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1570	1	<p>The Kern County Water Agency (Agency) appreciates the opportunity to comment on the Draft Implementing Agreement (IA) for the Bay Delta Conservation Plan (BDCP or Plan).</p> <p>As you know, the Agency serves as Kern County's local contracting entity for the State Water Project (SWP) and is the second largest SWP contractor. The Agency has been involved in the planning and preparation of the BDCP since its inception. The Agency endorses, without reservation, the intention of BDCP architects "to restore and protect ecosystem health, water supply, and water quality within a stable regulatory framework." Public Draft BDCP, p.1-1 (Nov. 2013). This concept can be traced back to the BDCP Planning Agreement executed in December 2006.</p>	<p>The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.</p>
1570	2	<p>The Kern County Water Agency is encouraged by the level of commitment exhibited by all parties to the BDCP, including the federal and State regulatory agencies in recent months. In particular, the Agency is pleased that the parties made a concerted effort in the first half of 2014 to develop and circulate for public review and comment a draft IA. To a substantial degree, the draft Implementing Agreement (IA) incorporates both principles and language that the Agency believes are critical to the ultimate success of the BDCP. At the same time, as the drafters of the document acknowledge, important decisions regarding the IA remain to be made. Furthermore, certain aspects of the document should be revised before it becomes final. The comments below highlight provisions of the draft IA that should be carried through to the final IA, provisions absent from the draft IA that should be added to the final IA, and changes to the draft IA that are necessary to address the Agency's concerns as an applicant and partner in the BDCP process.</p>	<p>The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. This comment addresses the 2014 Draft Implementing Agreement (IA), a document detailing the roles and responsibilities of the various agencies under the BDCP (Alternative 4). Please note that the BDCP is no longer the preferred alternative. The preferred alternative is now Alternative 4A and no longer includes an HCP. Alternative 4A has been developed in response to public and agency input. The EIR/EIS analyzes all alternatives, including Alternative 4A. Please see Master Response 5, which provides additional information on the BDCP.</p>
1570	3	<p>Role and Level of Commitment of the Federal and State Governments:</p> <p>Since the early planning stages of the BDCP, the parties have embraced the concept of a comprehensive plan that addresses the multiple human activities that harm the listed and other covered species included in the Plan. This is now reflected in the draft BDCP, which includes a wide range of conservation measures to address diverse stressors ranging from contaminants to predation to floodplain habitat destruction. In light of this holistic approach, key federal and state agencies are expected to play an even more active role in BDCP funding and implementation than in other habitat conservation plans. In addition, because the BDCP contemplates construction of new water infrastructure that will serve both SWP and Central Valley Project (CVP) contractors, both DWR and the U.S. Bureau of Reclamation (Bureau) have been partners in the BDCP planning process.</p>	<p>The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. Please see Response to Comment 1570-2.</p>
1570	4	<p>A critical issue identified but not resolved in the draft Implementing Agreement (IA), is the role of the United States and the State of California in the BDCP. The Kern County Water Agency (Agency) endorses the language in Section 1.0 of the draft IA, which provides that both the United States and the State of California will be parties to the IA. This is, in fact, essential because both the draft BDCP and the draft IA contemplate that the United States and the State will be committing resources to the implementation of the BDCP that are necessary both to ensure its success and to meet the criteria for issuance of permits by the regulatory agencies. A corollary of the fact that the United States and State are parties is that the officials who are signatories to the IA must have authority to bind those entities. This same principle must apply equally to all parties to the IA.</p> <p>In light of the foregoing, the Agency believes that the Bureau of Reclamation should be a party to the IA. The draft IA indicates that the Bureau will not be a party, while at the</p>	<p>The Draft Implementing Agreement for the BDCP was made available for public review on May 30, 2014 and the public review period was extended by 46 days until July 29, 2014, in order to accommodate a 60-day review period consistent with the California Natural Community Conservation Planning Act.</p> <p>Implementing agreements are a requirement under the California Natural Community Conservation Planning Act (NCCPA), and are routinely executed under the ESA Section 10 (HCP) permitting process. Since the current proposed project is no longer a NCCP or HCP, an implementing agreement was not released with the RDEIR/SDEIS or final EIR for the project.</p> <p>For information regarding the Implementing Agreement and the roles and responsibilities of the various entities participating in BDCP implementation, please see Master Response 5 and Ch. 7 Implementation Structure, BDCP.</p>

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		<p>same time acknowledging that the Bureau is a participant in the BDCP. This is nonsensical, which is further highlighted by the fact that the draft IA is filled with references to the Bureau, both acting alone or as one of the Authorized Entities. For example, Section 7.1 of the draft IA commits the Authorized Entities, including the Bureau, to fulfill numerous "obligations." Also, Section 10.2.2.1 identifies the Bureau as one of a number of agencies that will participate in the real-time operations team.</p> <p>Section 5.0 of the draft IA suggests that the Bureau "will enter into a Memorandum, or similar agreement, with the Parties that sets out Reclamation's roles and responsibilities pursuant to the BDCP and establishes processes to ensure that Reclamation's actions are implemented in a manner consistent with the Plan." This creates the potential for ambiguity and even conflict. Will all parties to the IA sign the separate agreement? Will it include the same provisions as the draft IA with respect to the rights and obligations of the Bureau? If not, then the agreement will be unworkable. If so, then there is no sense to entering into a separate agreement.</p>	
1570	5	<p>Though the draft IA properly contemplates that the United States and State will be parties to the IA, it is also necessary for the final IA to articulate the commitments of those entities to fund the BDCP. Both federal and State law require the regulatory agencies to ascertain that funding for the BDCP is adequate prior to issuing permits. The provisions of the draft IA are insufficient in this regard. Section 13.1.1 sets out the funding obligations of the Authorized Entities. But because the Bureau is not currently included as a signatory, the legitimacy of this provision is uncertain. Furthermore, Section 13.1.2 states "there is no federal position as of this time regarding potential funding obligations of the United States." This is arguably inconsistent with the statement in Section 13.0 that "the State and federal governments have committed to provide additional funding to implement the Plan." In any event, the BDCP can only move forward if both the federal and state partners in the process are prepared to make the same sort of long-term funding commitment that the other parties to the BDCP are expected to make.</p>	<p>he comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. Please see Response to Comment 1570-2.</p>
1570	6	<p>Participation of SWP and CVP Contractors in Plan Implementation:</p> <p>The Kern County Water Agency and the other SWP and CVP Contractors (Contractors) have been full partners in the BDCP planning process since its inception. The Contractors have underwritten the majority of the planning costs associated with the BDCP and anticipate underwriting a large proportion of the costs of implementing the BDCP. Further, the Contractors have expertise in the areas of project operations and impacts of those operations (as well as other factors) on key covered species. In light of these facts, Section 15.1 of the draft IA sensibly contemplates an Implementation Office governed by the Authorized Entities, including the Contractors. Likewise, Section 15.2.4.1 contemplates that the Authorized Entities, including the Contractors, will select the BDCP Program Manager. Further, Section 7.1 identifies the broad obligations of all Authorized Entities, including the Contractors.</p> <p>Consistent with their role as permit applicants, and as further described in the above-referenced provisions of the draft IA, the Contractors should be involved in all aspects of Plan implementation. In this context, the Agency endorses, as appropriate, the involvement of the Contractors in the adaptive management team as described in Sections 3.1 and 10.3.2.2 of the draft IA. Unfortunately, in Sections 10.2.2.1 and 10.2.2.2.1 of the draft IA, the Contractors are relegated to non-voting status in the real-time operations team. This arrangement is illogical both in light of the degree of</p>	<p>The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. Please see Response to Comment 1570-2.</p>

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		involvement of the Contractors in the planning, funding and implementation of the BDCP and in light of the expertise that the Contractors offer. Therefore, the Agency strongly recommends altering the IA to grant the Contractors voting rights on the real-time operations team.	
1570	7	<p>Sufficiency of Assurances for SWP and CVP Contractors:</p> <p>The BDCP involves a major, long-term commitment of resources by the Contractors to restore water supplies and improve their reliability and to contribute to the conservation of covered species. The financial contribution from the Contractors is enormous. Recognizing this fact, the draft IA includes a number of important provisions to provide assurances to the Contractors both that they will not be expected to make additional contributions beyond those expressly set forth in the BDCP and IA, and that the permits to operate the SWP and CVP will remain in place for the full duration of the BDCP.</p>	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. Please see Response to Comment 1570-2.
1570	8	Two provisions respecting real-time operations are important in this regard. First, Section 10.2.2.1 of the draft Implementing Agreement states that real-time adjustments to operations must occur only "within the established ranges and criteria as set out in [Conservation Measure] CM1 and CM2." This language clarifies that the real-time operations provisions do not authorize any adjustments to operations outside the ranges and criteria set out in the BDCP. Second, that same section provides that real-time operations are included in the BDCP for the purpose of "maximizing conservation benefits to covered fish species and maximizing water supplies." In the view of the Agency, this language appropriately restricts the decisions that can be made by the real-time operations team. Thus, the Kern County Water Agency strongly recommends adding the following sentence to Section 10.2.2.3 to clarify the intent of the parties to the IA: "Adjustments that negatively impact water supplies are inconsistent with the purposes of this section."	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. Please see Response to Comment 1570-2.
1570	9	Certain provisions regarding adaptive management are also important in this regard. Specifically, Section 10.3.7.1 of the draft Implementing Agreement states "any potential adaptive management changes to the Conservation Measures, either individually or cumulatively, shall not require the commitment of resources, including land, water, or money, in excess of those specifically provided for under these strategies, including the Supplemental Adaptive Management Fund, or alter the financial commitments of the Plan participants." The Kern County Water Agency endorses this provision, which is plainly intended to set a limit on the resources that the Contractors and other Plan participants must contribute. Likewise, Section 10.3.7.2 of the draft IA identifies resources available to support changes in water operations under the BDCP, and prescribes the sequence in which those resources should be drawn upon if needed.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. Please see Response to Comment 1570-2.
1570	10	The overall funding provisions of the draft IA, included in Section 13, affirm the obligation of the permittees, including the Contractors, to fund a portion of the BDCP, as well as the respective obligations of the United States and the State. Unfortunately, the statement that "the State and federal governments have committed to provide additional funding to implement the Plan" is undermined by the inclusion of bracketed language in Section 13.1.2 indicating the United States has not agreed to any level of funding at this time. In addition, the recent release of the State's water bond proposal indicates that the water bond will be "BDCP-neutral," a euphemism meaning that the State believes a water bond should not provide funding that might advance the BDCP. The combination of these two statements raises questions about the commitment of public funding that should be	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. Please see Response to Comment 1570-2. Please see Master Response 5 for a discussion of funding.

