts on Regional San's operations; •Failed to adequately respond to Regional San's comments; •Neglected to recognize Regional San's rights to its recycled water. 	<p>This section is a summary of the Regional San comments provided in detail below. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
Sacramento Regional County Sanitation District	2	<p>I. The Lead Agencies Did Not Provide an Adequate Opportunity for Public Review and Comment on the FEIR/EIS</p> <p>Regional San has made its best effort in the limited review time prescribed by the California Department of Water Resources (DWR) to review the portions of the FEIR/EIS that are relevant to Regional San's concerns. Regional San's ability to conduct a thorough review was frustrated by the lead agencies' decision to release the FEIR/EIS on the eve of the Christmas holiday, at a time when staff and consultants had planned vacations, and its subsequent attempt, through a statement buried in a December 30, 2016 Federal Register Notice of Availability, to limit the opportunity for public input on the FEIR/EIS to just 30 days:</p> <p>[T]he end of the Federal Register notice period is intended by DWR to close the period by which any person may submit to DWR any grounds for noncompliance with CEQA, CA Public Resources Code</p>	<p>This comment is an opinion that the NEPA Federal Register period of 30 days was inadequate for the purpose of providing substantive comments on the Final EIR/EIS. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S. Please see Federal Register Notice Period for the California WaterFix Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS) letter regarding requests for extending NEPA review period.</p>

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		<p>Section 21177(a). (81 Fed. Reg. 96486; 96451.)</p> <p>DWR’s attempt to limit the opportunity for public comment is perplexing given that the agency has stated that it does not intend to approve the Project until the completion of the required federal Endangered Species Act consultations, which as of early December, were predicted to conclude in March or April. The short review period was especially problematic given the size of the FEIR/EIS, the inclusion of extensive new material and the fact that entire impact sections were rewritten (with no indication of where changes occurred from the Draft EIR [DEIR]/EIS or Recirculated Draft [RDEIR]/SDEIS), thus requiring the public to re-read entire impact sections of the document, many of which run into the thousands of pages), the fact that the Project has changed with each environmental document that has been released, and that the FEIR/EIS did not explain or analyze impacts of the Project as DWR now states it may operate (i.e., under a much wider range of operations than considered in the DEIR/EIS or RDEIR/EIS). Regional San’s attempt to locate information relevant to its concerns was further complicated by the fact that the document does not use consistent terminology in referring to Regional San, which is referred to variously as Regional San, SRCSD, SRWTP, and Sac Regional, increasing the burden of identifying relevant information through a word search. As with the DEIR/EIS and RDEIR/SDEIS, the size, structure, and means of presenting information in the FEIR/EIS inhibited review and informed public participation, and the too-short review period denied Regional San and the public a meaningful opportunity to locate, let alone evaluate, the new information contained in the FEIR/EIS and the validity of the conclusions the lead agencies have drawn from it.</p>	
Sacramento Regional County Sanitation District	3	<p>II. The FEIR/EIS Fails to Adequately Address the Potential for Project Impacts on Sacramento Regional Wastewater Treatment Plant Operations</p> <p>Regional San’s comments on the DEIR/EIS and RDEIR/SDEIS identified concerns with Project impacts on operation of the Sacramento Regional Wastewater Treatment Plant (SRWTP), which discharges treated effluent to the Sacramento River from an outfall at Freeport, upstream of the proposed WaterFix diversion points. In particular, Regional San pointed to the potential for significant impacts caused by Project-related changes in river temperature, water quality, and the number and duration of low-flow and reverse-flow periods in the river, which could limit Regional San’s ability to discharge under its National Pollutant Discharge Elimination System (NPDES) permit and require the construction of additional emergency storage at significant cost, and with associated environmental impacts. But, because the environmental documents did not present relevant modeling results, a proper determination of impacts to Regional San’s operations, and potential related impacts associated with construction of additional storage facilities and additional diversion capabilities, could not be made.</p> <p>Over the past 9 years, first with the Bay Delta Conservation Plan (BDCP) and then the California WaterFix, Regional San has devoted substantial staff and consultant resources to review the environmental documents and perform numerous modeling and scientific studies in an attempt to understand Project impacts. Regional San has written numerous comment letters to the lead agencies identifying our specific concerns. Although our analyses have indicated the potential for significant impacts to our operations, determining the exact impact to our operations has not been an easy task. The main reason for this difficulty has been the lack of acknowledgement of these concerns and cooperation from the lead agencies, and the continual shifting of the Project description, from Alternative 4 to Alternative 4A, Alternative 4A, Scenario H3+, and most recently, Boundary 1 and 2 operating scenarios. Along with these changes in the Project, there</p>	<p>This comment is an opinion that the analysis in the Final EIR/EIS and responses to comments was inadequate because a monthly operations modeling approach versus a daily approach was used that obscured impacts on Regional San’s ability to discharge to the Sacramento River and multiple revisions to the project operations and modeling approach have obscured impacts. Final EIR/EIS Chapter 8, Water Quality, evaluated changes to water quality and impacts using water quality criteria for protection of beneficial uses. Discharge of wastewater is not a “beneficial use” hence Chapter 8 does not address impacts to wastewater dischargers. Thus, we did not have a methodology/approach specific to addressing Regional San’s operations. Response to Comment 2579-12, in Volume 2, Final EIR/EIS, addresses these same issues about operations and reverse flows. 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>has been a lack of consistency in the Project proponents' choice of modeling tools (which affected the accuracy and reliability of the results) and their delay in releasing modeling results.</p> <p>To illustrate the challenges Regional San faced in evaluating and participating in the public review of the Project through its many iterations, the following provides a brief summary of the different model results and versions that Regional San was required to analyze to attempt to understand Project operations.</p>	