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		clarified in the final version of the IA.	
1570	11	<p>More problematic from the perspective of the Kern County Water Agency, is the language on inadequate funding in Section 13.2 that provides that, in the event the United States and/or State fail to fulfill their funding commitments (whatever they may be), the BDCP permits may be revoked, even if the Authorized Entities (including the Contractors) are meeting their funding and other obligations. The Agency strongly recommends decoupling the BDCP permits from the extent to which the federal and State governments meet their funding commitments by significantly strengthening the protections for the permits in Sections 13 and 22.</p> <p>Although Section 13 of the Implementing Agreement is intended to consist of the Plan's overall funding provisions, it does not define (and therefore limit) the extent of the funding commitments of the Authorized Entities. Section 13.1.1 goes so far as to state that the Authorized Entities "will provide funding equal to the costs associated with the construction, operation, and maintenance of the new conveyance infrastructure set out in CM1 and for the mitigation associated with such infrastructure," and "contribute towards all other Conservation Measures and related program elements, as described in the column 'Amount Paid by Contractors' in Table 8-41 in Chapter 8.3.4.1" of the BDCP. But the Agency believes it is important for the IA to specify either the maximum funding obligations of the Authorized Entities, or a range of potential funding obligations of the Authorized Entities. This should include obligations that may be triggered as a consequence of adaptive management and changed circumstances. To this end, it is necessary to define both the Supplemental Resources Fund and Supplemental Adaptive Management Fund, referenced in Sections 10.2.2 and 10.3.7 of the draft IA, respectively. It is also necessary to describe both the scope of the funds and the contributions various BDCP parties will make to the funds.</p>	<p>The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. Please see Response to Comment 1570-2. Please see Master Response 5 for a discussion of funding.</p>
1570	12	<p>Science as the Guide for the Decision Tree Process:</p> <p>A creative, but contentious, aspect of the BDCP is the incorporation of the so-called decision-tree process. Public Draft BDCP, p.3.4-24 (Nov. 2013). The process is proposed to determine whether two sets of specific outflow criteria must be implemented as part of the BDCP in order to meet the criteria for permit issuance set forth in the Endangered Species Act (ESA) and Natural Community Conservation Planning Act. These outflow criteria--regulating outflow in the fall purportedly to benefit delta smelt and outflow in the spring purportedly to benefit longfin smelt--are the subject of "considerable disagreement" and "uncertainty." (Ibid.)</p> <p>The basic notion is that, (i) because the BDCP operational criteria will not apply until conveyance facilities are completed more than a decade from this point in time, and (ii) because of disagreement and uncertainty regarding (a) whether and, if so, to what extent changes to outflow to shift the location of the low salinity zone westward in the fall of above-normal and wet years contribute to achieving abundance and habitat objectives for delta smelt and, (b) whether and, if so, to what extent changes to outflow in the spring contribute to achieving the longfin smelt abundance objective, the BDCP, over the next decade the parties to the BDCP propose to engage in a scientific investigation to reduce or eliminate that disagreement and uncertainty. The premise is that through scientific investigation the parties can form recommendations regarding the efficacy of fall and spring outflow criteria.</p>	<p>Please see Response to Comment 1570-2. For additional information regarding Decision Tree, please see Master Response 44.</p>

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		<p>For this process to succeed, the parties must be prepared to accept the full range of potential outcomes of the scientific investigations. An essential prerequisite for doing so is to provide an impartial description of the contested issues, uncertainties, and investigative process. Unfortunately, language in both the draft BDCP and the draft Implementing Agreement (IA) injects bias into the process before those scientific investigations have been initiated. Specifically, Section 10.2.1.1 improperly anticipates what action the regulatory agencies will take. That section contemplates that the regulatory agencies will require high outflows in both the fall and spring as conditions of their permits. This is improper for three reasons: (1) it is pre-decisional and therefore improper as it treads on the agency's prerogatives to make the decision; (2) it is inconsistent with the premise of the decision-tree process that there is sufficient uncertainty to delay any decision until scientific investigation has occurred; and, (3) it signals bias that has the potential to infect the whole endeavor before it is commenced.</p> <p>The Kern County Water Agency recommends simply deleting the phrase "which may include as permit terms and conditions the operational and flow criteria related to the high-outflow scenario in the application" from the draft BDCP and draft Implementing Agreement to purge bias from the decision-tree effort. The Agency also notes that revisions to the BDCP, including the reformulation of biological objective DTSM2.1 and extensive editorial changes to Sections 5.5.1.1.2 and 5.5.2.1.1 of the BDCP, are necessary in order preserve the objectivity of the decision-tree process and allow the science to inform decision-making. DTSM2.1 is scientifically indefensible because it improperly adopts salinity as a surrogate indicator for delta smelt habitat. The impropriety of this from a scientific perspective is well established.</p>	
1570	13	<p>Commitments with Respect to Future Regulatory Actions:</p> <p>All parties are aware that the BDCP is being developed in a complicated regulatory environment involving a patchwork of regulatory agencies, each with distinct authorizing legislation. While acknowledging that some of the activities contemplated in the BDCP will be subject to review by such regulatory agencies, it is important that the BDCP parties have a common understanding of limits on and potential implications of future review of activities authorized by the BDCP in order to reduce the likelihood that such review will undermine Plan implementation.</p> <p>With respect to future section 7 consultations for covered activities or associated federal actions, the Kern County Water Agency endorses Section 20.1.1 insofar as it is intended to align such consultation with the BDCP and its Biological Opinion. Because Section 20.1.1 addresses only those future consultations that involve covered activities or associated federal actions, which have already been analyzed for the purposes of the Endangered Species Act and the National Environmental Policy Act (NEPA), the Agency recommends establishing an expedited consultation process. There is precedent for doing so in other habitat conservation plans.</p>	Please see Master Response 5, which provides additional information on the BDCP.
1570	14	With respect to designation of critical habitat for covered species in the Plan area, the Kern County Water Agency recommends altering Section 20.1.6 to provide that critical habitat will not be designated except where such designation is required by law. There is precedent for doing so in other habitat conservation plans.	Please see Master Response 5, which provides additional information on the BDCP.
1570	15	Additionally, the Implementing Agreement (IA) should include a provision that clarifies that the BDCP parties will not take a position or positions inconsistent with the BDCP in	Please see Response to Comment 1570-2.

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		<p>regulatory proceedings subsequent to issuance of the Plan. This can be accomplished by adding a new provision to Section 20 of the draft IA stating that the BDCP parties agree not to take a position inconsistent with the terms of the BDCP, the Permits, the Integrated Biological Opinion, and the IA, including in or on documents prepared pursuant to NEPA or the California Environmental Quality Act, or in proceedings conducted pursuant to the Clean Water Act, the Porter-Cologne Water Quality Control Act and the California Water Code.</p>	
1571	1	<p>The Kern County Water Agency (Agency) appreciates the opportunity to comment on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the Bay Delta Conservation Plan (BDCP or Plan).</p> <p>The Agency was created by the California Legislature in 1961 to contract with the California Department of Water Resources for delivery of State Water Project (SWP) water. The Agency has contracts with other public water districts in Kern County to deliver SWP water. The Agency also manages and/or is a participant in multiple groundwater banking projects, including the Kern Water Bank, Pioneer Property and Berrenda Mesa banking projects. The Agency's Improvement District No.4 also contracts with multiple urban water purveyors to provide potable water supplies to the greater Bakersfield area.</p> <p>The Kern County Water Agency and its Member Units have dedicated significant financial and staff resources to developing the BDCP since its inception in 2006. The Planning Agreement regarding the BDCP, originally executed on October 6, 2006 (2006 Planning Agreement), defines the goals of the Plan as restoring and enhancing the Sacramento-San Joaquin Delta (Delta) ecosystem, protecting and restoring water supplies, creating a stable regulatory framework, and supporting issuance of Incidental Take Permits for species covered by the Plan. Over the past nine years, the Agency has focused its efforts on achieving these goals as they were understood by the parties at the time the 2006 Planning Agreement was executed.</p>	<p>The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.</p>
1571	2	<p>The BDCP planning process has involved a transparent and far-reaching public outreach program in an effort to gain as much public input as possible, far exceeding the requirements of State or federal law. Outreach efforts included multiple reviews by independent science boards and panels, more than 600 public meetings, and posting more than 3,000 documents to a dedicated website for public review. In addition, two preliminary administrative drafts of the Plan were released in 2011 and 2012, and the comment deadline for the current public review draft of the BDCP was extended twice, for a total comment period of 228 days.</p> <p>Since the 2006 Planning Agreement was executed, the BDCP has undergone many changes based on public input. Its survival through two State and two federal administrations is a testament to the potential it holds for resolving the Delta's long-standing water and environmental issues, and its responsiveness to public concerns. While many changes have ultimately improved the Plan, others have weakened the Plan's ability to achieve the goals set forth in the 2006 Planning Agreement. The comments set forth below are intended to help improve the Plan by focusing on the original purposes described in the 2006 Planning Agreement. While certain comments are limited to the DEIR/EIS, these issues may also need to be addressed in the draft Plan.</p>	<p>The comment recognizes the robust public outreach conducted for the project. The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. With regard to public outreach adequacy, please see Master Response 40.</p>
1571	3	<p>The Kern County Water Agency's Priorities:</p>	<p>The comment pertains to the BDCP or Alternative 4 evaluated in the 2013 Public Draft EIR/EIS. Alternative</p>

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		<p>The Agency is supportive of the BDCP and appreciates the effort that has gone into the draft Plan and the DEIR/EIS. The Agency believes the Plan can establish a comprehensive solution that achieves California's co-equal goals of improving water supply reliability and enhancing the Delta ecosystem. Specifically, the Agency supports the BDCP's proposed twin-tunnel conveyance system, which will isolate and protect drinking water supplies, and help restore natural flow patterns in the Delta for the benefit of native species. The Agency also supports the Plan's recognition that changing conditions in the Delta will require ongoing scientific review and real-time monitoring so the Plan can effectively adapt over time to emerging science and the evolving ecosystem, while continuing to improve water supplies.</p>	<p>4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft EIR/EIS. Alternative 4 remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. If the Lead Agencies ultimately choose the alternative implementation strategy and select an alternative presented in the RDEIR/SDEIS after completing the CEQA and NEPA processes, elements of the conservation plan contained in the alternatives in the 2013 Public Draft EIR/EIS may be utilized by other programs for implementation of the long term conservation efforts.</p> <p>The comment notes support for the proposed project and does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.</p>
1571	4	<p>While the current draft presents a potentially workable solution to the challenges facing California's water resources and the Delta, key decisions remain relating to specifics on cost allocations, operations, outflow ranges, financing and other issues. The Kern County Water Agency has identified critical issues related to yield, cost and assurances that must be addressed in the final DEIR/EIS and in the Plan:</p> <p>Yield: The yield of the completed project must provide long-term water supply reliability to all participating contractors. In particular, public water agencies (PWAs) must receive at least 75 percent of their contracted amounts on a long-term basis. Thus, the proposed conveyance must be operated in such a way that additional water required for fish and wildlife, as well as other public benefits, will be made up with no net loss to the PWAs. Further, operation of the conveyance should allow for increased storage in wet years to compensate for a lack of water in dry years. As drafted, portions of the Plan have the potential to decrease water supply reliability to the point that they render the BDCP financially infeasible. Measures still under consideration that could alleviate the risk of water supplies falling below the point of affordability must be clearly defined in the final Plan. To ensure that SWP yield is maintained over the term of the BDCP, the Plan should clearly define a floor below which water supplies cannot be reduced.</p>	<p>The comment pertains to the BDCP/Alternative 4 evaluated in the 2013 Public Draft EIR/EIS. As explained in Response to Comment 1571-3, the proposed project and preferred alternative is now Alternative 4A/California WaterFix. Water deliveries from the federal and state water projects under a fully-implemented Alternative 4A are projected to be about the same as the average annual amount diverted in the last 20 years. Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline.</p>
1571	5	<p>While the current draft presents a potentially workable solution to the challenges facing California's water resources and the Delta, key decisions remain relating to specifics on cost allocations, operations, outflow ranges, financing and other issues. The Kern County Water Agency has identified critical issues related to yield, cost and assurances that must be addressed in the final DEIR/EIS and in the Plan:</p> <p>Cost: The costs of the project must not exceed the estimates in the draft BDCP and must be allocated following a "beneficiary pays" methodology, with costs for each portion of the project being paid for by the parties benefiting from that portion of the project. With respect to the conveyance facilities, the PWAs [Public Water Agency] participating in the project should bear the cost of those facilities. Costs for habitat restoration, other stressor reduction measures, and avoidance and minimization measures that provide public benefits should be paid for from public funds. Chapter Eight (8) of the BDCP outlines costs for various Conservation Measures and the draft Implementing Agreement allocates to PWAs costs for design, construction, maintenance, and mitigation of the proposed conveyance, while appropriately reserving all public benefit costs to the United States and the State. The BDCP should clearly state that the project is contingent upon this division of costs between the SWP and Central Valley Project (CVP) contractors and</p>	<p>The comment pertains to the BDCP/Alternative 4 evaluated in the 2013 Public Draft EIR/EIS. As explained in Response to Comment 1571-3, the proposed project and preferred alternative is now Alternative 4A/California WaterFix. Please refer to Master Response 5 for a discussion of project funding and the beneficiary pays principle.</p>

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		the State and federal governments.	
1571	6	<p>While the current draft presents a potentially workable solution to the challenges facing California's water resources and the Delta, key decisions remain relating to specifics on cost allocations, operations, outflow ranges, financing and other issues. The Kern County Water Agency has identified critical issues related to yield, cost and assurances that must be addressed in the final DEIR/EIS and in the Plan:</p> <p>Assurances: The BDCP must minimize risks of additional regulatory requirements that could reduce yield from the SWP and CVP. As a Habitat Conservation Plan under Section 10 of the federal Endangered Species Act (ESA) and a Natural Community Conservation Plan under California Fish and Game Code sections 2800 et seq., the BDCP offers a path of regulatory stability for both the PWAs and wildlife agencies. Not only should the draft EIR/EIS Plan describe this regulatory stability, but it should include a provision stating that the permits would remain in effect provided the permittees are fulfilling their obligations, even if there is a lack of public funding by the State or federal governments.</p>	<p>The comment pertains to the BDCP/Alternative 4 evaluated in the 2013 Public Draft EIR/EIS. As explained in Response to Comment 1571-3, the proposed project and preferred alternative is now Alternative 4A/California WaterFix, which no longer includes an HCP. The 2013 public draft BDCP already provided in Section 8.4.2 responses in the event of funding shortfalls from state or federal agencies. Please also refer to Master Response 5 for a discussion of funding assurances.</p>
1571	7	<p>While the Kern County Water Agency (Agency) believes the draft Plan provides a framework for developing transparent, science-driven processes by which a range of operational outcomes can be determined, it is of paramount importance that these processes remain neutral. For example, the so-called decision-tree process is intended to determine, based on rigorous scientific investigation, whether implementation of specific fall and spring outflow requirements is necessary to comply with legal requirements applicable to permits issued under the Endangered Species Act and the California Natural Community Conservation Planning Act. The current draft of the BDCP should be revised to assure that unbiased scientific investigations inform the Implementation Office, which is tasked with making a recommendation regarding the outflow requirements, and the relevant wildlife agencies, which must ultimately decide what action to take with respect to the outflow requirements. The draft presumes that fall and spring outflow provide a benefit to the species, and anticipates what actions the regulatory agencies will take-this is improper. The Agency requests that the draft EIR/EIS Plan be revised to provide an impartial description of the contested issues, uncertainties and investigative process.</p>	<p>The comment pertains to the BDCP/Alternative 4 evaluated in the 2013 Public Draft EIR/EIS. As explained in Response to Comment 1571-3 ,3, the proposed project and preferred alternative is now Alternative 4A/California WaterFix, which no longer includes an HCP. The decision tree is no longer being proposed in the Final EIR/EIS. However, additional detail has been added to Chapter 11 (RDEIR/SDEIS) to describe the current uncertainties and existing efforts underway to understand the importance of fall X2 and spring outflow through CAMT and the longfin smelt settlement agreement. The Proposed Project, Alternative 4A, will include a Collaborative Science and Adaptive Management Program, in addition to operational criteria and real-time monitoring to minimize and avoid impacts to aquatic species.</p>
1571	8	<p>Specific Comments Regarding the DEIR/EIS.</p> <p>The Kern County Water Agency appreciates the degree to which the DEIR/EIS distills a tremendous amount of complex information and analyses into a document that, overall, provides a strong foundation for the BDCP. However, the Agency has identified a few issues that should be addressed in subsequent drafts. Rather than focus on chapter-by-chapter comments, the Agency has focused on key issues that, if addressed, would improve the analyses in the DEIR/EIS.</p> <p>Uncertainty:</p> <p>The BDCP inherently involves a high degree of uncertainty, including with respect to environmental commitments, mitigation measures and operational proposals. In some instances, if certain impacts are considered too uncertain or speculative, the impacts are not addressed. In other cases, there is uncertainty with respect to whether certain environmental commitments or mitigation measures will yield anticipated benefits.</p> <p>It should be acknowledged that, despite these uncertainties, the draft EIR/EIS appears to be based on the best available science, including the most current, sophisticated studies</p>	<p>Given the complexity and long duration of the proposed project, as well as the sheer size of the planning area, both sets of Lead Agencies have acknowledged the existence of some uncertainty with respect to particular categories of impacts. In light of the substantive mandate of CEQA and the related importance of identifying impacts as either significant or less than significant, DWR, as CEQA Lead Agency, made efforts to characterize all of the environmental impacts addressed in the EIR/EIS. In contrast, the federal agencies, with their unfettered discretion not to reach any impact characterizations at all, chose not to characterize each and every impact, and opted not to do so in particular where the nature and severity impacts at issue were not totally clear due to the existence of degrees of uncertainty.</p> <p>The Lead Agencies acknowledge that uncertainty is inherent in any planning effort of this geographic and temporal scale. However, DWR and project proponents strived to use the best available science throughout the effects analysis, consistent with the requirements of the ESA. Additionally, the official public review process for the proposed project provides an opportunity for formal public comment on the proposed project and project alternatives. Public and agency comments on the public draft have led to further refinement of the proposed project, as evidenced in the RDEIR/SDEIS.</p> <p>With regard to environmental commitments and mitigation measures, please see Master Response 22. With regard to significant and unavoidable impacts, please see Master Response 10.</p>