Sacramento Regional County Sanitation District	4	<p>A. 2013 BDCP Draft EIR/EIS Modeling</p> <p>For the first draft EIR/EIS, CALSIM II (2010 version) and DSM2 water quality modeling was performed. At this point, the Project included 65,000 acres of habitat restoration. Regional San's 2014 comment letter on the DEIR/EIS included modeling by Flow Science Incorporated (Flow Science) that showed impacts to SRWTP operations from reverse flow events that affected the ability to discharge and adequacy of the SRTWP emergency storage basins. In addition, temperature errors were found in the DEIR/DEIS model.</p> <p>B. 2014 BDCP/California WaterFix Recirculated Draft EIR/SDEIS Modeling</p> <p>The RDEIR/SDEIS relied on the same CALSIM II (2010 version) modeling performed for the BDCP DEIR/EIS, but this time no DSM2 modeling results were provided. Almost all of the habitat restoration work was eliminated from the Project, and a new operational scenario not evaluated in the DEIR/EIS – Alternative 4A – was identified as the preferred Project. Regional San's 2015 comment letter on the RDEIR/EIS provided additional analysis by Flow Science demonstrating that the modeling approach was insufficient to understand Project impacts. Among the specific comments, it was noted that the use of CALSIM II monthly average model output failed to account for the daily tidal influence or reverse flow effects that are essential to determining Project effects on Regional San's operations. It was further noted that the removal of the habitat restoration component of the Project had the potential to result in even greater impacts, and thus that our previous concerns might be amplified.</p> <p>C. 2016 California WaterFix Biological Assessment and Water Rights Change Petition Modeling</p> <p>Following a February 11, 2016 ruling by the State Water Resources Control Board (SWRCB) in the WaterFix water rights change petition proceedings, DWR announced that a complete CALSIM II and DSM2 analysis would be performed for the FEIR/EIS. A May 16, 2016, joint status report by DWR and the U.S. Bureau of Reclamation (USBR) to the SWRCB made the first public announcement that "updated modeling" will be performed as part of the water rights change petition to show potential injury to other legal water users. That update stated that the new CALSIM II and DSM2 model output could be obtained upon request.</p> <p>Those modeling results were notable for changes in methodology and in the Project description. This time, a newer, 2015 CALSIM II model was used, which was different from the 2010 version used for the DEIR/EIS and RDEIR/SDEIS. Also, in addition to the Alternative 4 H3 and H4 operating scenarios presented in the RDEIR/SDEIS, modeling was performed for two new and substantially different operating scenarios – Boundary 1 and Boundary 2 – which the public would later learn represented the outer ranges of Project operations. Although the purpose of those new model runs was to address potential injury to legal users of water and the</p>	Please refer to comment 3 above. 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>environment, very limited and highly selective results of the new model run were presented in the testimony submitted by DWR and USBR to the SWRCB.</p> <p>There was no other public review of this modeling analysis, or summary or analysis of its results. There was no clarification on the amount of habitat restoration that was assumed in the model, and no analysis of low and reverse flow impacts on the Sacramento River at Freeport, both key issues for Regional San.</p> <p>Given the complex and ever-shifting nature of the Project and associated modeling, to assist Regional San in its understanding of the FEIR/EIS and Project impacts, Regional San retained experts in hydrodynamic modeling and water quality impact analysis - Dr. Susan Paulsen and Dr. Aaron Mead of Exponent. As set forth in detail in the attached January 27, 2017 letter addressing the adequacy of the FEIR/EIS (Exponent letter), Regional San's primary concerns identified in the DEIR/EIS and RDEIR/EIS were not resolved in the FEIR/EIS, which has significant shortcomings that violate CEQA. The Exponent letter makes four primary findings regarding the FEIR/EIS:</p> <ol style="list-style-type: none"> 1. The FEIR/EIS modeling of Sacramento River flow impacts at Freeport is inadequate. 2. The FEIR/EIS fails to consider impacts resulting from Boundary 1 and Boundary 2 scenarios, which represent the operational range of the proposed project. 3. The FEIR/EIS evaluation of Sacramento River temperature impacts at Freeport is inadequate. 4. FEIR/EIS employs the incorrect "existing condition" baseline scenario. <p>As demonstrated by the Exponent letter, these shortcomings are both specific to Regional San (e.g., lack of relevant analysis of river flow and temperature impacts, inadequate response to comments) and global, affecting the overall adequacy of the document's analyses and impact determinations (e.g., use of the incorrect baseline scenario and failure to consider and disclose impacts of the full range of Project operations). These inadequacies prevented Regional San from understanding the Project's potentially significant impacts and as such, the document fails to satisfy CEQA and the National Environmental Protection Act's (NEPA) informational mandate.</p>	