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		<p>pertaining to the Delta ecosystem. In relative terms, scientific research regarding the Delta is more comprehensive and robust than in other similar systems. Moreover, the BDCP incorporates a number of tools that will allow the Plan to evolve in response to new information. For example, the BDCP contemplates Plan amendments, which can include changes to biological goals and objectives, if appropriate. In addition, the BDCP incorporates a comprehensive adaptive management program, which will allow for adjustments in the course of Plan implementation in response to new data and analyses.</p> <p>Nonetheless, uncertainties should be addressed in a consistent and logical way. It is improper for the DEIR/EIS to fail to analyze a particular impact because it is too uncertain. Rather, the document should directly acknowledge uncertainties, and reasonably draw conclusions based on the totality of the evidence.</p>	
1571	9	<p>Effects of the Environment:</p> <p>The DEIR/EIS currently addresses the effects of the BDCP on the environment, rather than focusing on the effects of the environment on the BDCP. For example, while the DEIR/EIS describes how the BDCP will enable communities and species to better adapt to the impacts of climate change and sea-level rise, it does not analyze how these impacts may alter the outcome of the BDCP's proposed actions.</p> <p>The Kern County Water Agency believes this approach is consistent with the California Environmental Quality Act (CEQA) and recent case law. Specifically, relevant sections of CEQA refer to the effects of a project on the environment, and not vice-versa. (See, e.g., Pub. Resources Code, [Section] 21002.1, subd. (a) ["[t]he purpose of an environmental impact report is to identify the significant effects on the environment of a project"]; id., subd. (e) [an EIR should focus on "the potential [significant] effects on the environment of a proposed project"].) Furthermore, the California Court of Appeals has consistently affirmed the principle that CEQA does not require an assessment of the impacts of the environment on a project. (See, e.g., Baird v. County of Contra Costa (1995) 32 Cal.App.4th 1464, 1468 ["[t]he purpose of CEQA is to protect the environment from proposed projects, not to protect proposed projects from the existing environment"]; Ballona Wetlands•Land Trust v. City of Los Angeles (2011) 201 Cal.App.4th 455, 473 [same]; South Orange County Wastewater Authority v. City of Dana Point (20 11) 196 Cal.App.4th 1604, 1612-1618 [concluding an environmental impact report was not required based on the environment's effect on the project because that was a concern that did not fall within the scope of CEQA].) However, the Agency recommends that the DEIR/EIS be revised to more robustly explain the legal basis for its approach.</p>	<p>Kern County Water Agency accurately describes the legal basis for the approach that the EIR/EIS takes, evaluating the effects of the BDCP on the environment. Furthermore, this comment and its response, documents the approach and its rationale. Further explanation of the legal basis in the body of the document is not necessary.</p>
1571	10	<p>Scope of Analysis:</p> <p>The DEIR/EIS analyzes the direct and reasonably foreseeable indirect impacts associated with implementation of the BDCP alternatives. As certain commentators have noted, the geographic scope of the DEIR/EIS currently excludes San Pablo Bay and San Francisco Bay. While it can be argued that the impacts of the BDCP may extend downstream and impact these bays, the decision to limit the analysis in the DEIR/EIS to the Plan area is reasonable for a variety of reasons. The Kern County Water Agency recommends that the DEIR/EIS be revised to more thoroughly explain why the analysis is confined to the Plan area.</p>	<p>In response to public comments, analysis of effects of the proposed projects on sediment loading and concentrations of constituents downstream of the Plan Area (i.e., in San Francisco Bay) were added to the Final EIR/EIS. See Chapter 8 and Chapter 11 of the Final EIR/EIS. Please see Master Response 14 regarding the effects of the proposed project on the water quality of San Francisco Bay.</p>
1571	11	<p>Organization:</p> <p>The length and complexity of the DEIR/EIS makes it difficult for the average reader to</p>	<p>The comment addresses the length of the 2013 DEIR/EIS. For a discussion pertaining to the size and complexity of the document, please refer to Master Response 38.</p>

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		understand the various BDCP alternatives, including the proposed conveyance structures, operations, environmental commitments and other conservation measures. The Kern County Water Agency recommends that the DEIR/EIS be revised to include summaries at the beginning of each chapter. This will enable a reader to more readily determine the key features of each alternative and will facilitate a more meaningful review.	
1571	12	<p>Analysis of the Implementing Agreement:</p> <p>The DEIR/EIS currently does not include an analysis of the Implementing Agreement. This is likely the case because the Implementing Agreement describes BDCP governance (i.e., decision-making) during Plan implementation, which will not have environmental impacts. Rather, the environmental impacts at issue are associated with the actual Plan. However, given the important role of the Implementing Agreement in Plan implementation, the Agency recommends that the final EIR/EIS include an analysis of the Implementing Agreement to the extent appropriate.</p>	The Draft Implementing Agreement for the BDCP (Alternative 4) was made available for public review on May 30, 2014 for a 60-day review period, consistent with the California Natural Community Conservation Planning Act, ending on July 29, 2014. Implementing agreements are a requirement under the California Natural Community Conservation Planning Act (NCCPA) and are routinely executed under the ESA Section 10 (HCP) permitting process. Since the current proposed project is no longer a NCCP or HCP, an implementing agreement was not released with the RDEIR/SDEIS or Final EIR/EIS for the project. Please also see Master Response 5 for additional discussion regarding the Implementing Agreement.
1571	13	<p>Analysis of Levee Breaks:</p> <p>The consequences of levee failures on the effectiveness of the BDCP, as well as the financial implications of preventing such failures via levee maintenance, are not adequately addressed. The Agency recommends that the DEIR/EIS be revised to further describe how levee failures may affect the various BDCP alternatives, as well as a description of how the alternatives may affect the economics of levee maintenance.</p>	<p>Please see Section 6A.6 in Appendix 6A for a discussion on levees modified by construction of the California WaterFix (CWF), including responsibilities of the project proponents.</p> <p>Before and/or during construction of the CWF water conveyance facilities, project proponents will explore opportunities with local reclamation districts and the Central Valley Flood Protection Board (CVFPB) to address potential conflicts regarding levee maintenance, inspection, and flood fighting activities on project and non-project levees. DWR will look to enter into agreements with local reclamation districts with jurisdiction in the Delta to ensure levee management activities by both government and local agencies are not interrupted during construction of the water conveyance facilities. In addition, DWR will comply with all applicable flood protection requirements and regulations to ensure flood neutrality during construction and operations of the CWF.</p>
1571	14	<p>The Kern County Water Agency is supportive of the ongoing BDCP efforts and is encouraged by the progress made in the draft Plan and DEIR/EIS. The Agency is hopeful that the BDCP will accomplish the goals set forth in the 2006 Planning Agreement, while also addressing the Agency's concerns regarding yield, cost, and assurances, as described above. The Agency also has concerns regarding certain aspects of the DEIR/EIS, and believes the document would benefit from the specific recommendations described above.</p> <p>Thank you for the time and effort expended on the BDCP stakeholder and public participation process. The Agency looks forward to working with the involved State and federal agencies as the BDCP process moves forward.</p>	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
1572	1	<p>This letter presents Yuba County Water Agency's ("YCWA") comments on the draft Bay Delta Conservation Plan ("BDCP") and its related draft EIR/EIS ("DEIR/EIS").</p> <p>YCWA has a well-deserved reputation as a responsible steward of its water supplies and has a proven conservation ethic that has led to repeated and successful collaborations with conservation groups and local, state and federal agencies, as well as agricultural and urban water interests. For example, the National Marine Fisheries Service and the BDCP's primary proponent, the California Department of Water Resources, both participated in developing the landmark Lower Yuba River Accord (Yuba Accord). This award-winning settlement agreement ended 20 years of controversy by addressing water-supply and fisheries needs in the lower Yuba River and has led to significant economic and environmental benefits for California. Among the Yuba Accord's many benefits include</p>	The commenter gives examples of the Yuba County Water Agency's work with conservation, agricultural and urban water interests. The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.

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		higher instream flows for Chinook salmon and steelhead, an unprecedented fisheries monitoring and evaluation program, reduced greenhouse gas emissions and one of California's most successful large-scale water transfer programs.	
1572	2	<p>All of the local, state and federal agencies participating in the BDCP deserve credit for attempting to develop a large-scale, and dynamic, program to improve environmental conditions in California's Bay-Delta ecosystem while preserving our state's economic interests. Because of the Yuba County Water Agency's leadership in water supply planning and fisheries restoration issues, we certainly appreciate the challenge of such an undertaking. Our review of the BDCP is limited, however, to whether the plan may impact YCWA's operations. As discussed further below, however, there is insufficient detail and analysis in the BDCP and DEIR/EIS for YCWA to determine the full extent of how the plan may affect YCWA or its operations. Specifically, YCWA requests that you provide additional information on the following:</p> <ol style="list-style-type: none"> 1. Potential impacts to upstream CVP/SWP facilities; 2. Potential impacts to flow and temperature in the Sacramento River basin; and, 3. Detailed discussion and analysis of potential impacts to groundwater in the Sacramento Valley and, in particular, the Feather River basin. 	Changes in SWP and CVP reservoir storage and the rivers downstream of the reservoirs are shown in Appendix 5A, Section C, CALSIM II and DSM2 Model Results, of the Final EIR/EIS. Changes in water temperatures in these rivers are shown in Appendix 11D, Sacramento River Water Quality Model and Reclamation Temperature Model Results Utilized in the Fish Analysis, of the EIR/EIS. For further information about water quality modeling see Master Response 14. For more discussion about public trust resources such as groundwater, see Master Response 13. For further discussion about applying modeling to the alternatives, see also Master Response 19.
1572	3	One of the key areas for improvement in the BDCP is the description of how state and federal CVP/SWP facilities upstream of the Delta may operate in conjunction with the proposed new facilities (tunnels, intakes, and proposed conservation measures). Without additional description and analysis of how these facilities may operate under the combined effects of the BDCP and long-term climate change, the Yuba County Water Agency cannot understand how the plan may affect flows and temperatures in the Sacramento River, which in turn may affect YCWA's fisheries restoration efforts in the lower Yuba River. The DEIR/EIS provides some analysis of flows and temperature for the late long-term (2060) timeframe. This analysis, however, lacks a detailed discussion of how the operations of upstream CVP/SWP facilities may change in response to climate change. Such changes could affect flows and temperatures in the Feather River, through which Yuba River salmon and steelhead must migrate before they reach the Sacramento River and ultimately the Bay-Delta.	Changes in SWP and CVP reservoir storage and the rivers downstream of the reservoirs are shown in Appendix 5A, Section C, CALSIM II and DSM2 Model Results, of the Final EIR/EIS. Changes in water temperatures in these rivers are shown in Appendix 11D, Sacramento River Water Quality Model and Reclamation Temperature Model Results Utilized in the Fish Analysis, of the Final EIR/EIS. In general, surface water deliveries to water users in the Sacramento Valley, including diversions from the Yuba River, were considered to be consistent under Existing Conditions, No Action Alternative, and all alternatives evaluated in the Final EIR/EIS, including diversions under the Lower Yuba River Accord, Component 1. There would be changes throughout the watershed between Existing Conditions and No Action Alternative due to climate change, sea level rise, and planned population growth in the Sacramento Valley. However, there would be no changes between the No Action Alternative and all other alternatives except on the rivers downstream of the SWP and CVP reservoirs. Therefore, no analyses of changes along the other rivers (including Yuba River) due to implementation of alternatives were conducted for the other rivers. For a detailed description of how climate change assumptions impact the analysis please refer to Master Response 19, Climate Change and the Final EIR/EIS Chapter 29 and Appendices 29A-C.
1572	4	The BDCP and DEIR/EIS should also include a more-detailed discussion of potential impacts to groundwater in the Sacramento Valley. Since the 1970's, the Yuba County Water Agency and its member units (local irrigation districts) have responsibly managed and improved Yuba County's groundwater supplies. The DEIR/EIS states the BDCP will have negative impacts on groundwater supplies in portions of the Sacramento Valley, but it is unclear from the draft documents whether those negative impacts may affect Yuba County, or even more specifically, which parts of Yuba County and how often. It is also unclear whether any groundwater impacts from the BDCP may negatively affect YCWA's conjunctive use efforts in Yuba County.	There would be changes throughout the Sacramento Valley watershed between Existing Conditions and No Action Alternative due to climate change, sea level rise, and planned population growth in the Sacramento Valley. The action alternatives were developed to not affect water deliveries to non-SWP/CVP water users and the CVP water users that were not project proponents, including those in the Sacramento Valley. Although there would be changes in water deliveries to these non-project entities due to climate change, sea level rise, and population growth; it appears that there would be no changes in surface water supplies due to implementation of action alternatives. Therefore, no groundwater analyses were conducted in the Sacramento Valley. For a detailed description of how climate change assumptions impact the analysis please refer to Master Response 19, Climate Change and the Final EIR/EIS Chapter 29 and Appendices 29A-C.
1572	5	Additional information and revisions to the BDCP and DEIR/EIS are necessary to properly inform YCWA about potential impacts to its operations. The Yuba County Water Agency appreciates your attention to these comments and looks forward to your response.	Please note that the EIR/EIS has undergone extensive revisions since release of Public Draft, including the identification of a new preferred alternative, 4A. Please see Section 2 in the RDEIR/SDEIS for substantive Public Draft EIR/EIS revisions. Also, see Chapter 3 in the FEIR/EIS for a project description of the new preferred alternative. No issues related to the adequacy of the environmental impact analysis in the Final

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			EIR/EIS were raised.
1573	1	<p>Draft EIR/EIS Page 20-7, lines 16-18. The referenced sentence should be changed to read as follows:</p> <p>"Electricity within the Plan Area is transmitted by power lines [insert] owned variously by the participants in the California-Oregon Transmission Project (COTP) (which include the Transmission Agency of Northern California (TANC), the Western Area Power Administration (Western), Pacific Gas & Electric (PG&E), the City of Redding, the Carmichael Water District and the San Juan Water District),[insert] [delete]Western Area Power Administration (Western) and the Transmission Agency of Northern California (jointly own the California Oregon Transmission Project),[delete] PG&E, Sacramento Municipal Utility District (SMUD) and Modesto Irrigation District (MID)."</p>	This sentence has been revised accordingly in the Final EIR/EIS.
1573	2	<p>Draft EIR/EIS Page 20-67, lines 23-24. The referenced sentence should be changed to read as follows:</p> <p>"The alignment of the canal and other conveyance facilities constructed under this alternative would cross power transmission lines owned [insert] variously by the participants in the California-Oregon Transmission Project (which include Transmission Agency of Northern California (TANC), Western, PG&E, the City of Redding, the Carmichael Water District and the San Juan Water District), PG&E [insert] [delete] Pacific Gas & Electric [delete], Western and Sacramento Municipal Utility District (SMUD).</p>	The referenced sentence has been revised in the Final EIR/EIS to more specifically define the crossed transmission lines.
1573	3	<p>The easements comprising the portions of California-Oregon Transmission Project right of way (ROW) of concern are held by the United States and administered by the Western Area Power Administration (Western), a federal agency under the Department of Energy, acting as Transmission Agency of Northern California Operations and Maintenance Agent, for the benefit of all of the COTP participants (which include TANC, Western, the Pacific Gas and Electric Company (PG&E), the City of Redding, the Carmichael Water District and the San Juan Water District). Those easements include provisions to protect against any additional uses affecting the COTP right of way that could interfere with the safe operation and maintenance of the COTP facilities.</p> <p>Please see the BDCP EIR/EIS comments submitted under separate cover by Western. Those comments are hereby incorporated by reference to the extent that Western's interests and abilities to fulfill its contractual and other obligations to TANC on behalf of the COTP and its members and participants are in any way affected by the BDCP.</p>	See response 1573-23.
1573	4	<p>Transmission Agency of Northern California's comments herein are not intended, and shall not be construed, as authorization of, or acquiescence in, any particular uses of the California-Oregon Transmission Project right of way for the purposes of implementing the BDCP.</p> <p>Several types of construction activities are planned to be conducted within or adjacent to the COTP right of way, including:</p> <ul style="list-style-type: none"> • Expansion of the Clifton Court Forebay/Byron Tract Forebay Across the COTP ROW; • Permanent and Temporary Transmission Line Crossings of the COTP ROW; 	See response 1573-23.

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		<ul style="list-style-type: none"> Permanent Water Conveyance Facility Crossings of the COTP ROW; and Potential Excavation and Storage of Residual Tunnel Material (RTM) and Other Spoils in the COTP ROW. <p>Each of these types of construction activities, and the long-term operation and maintenance of the resulting BDCP facilities are of concern to TANC. The Draft BDCP EIR/EIS does not provide site-specific, detailed information regarding the methods and equipment to be used in the construction of the conveyance and transmission facilities as they cross the COTP ROW. The following comments address TANC's concerns regarding the need for advance notification and coordination with TANC, and ongoing engineering and safety planning and practices that will need to be implemented as the BDCP proceeds.</p>	
1573	5	ATT1: Certain Bay Delta Conservation Plan (BDCP) alternatives have the potential to adversely affect access to the COTP and its O&M. Figure 2 indicates the extent of the area where the BDCP alternatives would affect COTP O&M activities.	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS.
1573	6	The Draft BDCP EIR/EIS does not adequately acknowledge the public health and safety risks associated with construction activity in proximity to high voltage transmission lines. Indeed, Chapter 25 of the Draft BDCP EIR/EIS, which addresses "issues related to human health and safety that could potentially be affected by implementation of the BDCP alternatives," (Draft BDCP EIR/EIS, p. 25-1, lines 3-4) makes no mention of these concerns and, correspondingly, does not identify any mitigation measures to address these concerns.	<p>Please note that the BDCP is no longer the preferred alternative. Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft EIR/EIS. The BDCP (Alternative 4) remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. If the Lead Agencies ultimately choose the alternative implementation strategy and select an alternative presented in the RDEIR/SDEIS after completing the CEQA and NEPA processes, elements of the conservation plan contained in the alternatives in the 2013 Public Draft EIR/EIS may be utilized by other programs for implementation of the long term conservation efforts.</p> <p>Potential safety risks associated with construction activity in proximity to existing transmission lines is discussed in Chapter 24, Hazards and Hazardous Materials, under Impact HAZ-1: Create a Substantial Hazard to the Public or the Environment through the Release of Hazardous Materials or by Other Means during Construction of the Water Conveyance Facilities.</p> <p>DWR would be required to comply with Title 8 CCR, Section 2300 ("Low Voltage Electrical Safety Orders") and Section 2700 ("High Voltage Electrical Safety Orders") so that worker and public safety is ensured during work on or in immediate proximity to low- and high-voltage transmission lines. Implementation of pre-construction surveys, and then utility avoidance or relocation, if necessary, would minimize any potential disruption and hazardous effects due to disruption. Mitigation Measures UT-6a: Verify locations of utility infrastructure, and UT-6c: Relocate utility infrastructure in a way that avoids or minimizes any effect on worker and public health and safety (described in Chapter 20, Public Services and Utilities) address these effects.</p>
1573	7	<p>Crane and pipeline work under the California-Oregon Transmission Project would be inherently hazardous, even with the best safety plan and supervision. The risks here are not just damaging and deadly harm to the equipment, facilities, and people involved in the construction and operation of the Project, but also harm to the population in general and the economy of the Western region.</p> <p>Uninterrupted power supplies are central to public safety, health, medical care, vehicle and air traffic control, information exchange, the storage and provision of safe foodstuffs,</p>	Note that in Chapter 24, Hazards and Hazardous Materials, mapped locations of regional pipelines and electrical transmission lines were overlain with the construction footprint (Figures 24-3 and 24-6, respectively) to assess the relative risk of disturbance of these utilities during construction. The relative risk to each alternative from encountering pipelines was assessed by determining whether pipelines or electrical transmission lines were within the construction footprint of the alternative. If so, the risk was assumed to be high. See Impact HAZ-1.