Sacramento Regional County Sanitation District	5	<p>III. The FEIR/EIS Responses to Regional San's Comments Are Inadequate</p> <p>It is Regional San's understanding that CEQA requires lead agencies to respond to comments, particularly those that are technical or that present significant environmental questions, with good faith, reasoned analysis. Regional San further understands that lead agencies must respond to comments adequately and completely, and attempt in good faith to fully disclose impacts. In particular, the major environmental recommendations and objections raised in the comments must be addressed in detail, giving reasons why specific comments and suggestions were not accepted. cursory responses and those unsupported by credible data do not meet CEQA's standards for adequacy and informed decision-making.</p> <p>As explained in the Exponent letter, the FEIR/EIS responses to comments are not responsive to the most significant environmental issues identified by Regional San. For example, a key comment on the RDEIR/EIS expressed the concern that reliance on monthly average flow rate changes in the Sacramento River was inadequate to evaluate impacts to Regional San's operations. The response to this comment merely pointed to a graph of a plot of monthly average Sacramento River flow rates at Freeport (which is precisely the type of data that Regional San noted would be inadequate to understand impacts on its operations), and stated</p>	This comment is assertion that responses to Regional Sans comments on the Final EIR/EIS were not adequate because the Final EIR/EIS failed to present additional analyses as requested in previous Regional San comment letters. 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>that the graph shows that flows at Freeport will not change significantly under Project conditions, and thus that Regional San's operations would not be significantly impacted by the Project. This was not responsive to the comment made. Because the FEIR/EIS did not attempt to provide any further support for its conclusions beyond that which Regional San specifically identified as inadequate for assessing impacts, or to properly evaluate the extent of the Project's impacts on Regional San's operations, it failed to adequately respond to Regional San's comment.</p> <p>The failure to address the specific issues raised by Regional San is notable because Exponent's comments show that the data needed to evaluate Project impacts to Regional San was available to the Project proponents, that they considered it, and that they were concerned that impacts would be significant, indicated by the fact that the FEIR/EIS proposed mitigation measures, albeit styled as an "environmental commitment" (see section V, below). The failure to include this information in the response to comments, and adequately disclose impacts, violated CEQA.</p>	
Sacramento Regional County Sanitation District	6	<p>IV. Environmental Commitment 3B.3.6 Is Insufficient to Address Potential Impacts to Regional San's Operations and Does Not Excuse the Lead Agencies from the Requirement that the EIR/EIS Actually Evaluate Project Impacts</p> <p>Despite statements in the RDEIR/SDEIS and FEIR/EIS that Project operations would not impact Regional San's operations, the FEIR/EIS suggests the lead agencies were concerned that impacts would be significant, as the FEIR/EIS proposed mitigation styled as an "environmental commitment." Specifically, the Environmental Commitment 3B.3.6 states: "Modeling shows that operation of Alternative 4A may increase the frequency of reverse flows in the lower Sacramento River at Freeport," and "these increased reverse flow events at Freeport have the potential to cause the Sacramento Regional County Sanitation District (Regional San) to limit discharges from its Sacramento Regional Wastewater Treatment Plant to the Sacramento River and hold treated effluent in its storage basins until downstream river flow resumes and thus river discharge can resume" (FEIR/EIS, p. 3B-81). The environmental commitment further provides that "DWR, in consultation with Regional San, will develop a rule curve and/or operating protocols for the North Delta Intake diversions...to ensure that Regional San operations will remain consistent with facility storage capabilities and thus not adversely impact Sacramento Regional Wastewater Treatment Plant operations." (Id.)</p> <p>This environmental commitment does not satisfy CEQA's standards for mitigation because it lacks information that would demonstrate its feasibility. Moreover, simply including this mitigation in the FEIR/EIS does not excuse the lead agencies from their obligation to actually evaluate the nature and extent of potential impacts to Regional San's operations. Knowing the extent of potential impacts under the potential operating scenarios, including Boundary 1 and Boundary 2, is essential to understanding the nature and severity of any associated environmental impacts that could result if Regional San were unable to discharge to the Sacramento River, including if it were required to construct and operate larger or additional emergency storage basins. Given the clear potential for significant impacts acknowledged in environmental commitment 3B.3.6, the EIR/EIS must be revised to evaluate and disclose the full range of impacts that could result from Project-related changes in the frequency or duration of low and reverse flow events.</p> <p>The environmental commitment itself also must be revised. Exponent concludes there is</p>	<p>This comment is an opinion that EC 3B.3.6 addressing possible reverse flow effects of Alternative 4A on Regional Sans is inadequate because an additional significant impact should have been included in the Final EIR/EIS with additional mitigation measures. DWR maintains that EC 3B.3.6 is sufficient. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S. Please refer to Volume 2 of the Final EIR/EIS, response to comment letter 2579.</p>

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		insufficient evidence to demonstrate that the proposed rule curve and operational protocol are feasible or effective in avoiding adverse impacts to Regional San's operation and describes the type of information needed to assess the feasibility of this measure, including the proposed rule curve and/or operational protocol, along with an explanation and supporting evidence demonstrating how this protocol would affect flow rates in the Sacramento River at Freeport and Regional San operations. The environmental commitment should be revised to present concrete information about the proposed rule curve/protocol and how it would be expected to affect Regional San operations, and should provide an alternative mitigation option whereby the Project proponents commit to fully fund the costs of planning, designing and constructing any additional SRWTP emergency storage necessitated by the Project operations, in the event impacts cannot be avoided by the proposed rule curve and operational changes.	