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		fresh water production and sanitary waste disposal; in fact, virtually every facet of modern life depends on grid reliability.	
1573	8	<p>Expansion of the Clifton Court Forebay/Byron Tract Forebay Across the California-Oregon Transmission Project right of way</p> <p>Comment 7. BDCP Alternatives IA, IB, 2A, 2B, 3, 5, 6A, 6B, 7, and 8 propose the development of the Byron Tract Forebay to be located immediately south of and adjacent to the existing Clifton Court Forebay. We understand that approximately 14 million cubic yards of earth would be excavated to create the Bryon Tract Forebay, and that the forebay would be used to provide storage of approximately 4,300 acre-feet of water with a surface area of approximately 600 acres.</p> <p>We understand that the Forebay would remain permanently flooded consistent with its purpose. Figure 3 shows the area where the forebay expansions would cross the COTP ROW. Forebay expansion across the COTP ROW would significantly and adversely affect the COTP facilities and ROW. Tower footings were not designed to withstand constant flooding and the reductions in stability that would result from permanent inundation. Specifically, the following adverse physical impacts would occur:</p> <ul style="list-style-type: none"> • Excavation within 100 feet of transmission tower footings during construction would threaten the integrity of tower footings and risk the collapse of the towers. • Forebay flooding would severely reduce the integrity of the transmission tower footings, and likely result in tower failure. • The structural stability of five or more 500-kV COTP transmission towers would be threatened by excavation and subsequent flooding of the expanded forebay. • The cumulative impacts of excavation and flooding would almost certainly result in one or more transmission tower failures over time. <p>The proposed location of the forebay expansion is therefore unacceptable to Transmission Agency of Northern California. Forebay expansion needs to be relocated away from the COTP ROW. The excavation, flooding, and protective levees need to be located no less than 500 feet west of the existing COTP ROW to ensure continued integrity of the COTP transmission towers.</p>	<p>DWR intends to coordinate with TANC, as needed, to address these concerns.</p> <p>If this changes the proposed project characteristics, DWR will assess whether the change could cause environmental impacts other than those identified and take appropriate action to address those newly identified impacts.</p>
1573	9	ATT2: Figure 3. Byron Tract Forebay Expansion Across the California-Oregon Transmission Project right of way	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS.
1573	10	If the alternative selected for BDCP implementation includes expansion of the Clifton Court/Byron Tract Forebay complex such that it would inundate any part of the California-Oregon Transmission Project right of way, the BDCP proponent agencies will be responsible for all additional and/or replacement right of way that may need to be acquired for relocation of the existing COTP towers. The BDCP proponent agencies would also be responsible for all costs for the design and construction of any new transmission towers that will be needed to maintain COTP service levels as the COTP is relocated to new ROW. The BDCP proponent agencies would be required to procure the new ROW with rights fully equivalent in all respects to the current rights. Full ownership and transmission entitlements associated with those rights will need to be vested completely	See response 1573-8.

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		<p>to Transmission Agency of Northern California and the COTP participants. The BDCP proponent agencies would also be responsible for full funding of all environmental studies, permit applications, and all other regulatory compliance requirements needed for relocating the COTP ROW, and the design, construction and commissioning of the replacement 500-kV line of equal or greater capacity.</p> <p>The BDCP agencies would also be responsible for payment of all lost revenues resulting from outages needed for relocation, replacement interconnection, and for all associated litigation costs.</p>	
1573	11	<p>Permanent and Temporary Transmission Line Crossings of the California-Oregon Transmission Project right of way</p> <p>Draft BDCP EIR/EIS Figures 3-25, 24-6, 25-2, and others indicate that proposed temporary and permanent transmission lines needed for BDCP power could cross the COTP ROW. The proposed COTP ROW crossings could occur at COTP towers 156/4, 186/1, 188/3, 191/3, 193/1 and 193/4. Comments apply to any and all permanent and temporary transmission and distribution line crossings of the COTP ROW proposed as part of the BDCP.</p> <p>Because these crossings pose potential construction, operation, and related safety hazards, a few construction practices will be required to be undertaken as standard precautions in the design and installation of transmission crossings of the COTP ROW.</p>	See response 1573-23.
1573	12	Transmission Agency of Northern California requests that written notification be provided to itself and Western Area Power Administration of all locations where temporary or permanent BDCP transmission lines will be crossing the California-Oregon Transmission Project right of way, to be provided no fewer than 180 days prior to the initiation of construction.	See Response to Comment 1573-10. The Lead Agencies will coordinate with the appropriate utility providers throughout the planning and implementation process. Please see also the response to Comment 1573-23.
1573	13	Access to the California-Oregon Transmission Project facilities for inspection and maintenance, including access for heavy equipment, shall be required at all times during BDCP transmission facilities planning, construction and operation. All COTP right of way access roads must be available at all times for emergency and routine operations and maintenance activities.	See Response to Comment 1573-10.
1573	14	No transmission line crossings of the California-Oregon Transmission Project right of way will be authorized to be sited in a manner that would place new transmission towers within the COTP ROW.	Please see Impact UT-6: Effects on Regional or Local Utilities as a Result of Constructing the Proposed Water Conveyance Facilities in 4.3.16 in Section 4 of the RDEIR/SDEIS for more information regarding COTP.
1573	15	At all locations where proposed transmission or distribution lines to deliver power to the BDCP cross the California-Oregon Transmission Project right of way, they shall cross under the COTP conductors. Further, these crossings shall satisfy National Electricity Safety Code and/or California General Order 95 requirements (whichever is more restrictive) for the COTP line under its maximum sag conditions.	Most features would avoid disrupting public utility service by crossing over or under existing infrastructure. However, construction of facilities would conflict with utility facilities in some locations. The Lead Agencies will coordinate with the appropriate utility providers and will comply with National Electricity Safety Code and California General Order 95 requirements. Please see Impact UT-6: Effects on Regional or Local Utilities as a Result of Constructing the Proposed Water Conveyance Facilities in 4.3.16 in Section 4 of the RDEIR/SDEIS for more information regarding COTP.
1573	16	Transmission Agency of Northern California requires that it be consulted prior to and during the installation of temporary clearance markers to indicate the closest safe distances from the conductors.	The Lead Agencies will coordinate with the appropriate utility providers throughout the planning and implementation process.

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1573	17	Permanent markers indicating the proximity of energized high-voltage power line conductors shall be required to be furnished and installed on BDCP electric transmission facilities before the completion of construction according to standard industry practices for such marker installations.	Construction of energy facilities associated with electric transmission facilities would be required to comply with federal, state, and local requirements.
1573	18	ATT3: BDCP EIR/EIS Figures 24-6, 25-2, and others indicate that Modified Pipeline/Tunnel Alignment, Pipeline/Tunnel Alignment, Western Alignment, and Through Delta/Separate Corridors conveyance alternatives could cross the California-Oregon Transmission Project right of way. Figure 4 indicates the proposed locations of these crossings near COTP transmission towers.	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS.
1573	19	<p>BDCP excavation, construction, operation, and maintenance activities have the potential to adversely affect the physical conditions supporting the structural integrity of the California-Oregon Transmission Project (COTP) right of way (ROW) access, and Operations and Maintenance activities. The following comment therefore applies to any and all construction near or adjacent to the COTP ROW.</p> <p>Transmission Agency of Northern California requests an electronic copy of each draft version of any Project safety plan applicable to those construction activities within or adjacent to the California-Oregon Transmission Project right of way be provided to itself and Western no fewer than 180 days prior to the approval of the plan for implementation.</p>	Please see the response to Comment 1573-23.
1573	20	<p>BDCP excavation, construction, operation, and maintenance activities have the potential to adversely affect the physical conditions supporting the structural integrity of the California-Oregon Transmission Project (COTP) right of way (ROW) access, and Operations and Maintenance activities. The following comment therefore applies to any and all construction near or adjacent to the COTP ROW.</p> <p>Transmission Agency of Northern California (TANC) requires advance written notice of at least 180 days prior to any construction activity to take place within the California-Oregon Transmission Project right of way.</p> <p>TANC will require that the BDCP provide detailed, site-specific information regarding the construction practices that will be occurring within the COTP ROW, and within 500 feet of the COTP ROW that includes, but is not limited to:</p> <ul style="list-style-type: none"> - Construction equipment; - Construction crew sizes; - The extent to which cranes will be used in installing the conveyance facilities; - Maintenance of clearance distances to COTP conductors; - The duration of all construction activities within the COTP ROW; - Excavation practices within or adjacent to the COTP ROW and transmission towers; and - Excavated materials transport and placement locations. <p>Transmission Agency of Northern California requires that a TANC representative be on site at times when construction work is conducted within or adjacent to the COTP ROW</p>	Please see the response to Comment 1573-23. The TANC is welcome to supply a representative to be on site at times when construction work is conducted within or adjacent to the COTP ROW at their own expense as this is not a requirement.