Sacramento Regional County Sanitation District	7	<p>V. The FEIR/EIS Should Recognize Regional San's Rights to Its Recycled Wastewater</p> <p>As noted in the associated WaterFix water rights change proceeding, Regional San currently provides approximately 3.5 million gallons per day (mgd) of recycled water for beneficial reuse, with an existing water right order to provide up to 10 mgd of recycled water. Regional San is currently constructing its EchoWater Project, a \$2 billion investment that will provide disinfected tertiary treated effluent suitable for recycling and reuse for a broad range of purposes. Regional San is planning for a substantial increase in recycled water services using the high quality effluent that will be available once the EchoWater Project comes on line. Regional San has a wastewater petition for change pending before the State Water Resources Control Board for the South Sacramento County Agricultural & Habitat Lands Recycled Water Program, which proposes to reduce discharges from Regional San's SRWTP by up to 50,000 acre-feet per year. Regional San intends to pursue other recycled water projects in the future. As such, Regional San again reminds DWR and USBR that for purposes of WaterFix environmental review or Project operations, they should not assume that the amount of discharge from the SRWTP will continue at existing or previous levels. Regional San recognizes that DWR has stated categorically in its filings in the WaterFix water rights proceedings that it will not rely on Regional San's wastewater discharges to meet Project obligations, but this position should be clearly reflected in the FEIR/EIS.</p>	<p>This comment is a request that the Final EIR/EIS clearly state that DWR or Reclamation will not rely on Regional San discharges for SWP/CVP obligations. Sac Regional discharge would be part of the DSA70 return flows in CalSim II, which are assumed to flow into the Delta upstream of the proposed north Delta intakes, under both NAA as well as CWF Alternatives. As the changes in Sac Regional discharge could affect the Delta inflow under the NAA and the CWF Alternatives in the same way, the incremental effects found for CWF alternatives compared to the NAA and Existing Conditions are not affected by whether Sac Regional discharge changes. Also see Master Response 25, in Volume 2, Final EIR/EIS, regarding upstream reservoir effects.</p> <p>This comment does not raise any substantive new environmental information or analysis that would result in a new significant environmental impact.</p>
Sacramento Regional County Sanitation District	8	<p>VI. Conclusion</p> <p>Having participated in good faith in the multiple rounds of environmental review for the Project with detailed comments requesting meaningful analysis of the potential impacts of the WaterFix Project on Regional San's operations, Regional San is disappointed that its concerns and comments remain unaddressed. The FEIR/EIS's many inadequacies are such that the document fails to satisfy CEQA's and NEPA's informational mandates. The inadequacies are so substantial, especially when considered in light of the extensive revisions and additions to the FEIR/EIS, that the document must be revised and a new Draft EIR/EIS circulated to the public for review.</p>	<p>This section is a conclusion summarizing the Final EIR/EIS inadequacies from the commenter's perspective. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
Sacramento Regional County Sanitation District	9	<p>We have reviewed the recently issued "Bay Delta Conservation Plan/California WaterFix Final Environmental Impact Report/Environmental Impact Statement" (FEIR/EIS) and have prepared the following technical comments on the document pertaining to Sacramento Regional County Sanitation District's (Regional San) interests. Our evaluation and comments are as follows:</p> <p>1. The FEIR/EIS modeling of Sacramento River flow impacts at Freeport is inadequate.</p> <p>Original Regional San Comment: Regional San previously submitted comments on the Draft</p>	<p>Please refer to comments 3 and 4 above. 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>EIR/EIS (DEIR/EIS) and Recirculated Draft EIR/EIS (RDEIR/SDEIS). Regional San's comments included a discussion of the Department of Water Resources' (DWR) modeling of Sacramento River flow at Freeport. Regional San believes DWR's modeling was insufficient to characterize potential impacts to operation of the Sacramento Regional Wastewater Treatment Plant, which discharges treated effluent to the Sacramento River from an outfall at Freeport, upstream of the proposed WaterFix diversion points.</p> <p>Regional San commented that the proposed WaterFix project involves the operation of the State Water Project/Central Valley Project (SWP/CVP) system such that Sacramento River flow rates near Regional San's outfall at Freeport could change under project conditions. Regional San is concerned the project could increase the number and duration of low-flow and reverse-flow periods in the river. During low-flow and reverse-flow conditions and as specified in Regional San's NPDES permit, Regional San would not be permitted to discharge.</p> <p>Regional San also commented that the analysis presented in the RDEIR/SDEIS included only monthly average river flow rates at Freeport; these documents did not include or describe the tidally-influenced hourly or sub-hourly flow rates. Regional San's operations depend upon river flow rates that are measured on an hourly or sub-hourly basis, and these flow rates determine whether or not Regional San is permitted to discharge. If the proposed project increases the frequency or duration of low flow rates in the river at Freeport, Regional San could be required to divert greater volumes of treated effluent to emergency storage basins (ESBs), which could in turn necessitate the construction of additional ESB volume at significant cost and with associated environmental impacts. But, because the environmental documents did not present relevant modeling results, a proper determination of impacts to Regional San's operations, and potential related impacts associated with construction of additional storage facilities, could not be made (Letter 321, Comment 1; Letter 2579, Comments 1, 12, 13, 14, 15, 16, 20, 21, 57, 63).</p> <p>FEIR/EIS Response 1: The FEIR/EIS responses to this comment make several points. First, the response to Letter 321, Comment 1, states that Figure 4.3.2-4 of the RDEIR (presented below as Figure 1) shows that flows at Freeport will not change significantly under project conditions, and thus that Regional San's operations would not be significantly impacted by the project. Responses to Letter 2579, Comments 13, 14, 15, 16, 20, 21, 57, and 63 also make this point.</p> <p>Exponent Reply 1: Figure 4.3.2-4 does not present results that can be used to evaluate impacts to Regional San's operations. Figure 4.3.2-4 presents a plot of monthly average Sacramento River flow rates at Freeport over the 16-year modeling period (1976–1991), which seems to have been generated by first calculating an average flow rate for each month from 15-minute DSM2 output, then by averaging those average flow rates over the 16-year period. The information shown in Figure 4.3.2-4 contains the type of data that Regional San's comments noted would be inadequate to understand impacts on its operations. Tidal impacts on river flows at Freeport are well understood and can be readily modeled; thus, there appears to be no reason to present monthly average flow rates instead of hourly data that would show tidal influences.</p> <p>Prior work performed by Flow Science Incorporated evaluated the ability of DSM2 to simulate hourly and sub-hourly flow rates at Freeport accurately. At lower river flow rates (i.e., the flow rates at which reverse flow events will occur over the course of a tidal cycle), the DSM2 accurately simulated reverse flow events. Thus, DSM2 is a suitable tool for exactly this purpose. Aggregating flows to monthly averages, as the Lead Agencies have done in the FEIR/EIS,</p>	

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		<p>obscures the impact of short-term flow variations that result in low and reverse flows. Figure A-6 of the FEIR/EIS (p. 5A-A18, presented below as Figure 2) illustrates this phenomenon for the Sacramento River at Freeport. In Figure A-6, the daily average flow rate on May 1 is approximately 7,500 cubic feet per second (cfs) while the monthly average flow rate—calculated from the plotted daily average flow rates—is significantly higher at approximately 11,000 cfs. The monthly average value thus obscures how low the daily-simulated average flow rate actually becomes. Thus, FEIR/EIS statements that monthly average flow rates at Freeport do not change significantly under project conditions are not responsive to the question of variability between years within the 16-year model period, or whether there will be additional low-flow events at Freeport, and thus whether Regional San’s operations will be impacted. DWR’s response to these comments is thereby inadequate.</p>	
Sacramento Regional County Sanitation District	10	<p>FEIR/EIS Response 2: The FEIR/EIS further responds to Regional San’s original comment by asserting (a) that the Lead Agencies did, in fact, use DSM2 to assess changes in sub-daily Freeport flow rates under project conditions (“Disaggregated data was [sic] calculated during preparation of the EIR/EIS using the DSM2 model to indicate changes during tidal cycles” [responses to Letter 2579, Comment 13 and other comments]) and (b) that the FEIR/EIS includes a commitment to operate the proposed project in a way that does not require additional ESB storage at Regional San. Specifically, the FEIR/EIS states, “As part of preparing the Final EIR/EIS, the DSM2 model was used by the project proponent to model the change in frequency of reverse flow events at Freeport and potential effects on operations of the Freeport Water Project and SRWTP. An additional environmental commitment will be added to the Final EIR/EIS to develop an operational rule curve for use of the North Delta diversion facilities such that these facilities can be operated in a manner that would not result in reverse flow conditions that would exceed the SRWTP’s ability to accommodate such events based on its storage basin capacity” (Response to Letter 2579, Comment 12). In Appendix 3B, Section 3.6, the FEIR/EIS’s “environmental commitment” is stated as follows: “DWR, in consultation with Regional San, will develop a rule curve and/or operating protocols for the North Delta Intake diversions...to ensure that Regional San operations will remain consistent with facility storage capabilities and thus not adversely impact Sacramento Regional Wastewater Treatment Plant operations” (p. 3B-81).