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		for any and all BDCP construction activities.	
1573	21	<p>BDCP excavation, construction, operation, and maintenance activities have the potential to adversely affect the physical conditions supporting the structural integrity of the California-Oregon Transmission Project (COTP) right of way (ROW) access, and Operations and Maintenance activities. The following comment therefore applies to any and all construction near or adjacent to the COTP ROW.</p> <p>Transmission Agency of Northern California (TANC) will require the development of a Compensation Agreement for the time needed for on-site representation of TANC's interests.</p>	Please see the response to Comment 1573-23. The TANC is welcome to supply a representative to be on site at times when construction work is conducted within or adjacent to the COTP ROW at their own expense as this is not a requirement.
1573	22	<p>BDCP excavation, construction, operation, and maintenance activities have the potential to adversely affect the physical conditions supporting the structural integrity of the California-Oregon Transmission Project (COTP) right of way (ROW) access, and Operations and Maintenance activities. The following comment therefore applies to any and all construction near or adjacent to the COTP ROW.</p> <p>BDCP should coordinate closely with Western Area Power Administration consistent with those comments submitted under separate cover by Western to ensure that the BDCP does not cause any unsafe construction or operating conditions.</p>	The Lead Agencies will coordinate with the appropriate utility providers. Please see Appendix 3B Environmental Commitments for more information.
1573	23	<p>BDCP excavation, construction, operation, and maintenance activities have the potential to adversely affect the physical conditions supporting the structural integrity of the California-Oregon Transmission Project (COTP) right of way (ROW) access, and Operations and Maintenance activities. The following comment therefore applies to any and all construction near or adjacent to the COTP ROW.</p> <p>All temporary earthwork within or adjacent to the California-Oregon Transmission Project right of way shall be designed and implemented in a manner that results in drainage away from COTP transmission tower footings.</p>	Potential impacts on the COTP are analyzed in Chapter 20, Public Services and Utilities. Implementation of pre-construction surveys, and then utility avoidance or relocation if necessary, would minimize any potential disruption. Mitigation Measures UT-6a, UT-6b, and UT-6c would require relocation or modification of existing utility systems, including, but not limited to, public and private ditches, pumps, and septic systems, in a manner that does not affect current operational reliability to existing and projected users; coordination of utility relocation and modification with utility providers and local agencies to integrate potential other construction projects and minimize disturbance to the communities; and verification of utility locations through field surveys and services such as Underground Service Alert. Any safety plans developed as part of the proposed project will be provided to the affected service providers as early as possible in the process. The TANC will be provided with 180 days' notice prior to any construction activity taking place within the California-Oregon Transmission Project right of way. Detailed, site-specific plans and information as applicable will be provided and part of the construction right of way process.
1573	24	<p>BDCP excavation, construction, operation, and maintenance activities have the potential to adversely affect the physical conditions supporting the structural integrity of the California-Oregon Transmission Project (COTP) right of way (ROW) access, and Operations and Maintenance activities. The following comment therefore applies to any and all construction near or adjacent to the COTP ROW.</p> <p>No cut or fill or cofferdam construction and/or dewatering activities will be authorized that could affect the stability of the California-Oregon Transmission Project transmission tower footings consistent with all applicable government codes. Excavations will not be authorized within 100 feet of COTP transmission tower footings.</p>	Please see the response to Comment 1573-23.
1573	25	BDCP excavation, construction, operation, and maintenance activities have the potential to adversely affect the physical conditions supporting the structural integrity of the California-Oregon Transmission Project (COTP) right of way (ROW) access, and Operations and Maintenance activities. The following comment therefore applies to any and all construction near or adjacent to the COTP ROW.	As described in Impact GEO-5 (effects on land surface settling), DWR would ensure that the geotechnical design recommendations, based on site-specific investigations, are included in the design and construction of project facilities to avoid or minimize such potential effects. The potential effect of any placement of materials on lands and access roads for the COTP would be protected, just as other unpaved levee roads under the mitigation measures described for TRANS2 (effects on road pavement or condition). Because SWP and CVP energy is transmitted in many of the high voltage transmission lines (including the COTP) that

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		Residual Tunnel Material and any and all other excavated soil, spoils, or other materials will not be allowed to be placed within the California-Oregon Transmission Project right of way.	cross the Delta, they have knowledge and understanding of the access necessary for inspection and maintenance. Protection of all existing facilities (i.e., towers and access roads) is required for all engineering design and construction work. In addition, because the COTP corridor is along the western Delta, connecting to the Tracy Substation, it is unlikely that there will be any effects from the alternatives on the COTP towers or access roads.
1574	1	The State Water Project is a vital component of Southern California's Water system, providing roughly 25-30 percent of the region's water needs on average, including critical supplies for replenishment of the regions groundwater basins that are relied upon in drought years. The project is of particular concern to the communities served by our agency since we can use only imported State Water Project for groundwater replenishment, as imported water from the Colorado River is too salty. While conservation and local supply development will be the key building blocks of water supply reliability for the Southland in coming years, continued imports of water from the Delta, particularly doing wet years will also be essential to sustainable water management for the region.	This comment is consistent with information presented in Chapter 1, Introduction, of the EIR/EIS.
1574	2	<p>The vulnerability of both the state and federal water operations in foe Delta to interruptions caused by the need to protect threatened and endangered Delta species and the potential for catastrophic earthquakes and flood events are serious concerns that California a must address. We believe that the proposed BDCP, being developed under provisions of the state and federal endangered species protection laws, is the most promising plan to date to solve these challenges and resolve decades of conflicts between agricultural. urban and environmental water users.</p> <p>The Department of Water Resources is to be commended for its work in developing the public draft BDCP. The Plan and the related DEIR/DEIS documents provide exhaustive detail on the complex problems facing the Delta and an extensive assessment of the alternatives for resolving the conflicts in the Delta. The release of the draft BDCP culminates in eight-year stakeholder process, and represents an important milestone in the development of last lasting Delta solution - one that achieves state's coequal goals of achieving reliable water supply for California and protecting, restoring and •enhancing the Delta ecosystem while preserving and enhancing the values of the Deltas as an evolving place.</p>	Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft EIR/EIS. Alternative 4 (the Bay Delta Conservation Plan) remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. If the Lead Agencies ultimately choose the alternative implementation strategy and select an alternative presented in the RDEIR/SDEIS after completing the CEQA and NEPA processes, elements of the conservation plan contained in the alternatives in the 2013 Public Draft EIR/EIS may be utilized by other programs for implementation of the long term conservation efforts.
1574	3	We are supporting of the BDCP's proposed twin-tunnel conveyance system that isolates and protects drinking water supplies and helps restore natural flow patterns in the Delta for the benefit of native species, as well as the complementary habitat restoration, water quality and predator control measures outlined in the BDCP. We also think it is important to acknowledge the immense effort to develop the science that underlies the plan. We support the plan's recognition that changing conditions in the Delta will require ongoing scientific review and real-time monitoring so the plan can effectively adapt over time to emerging science and the evolving ecosystem.	The commenter's support of the proposed project is noted. No issues were raised related to the adequacy of the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
1574	4	Inland Empire Utilities Agency has concluded that the plan must deal effectively with the May 15, 2014 findings made by the Delta Independent Science Board that the public draft BDCP currently falls short of level of the analysis needed to comply with the EIR/EIS environmental review standards as well as what will be needed to comply with the Habitat Conservation Plan/Natural Communities Conservation Plan permit requirements.	Please refer to comment letters 1448 and 2546 to see responses to the Delta Independent Science Board's comments.

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1574	5	Specific issues identified by the Delta Independent Science Board (full letter attached) include the following: Many of the impact assessments hinge on overly optimistic expectations about the feasibility, effectiveness, or timing of the proposed conservation actions, especially habitat restoration.	Please refer to comment letters 1448 and 2546 to see responses to the Delta Independent Science Board's comments.
1574	6	Specific issues identified by the Delta Independent Science Board include the following: the project is encumbered by uncertainties that are considered inconsistently and incompletely; modeling has not been used effectively to bracket a range of uncertainties or to explore how uncertainties may propagate.	Please refer to comment letters 1448 and 2546 to see responses to the Delta Independent Science Board's comments
1574	7	Specific issues identified by the Delta Independent Science Board (full letter attached) include the following: The potential effects of climate change and sea level rise on the implementation and outcomes of BDCP actions are not adequately evaluated.	Please refer to comment letters 1448 and 2546 to see responses to the Delta Independent Science Board's comments
1574	8	Specific issues identified by the Delta Independent Science Board (full letter attached) include the following: Insufficient attention is given to linkages and interactions among species, landscapes, and the proposed actions themselves.	Please refer to comment letters 1448 and 2546 to see responses to the Delta Independent Science Board's comments
1574	9	Specific issues identified by the Delta Independent Science Board (full letter attached) include the following: The analyses largely neglect the influences of downstream effects on San Francisco Bay, levee failures, and environmental effects of increased water availability for agriculture and its environmental impacts in the San Joaquin Valley and downstream.	Please refer to comment letters 1448 and 2546 to see responses to the Delta Independent Science Board's comments
1574	10	Specific issues identified by the Delta Independent Science Board (full letter attached) include the following: Details of how adaptive management will be implemented are left to a future management team without explicit prior consideration (a) situations where adaptive management may be inappropriate or impossible to use, (b) contingency plans in case things do not work as planned, or (c) specific thresholds for action	Please refer to comment letters 1448 and 2546 to see responses to the Delta Independent Science Board's comments
1574	11	Specific issues identified by the Delta Independent Science Board (full letter attached) include the following: Available tools of risk assessment and decision support have not been used to assess the individual and combined risks associated with BDCP actions.	Please refer to comment letters 1448 and 2546 to see responses to the Delta Independent Science Board's comments
1574	12	Specific issues identified by the Delta Independent Science Board (full letter attached) include the following: the presentation, despite clear writing and an abundance of information and analyses, makes it difficult to compare alternatives and evaluate the critical underlying assumptions.	Please refer to comment letters 1448 and 2546 to see responses to the Delta Independent Science Board's comments
1574	13	In its letter of June 24, 2014, the Delta Stewardship Council identified more issues that need to be addressed in the DEIR/DEIS that relate to compliance with the 2009 Delta Reform Act requirements. These include (1) the clear delineation of the flow criteria and quantity of water available for export and other beneficial uses under different alternatives; (2) an assessment of the resiliency and recovery of conveyance alternatives in the event of catastrophic loss caused by flood or other natural events; and (3) mitigation of conveyance impacts. The full letter is attached for your reference.	<p>Please see Master Response 31, which provides a detailed explanation of how the proposed project complies with the Delta Reform Act. Among other points, Master Response 31 explains that the flow criteria are narrowly focused and preliminary in nature. Moreover, while the flow criteria informed the proposed project and the analysis in the EIR/EIS, the criteria do not function as a unilateral directive for the proposed project.</p> <p>For more information regarding environmental commitments please see Appendix 3B of the RDEIR/SDEIS and Appendix 3B of the Final EIR/EIS.</p> <p>For more information on how Alternative 4A would affect the Delta's resiliency and adaptability to climate change please see 4.3.25 Section 4 of the RDEIR/SDEIS. See also Appendix 3E, Potential Seismic and Climate Change Risks to SWP/CVP Water Supplies, in the Final EIR/EIS.</p>