</p> <p>Exponent Reply 2: The FEIR/EIS response to Regional San’s original comment is problematic for several reasons. As an initial matter, although the FEIR/EIS refers to DSM2 modeling that was “used by the project proponent to model the change in frequency of reverse flow events at Freeport and potential effects on operations of the Freeport Water Project and SRWTP” (Response to Letter 2579, Comment 12), the results of this modeling, and the details of any analysis based on this modeling, are not presented in the FEIR/EIS except in a passing comment on p. 1-39 of Master Response 15 (see also below). As a result, it is not possible to determine from the FEIR/EIS whether the proposed project would have an adverse impact on flow rates at Freeport or on Regional San’s operations. Because the data were available, the Lead Agencies should have presented these modeling data and an analysis of the results in the FEIR/EIS to address Regional San’s comments.</p> <p>The FEIR/EIS also makes inconsistent statements about the effect of the proposed project on Sacramento River reverse flows at Freeport. The FEIR/EIS states that the project would not have a significant impact on the Sacramento River flow regime at Freeport. For example, as noted above, in response to Letter 321, Comment 1, the FEIR/EIS states, “As shown in Figure 4.3.2-4 of the RDEIR/SDEIS, lower Sacramento River flow at Freeport would change minimally between</p>	Please refer to comment 5 above. 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>Alternative 4A and Existing Conditions and the No-Action Alternative (NAA).” This response implies that reverse- flow and low-flow conditions would not change significantly under project conditions.</p> <p>However, Master Response 15 from the FEIR/EIS states, “Modeling shows that Alternative 4A may increase reverse flows in the lower Sacramento River at Freeport, relative to the NAA...” (p. 1-39). The fact that the FEIR/EIS makes an “environmental commitment” to develop “a rule curve and/or operating protocol for the North Delta Intake diversions...to ensure that Regional San operations will remain consistent with facility storage capabilities” (Appendix 3B, Section 3.6, p. 3B-81) implies that the project-driven increase in reverse flow events revealed by the Lead Agencies’ DSM2 modeling is in fact significant. Thus, not only does the FEIR/EIS fail to present relevant DSM2 modeling results in any detail, but FEIR/EIS statements about the Sacramento River modeling results are inconsistent.</p> <p>Finally, it is not clear from the FEIR/EIS whether the proposed “rule curve and/or operational protocol for the North Delta Intake (NDI) diversions” is feasible or whether changes in NDI diversions could have a sufficient impact on flow rates at Freeport to eliminate any impacts to Regional San’s operations. The SWP/CVP system is operated as an integrated system, and flow rates at Freeport are largely a result of reservoir releases and operations upstream of Freeport. Because the NDI diversions are downstream of Freeport, it is not clear that changes to NDI diversion patterns would have a material effect on flow rates at Freeport. In any case, the effect of changes to NDI diversions on flow rates at Freeport has not been demonstrated by the FEIR/EIS. To demonstrate the feasibility of this “environmental commitment,” the FEIR/EIS should have presented (at least conceptually) the proposed rule curve and/or operational protocol, along with an explanation and supporting evidence demonstrating how this protocol would affect flow rates in the Sacramento River at Freeport and Regional San operations. In fact, the FEIR/EIS presented no concrete information about the proposed rule curve/protocol or its impact on Regional San operations, apart from an unsubstantiated assurance that Regional San’s operations would not be significantly impacted.</p>	
Sacramento Regional County Sanitation District	11	<p>2. FEIR/EIS fails to consider impacts resulting from Boundary 1 and Boundary 2 scenarios, which represent the operational range of the proposed project.</p> <p>The FEIR/EIS presents the potential impacts of the preferred project alternative (Alternative 4A). However, the FEIR/EIS also states that two additional scenarios not presented in the DEIR/EIS or RDEIR/SDEIS—Boundary 1 (B1) and Boundary 2 (B2)—represent the full range of possible operations of the proposed project under adaptive management. For example, p. 5- 167 of the FEIR/EIS states, “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.” Thus, the B1 and B2 scenarios represent the range of possible operations of the proposed project. Consistent with this idea, Jennifer Pierre of DWR stated in her oral testimony before the State Water Resources Control Board in the associated WaterFix water rights change petition proceedings, on July 29, 2016, that the B1 model scenario can be used as a basis for assessment of harm since it represents possible project operations (See Exhibit B [Excerpt of July 29, 2016 transcript, State Water Resources Control Board, Hearing in the matter of California Department of Water Resources and United States Bureau of Reclamation Request for a Change in Point of Diversion for</p>	<p>This comment argues that Boundary 1 and 2 from the State Board hearings should have been fully analyzed in the Final EIR/EIS since they represent the boundaries for possible California WaterFix Operations. Analysis of Boundaries 1 and 2 are captured in the range of operations presented under the the Final EIR/EIS alternatives analyses and in Appendix 5E of the Final EIR/EIS. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</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>California Water Fix (WaterFix Water Rights Hearing))).</p> <p>The B1 and B2 scenarios represent a significantly different range of operations than the preferred alternative identified in the RDEIR/EIS (Alternative 4A). Despite the fact that B1 and B2 represent possible operating scenarios of the proposed project, the FEIR/EIS does not present the potential impacts of these scenarios. The Lead Agencies’ rationale for not presenting the impacts of B1 and B2 seems to be that “[i]mpacts as a result of operations within this range [spanning B1 and B2] would be consistent with the impacts discussed for the alternatives considered in this EIR/EIS” (p. 5-167).</p> <p>However, the only evidence presented in the FEIR/EIS that the impacts of B1 and B2 on Sacramento River flow rates at Freeport would be consistent with the impacts of the preferred alternative (Alternative 4A) appears to be Figure 5E-8 (Appendix 5E, p. 5E-18, presented below as Figure 3), which shows monthly average Sacramento River flow rates at Freeport aggregated over a 16-year period under both B1 and B2, along with several other scenarios including the future no-action alternative (NAA). While monthly average flow rates presented in Figure 5E-8 for the various scenarios are similar, as noted in comments above, river flow rates as influenced by the tides (i.e., hourly or sub-hourly flow rates) determine Regional San’s ability to discharge treated effluent to the river. The FEIR/EIS has not provided information about hourly river flow rates at Freeport for Scenarios 4A, B1, or B2, but it is well known that export flow rates differ markedly for each of these scenarios. According to DWR testimony, B1 would represent an increase in total average annual exports of approximately 1.2 million acre-feet (MAF) relative to the NAA, and B2 would represent a reduction in total average annual exports of approximately 1.1 MAF relative to NAA, representing a differential spread of approximately 2.3 MAF/year on average. Alternative 4A exports would fall between the B1 and B2 numbers. The potential project impacts to Regional San’s operations cannot be understood without a distinct evaluation of the impacts of B1 and B2 separately from those of Alternative 4A; because it does not include this analysis, the FEIR/EIS does not disclose the full range of impacts of the project, including both the full likely operating range and hourly flow rates, on Regional San.</p>	
Sacramento Regional County Sanitation District	12	<p>3. The FEIR/EIS evaluation of Sacramento River temperature impacts at Freeport is inadequate.</p> <p>Original Regional San Comment: Regional San has certain thermal requirements in its NPDES permit that constrain the discharge of treated effluent to the Sacramento River. Regional San previously commented on the DEIR/EIS and RDEIR/EIS documents that the proposed project could alter the water temperature in the Sacramento River at Freeport and thereby reduce the times when Regional San is permitted to discharge and/or cause permit non-compliance. Because the proposed project involves new operating scenarios for upstream reservoirs, which influence the temperature of the Sacramento River at Freeport, potential impacts to river temperature need to be evaluated in the FEIR/EIS.</p> <p>FEIR/EIS Response: The Lead Agencies’ response to this comment asserts that changes in river temperature at Freeport will be insignificant since river temperatures at Freeport are generally in equilibrium with air temperature and since river flow rates are not expected to change as a result of the project. The response concludes, “Although minor changes in flows and river temperature would occur under Alternative 4A, relative to the NAA, they would not be of sufficient magnitude and duration to change Regional San’s overall thermal compliance record relative to compliance under the NAA. Also, minor changes in river flow and temperatures that</p>	The issues raised in this comment regarding potential for temperature changes in the Sacramento River at Freeport have been raised by the commenter previously and addressed in the Final EIR/EIS, as noted by the commenter. The basis for the statements regarding temperature and flow changes in the Final EIR/EIS response on this issue is the modeling performed and presented in the Final EIR/EIS. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.

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		<p>may occur under Alternative 4A, relative to conditions under the NAA, would not cause the Regional Water Quality Control Board to modify the thermal limitations in the NPDES permit or cause Regional San to build cooling towers to cool its effluent when such modifications would not be required under the NAA” (response to Letter 321, Comment 1).</p> <p>Exponent Reply: There are several problems with the FEIR/EIS response to Regional San’s original comment. First, as noted in previous comments, Sacramento River flow rates may well change significantly under proposed project scenario 4A, and other operating scenarios, including B1 and B2, are simulated to have different reservoir releases, river flow rates, and export volumes. The response does not provide relevant evidence or analysis to support the conclusion that river flow rates at Freeport will not change significantly under the range of operating conditions proposed for the project.</p> <p>Second, the temperature of the river will be a function of a range of factors, including the temperature of the water released from upstream reservoirs, the river flow rate and travel time to Freeport (a function of flow rate), air temperature, humidity, and wind speed. The response to comments appears to assert that river flow rate is the main factor influencing river temperature at Freeport, and that since river flow rates will not change appreciably, river temperatures will not change appreciably. However, DWR provides no data or analysis to support this assertion, and we believe it to be an oversimplification of the processes that affect river temperature.</p> <p>Even if river temperature were a function primarily of river flow rate, the Lead Agencies have not demonstrated that river temperatures at Freeport will remain the same under project conditions, since project flows would be different from baseline flows, which could affect travel times between upstream reservoirs and Freeport. Thus, the air-water temperature equilibrium and river temperatures at Freeport could be different under project conditions than under baseline conditions because project flows would be different from baseline flows. As a result, the FEIR/EIS’s response to Regional San’s comment about river temperatures is unsubstantiated in this respect.</p> <p>To adequately address the concern raised in Regional San’s comment, the FEIR/EIS should have made a thorough scientific investigation of the impacts of the proposed project on temperatures in the Sacramento River at Freeport (e.g., a modeling analysis), rather than relying on unsupported inferences from the flow regime and air-water thermal equilibrium.</p>	
Sacramento Regional County Sanitation District	13	<p>4. FEIR/EIS employs the incorrect “existing condition” baseline scenario.</p> <p>The FEIR/EIS employs both an existing condition (EBC1) and the NAA as baseline conditions. However, the existing condition scenario (EBC1) does not include the Fall X2 requirement, despite the fact that the 2008 USFWS biological opinion (BiOp) that governs operations of the CVP/SWP requires it. The FEIR/EIS states the reason for excluding Fall X2 from the existing condition scenario as follows: “As of spring 2011, when a lead agency technical team began a new set of complex computer model runs in support of this EIR/EIS, DWR determined that full implementation of the Fall X2 salinity standard as described in the 2008 USFWS BiOp was not certain to occur within a reasonable near-term timeframe because of a recent court decision and reasonably foreseeable near-term hydrological conditions. As of that date, the United States District Court has not yet ruled in litigation filed by various water users over the issue of whether</p>	This comment argues the existing conditions baseline scenario is incorrect because it does not include Fall X2. Please see Master Response 1, of Volume II, Final EIR/EIS, regarding the environmental baseline. 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 delta smelt BiOp had failed to sufficiently explain the basis for the specific location requirements of the Fall X2 action, and its implementation was uncertain in the foreseeable future” (p. 4-6).</p> <p>However, after the U.S. District Court’s ruling in March 2011 that the BiOp insufficiently explained the basis for Fall X2 location requirements, in March 2014—almost three years before the issuing of the FEIR/EIS—the Ninth Circuit U.S. Court of Appeals overturned the District Court’s ruling on this point, finding that the BiOp did sufficiently explain the basis of the specific Fall X2 location requirements (San Luis vs. Jewell, Case No. 11-15871). Thus, the pending litigation referred to in the FEIR/EIS has long since been resolved, and the Fall X2 requirement should have been included in the existing condition baseline scenario, together with the other 2008 BiOp requirements that were included in the baseline existing condition. In fact, a second existing condition baseline model run that includes the Fall X2 requirements (EBC2) was conducted in connection with the Administrative Draft BDCP EIR/EIS and released to the public in 2013. This baseline model run (EBC2) was thus available to DWR at the time the RDEIR/SDEIS and FEIR/EIS were prepared. This EBC2 baseline condition should have been used to evaluate the impacts of Alternative 4A. Thus, the EBC1 existing condition scenario employed as a baseline in the FEIR/EIS is insufficient since it lacks the Fall X2 requirement and does not accurately reflect existing conditions.</p> <p>Excluding the Fall X2 requirement from the existing condition baseline scenario tends to bias impact assessments toward lower impacts on Regional San’s operations than would be reflected if Fall X2 were included in the baseline scenario. Exclusion of the Fall X2 requirement generally yields a baseline condition with lower flow rates in the Sacramento River during the fall than would be the case with the requirement, since Fall X2 generally entails augmented Delta outflow. Thus, any reductions in Sacramento River flow rate attributable to the WaterFix project during the fall would look less significant next to a baseline condition lacking Fall X2 than next to a baseline with Fall X2, since the baseline lacking Fall X2 would already exhibit lower flow rates than the baseline with Fall X2. In effect, excluding the Fall X2 requirement from the existing condition baseline scenario is likely to understate the impacts to Regional San operations.</p>	
Sacramento Regional County Sanitation District	ATT 1	Professional Profiles, Susan C. Paulsen, Ph.D., P.E. and Aaron M. Mead, Ph.D., P.E.	This attachment is Exhibit Brentwood-101 and Aaron M. Mead's professional profile 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.
Sacramento Regional County Sanitation District	ATT 2	California WaterFix Water Board hearing transcripts - Volume 4 Part 1A - Friday, July 29, 2016 - DWR and DOI opening statements and policy statements & cross examination - morning and afternoon session	This attachment is a July 29, 2016 transcript from the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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Sacramento Regional County Sanitation District	ATT 3	Testimony of Armin Munévar, California WaterFix Water Board Hearings	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.
Sacramento Regional County Sanitation District	ATT 4	Sacramento Regional County Sanitation District. 2014. Draft Environmental Impact Report for the Sacramento Regional County Sanitation District EchoWater Project (Control Number 2012-70044, State Clearinghouse #2012052017). March 4. Appendix D1, Water Quality Modeling Approach, pp. 6-17.	This attachment is a draft report by Sacramento Regional Sanitation District. This attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.