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			<p>For more information regarding Geology and Seismicity and catastrophic events please see 4.3.5 Section 4 of the RDEIR/SDEIS and Chapter 9 of the Final EIR/EIS.</p> <p>All comments received during the 2013 and 2015 public comment period are included in the FEIR/EIS. Please refer to the table of commenters to locate the letter of interest.</p>
1574	14	<p>Both the Delta Independent Science Board and the Delta Stewardship Council were charged by the California legislature in the 2009 Delta Reform Act to provide an independent review of the draft BDCP. It is critical that the issues identified by both of these entities be fully addressed in the final BDCP and related environmental documents. The alternative is unacceptable -- more litigation and the probable failure of the BDCP to ultimately meet the permit requirements of the state and federal endangered species protection laws. We believe that it is better for DWR to take the additional time needed to respond to these issues, developing the additional information and completing the additional analyses that will ensure that the public and decision-makers are fully informed about the BDCP alternatives and can select the best option in the final Plan.</p>	<p>Please refer to Master Response 31 and Final EIR/EIS Appendices 3I and 3J for discussion of the proposed project's compliance with the Delta Reform Act. All comments received during the 2013 and 2015 public comment period are included in the FEIR/EIS. Please refer to the table of commenters to locate the letter of interest. Please refer to comment letters 1448 and 2546 to see responses to the Delta Independent Science Board's comments.</p>
1574	15	<p>The proposed BDCP is the most comprehensive effort ever undertaken to address the chronic water challenges facing the state and federal water projects in a manner that is protective of the Delta environment. We urge the state to move forward with the draft plan and focus on resolving those remaining issues needed to provide assurances that the plan will achieve California's co-equal goals.</p>	<p>This comment is noted. Please see also responses to comments 1574-1 and 1574-15.</p>
1575	1	<p>Southern California is rebuilding its aging infrastructure to ensure its water supplies are reliable. In Torrance, we are in the process of developing new local water resource projects to reduce our dependence on imported water supplies. We need the same kind of investment in the State Water Project to safeguard our imported supplies. A project of such magnitude will require some difficult decisions and compromises between many stakeholders with varying priorities. However, California cannot sit idly by and wait for disaster.</p> <p>We support the BDCP, and specifically the 9000 cubic feet per second twin tunnel design (Alternative #4), as a workable proposal that can lead to a final successful plan of action. Alternative #4 offers the best solution to minimize seismic risk to our state's water supply infrastructure, restores the Delta's ecosystem over time and provides vital water supply reliability.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.</p>
1575	2	<p>[ATT1:]</p> <p>RESOLUTION NO. 2014-92</p> <p>A Resolution Of The City Council Of The City Of Torrance Adopting A Resolution In Support Of The Bay Delta Conservation Plan (BDCP), Reliable Water Supplies And Environmental Restoration</p>	<p>The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS.</p>
1575	3	<p>[FROM ATT1:]</p> <p>Water supplies from the Northern California that move across the Sacramento- San Joaquin Delta are vital to the economy of California, serving 25 million people from the San Francisco Bay Area to the Mexican border and agriculture throughout the Central Valley.</p>	<p>No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.</p>

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1575	4	<p>[FROM ATT1:]</p> <p>The Delta is in a state of environmental stress due to the loss of wetlands habitat, invasive species, pesticide runoff, other sources of contamination, pumping operations and other factors.</p>	The commenter's opinion related to the state of the Delta is acknowledged.
1575	5	<p>[FROM ATT1:]</p> <p>The decline in the Delta's health threatens this unique environment and water supplies that are imperative to meeting California's water needs and preserving the state's economy.</p>	No issues related to the adequacy of the environmental impact analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS were raised.
1575	6	<p>[FROM ATT1:]</p> <p>The Delta's levees are not engineered to protect the state's water supply distribution system from major earthquakes, and multiple levee failures could disrupt water deliveries and adversely impact the state's economy for up to three years.</p>	<p>Please see Chapter 2, FEIR/EIS, for the BDCP/CWF purpose and need, and Appendix 6A Sections 6A.2 and 6A.3 for discussion on existing levee improvement programs and funding mechanisms, which would not be affected by the BDCP/CWF.</p> <p>Also, see Section 6A.5.2, FEIR/EIS, for information on potential seismic effects to the Delta in the future.</p> <p>For more information on levee stability and seismic risk please see Master Response 16.</p>
1575	7	<p>[FROM ATT1:]</p> <p>Numerous state and federal agencies and other stakeholder groups have worked for years towards developing a comprehensive package of ecosystem and water system reliability improvements by development of a comprehensive Bay Delta Conservation Plan (BDCP) to address both current conflicts in the Delta and long term threats to the reliability of the state's water supplies.</p> <p>The BDCP represents the most comprehensive effort to comply with state and federal environmental laws over the last 50 years, through a cooperative effort to reverse the Delta's decline and protect the delivery of vital water supplies.</p> <p>The failure to take decisive actions would be an unacceptable risk to the environment of the Delta, to the future reliability of water supplies and the economy of California.</p>	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
1575	8	<p>[FROM ATT1:]</p> <p>Alternative Number 4 is the most promising plan developed to date to solve the Delta challenges and resolve decades of conflicts between agricultural, urban and environmental stakeholders with a comprehensive solution that achieves California's co-equal goals of a reliable water supply and a restored Delta ecosystem.</p> <p>The City of Torrance is supportive of the proposed twin tunnel water conveyance system, as recommended in Alternative Number 4, which isolates and protects drinking water supplies and helps restore natural flow patterns in the Delta for the benefit of native species as well as implementing complementary habitat restoration, water quality and predator control measures outlined in the BDCP.</p> <p>The City of Torrance urges the state to move forward with the draft BDCP, specifically with support for Alternative Number 4, the state's preferred alternative, and focus efforts on resolving those remaining issues needed to provide assurances that the plan will achieve California's co-equal goals of water supply reliability and ecosystem restoration in</p>	Please note that the preferred alternative is now Alternative 4A (i.e., the California WaterFix Project) and no longer includes an HCP. The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.

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		<p>a cost effective manner.</p> <p>The City Council of the City of Torrance, California does hereby take a position of support for adoption of the Bay Delta Conservation (BDCP), including the adoption of Alternative Number 4, providing for the twin tunnel water conveyance system.</p>	
1576	1	<p>Comments on the Draft Environmental Impact Report I Draft Environmental Impact Statement for the Bay Delta Conservation Plan.</p> <p>Historical Pipeline Portfolio -- Bakersfield to Richmond</p> <p>On behalf of Chevron Environmental Management Company (CEMC), Leidos Engineering LLC (Leidos: CEMC contract consultant) recently reviewed the Draft Environmental Impact Report I Draft Environmental Impact Statement for the Bay Delta Conservation Plan (BDCP). The information contained in this letter may help you in planning this project and to understand something about Chevron's former pipeline operations within Alameda County and Contra Costa County, as residual weathered crude oil, abandoned pipeline, and asbestos-containing materials (ACM) could potentially be encountered during subsurface construction activities in these former pipeline rights of way (ROWS).</p> <p>Portions of the former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) pipelines existed in the vicinity of the proposed BDCP project area. These formerly active pipelines were constructed in the early 1900s and carried crude oil from the Kern River Oil Fields (in and near Bakersfield) to the San Francisco Bay Area. Pipeline operations for the OVP ceased in the 1940s, and in the 1970s for the TAOC pipelines. When pipeline operations ceased, the pipelines were taken out of commission. The degree and method of decommissioning varied; in some instances the pipelines were removed, while in others, they remained in place. Because these pipelines have been decommissioned, with the majority of pipelines having been removed, they are not readily identified as underground utilities through the Underground Service Alert North System or utility surveys. Figures 1 through 4 illustrate the location of the former OVP and TAOC ROWs with respect to sections of Alternative 4 of the proposed project. The locations of the pipelines shown on Figures 1 through 4 are based on historical as-built drawings and the approximated positional accuracy of the alignments is generally +/- 50 feet. The OVP and TAOC pipelines were installed at depths of up to 10 feet below ground surface. The steel pipelines were typically encased in a protective coating composed of coal tar and ACM.</p> <p>Working under the direction of State regulatory agencies, CEMC conducted risk assessments at numerous locations with known historical crude-oil release points along the former OVP and TAOC pipelines. Analytical results from these risk assessments indicated that the crude-contaminated soil was non-hazardous. Accordingly, it is likely that if soil affected by the historical release of crude oil from these former pipelines is encountered during construction activities it may be reused as backfill on site. Properly abandoned crude-oil pipeline may be left in the ground.</p> <p>Parties conducting construction activities in the vicinity of these former pipeline ROWs may wish to use the information provided in this letter to help prepare for the possibility of encountering abandoned pipelines and pipeline-related ACM during the course of their work.</p>	<p>The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.</p>

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1576	2	[ATT1: Figure 1 - Map of Historical Pipeline Rights of Way]	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS.
1576	3	[ATT2: Figure 2 - Map of Historical Pipeline Rights of Way]	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS.
1576	4	[ATT3: Figure 3 - Map of Historical Pipeline Rights of Way]	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS.
1576	5	[ATT4: Figure 4 - Map of Historical Pipeline Rights of Way]	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS.
1577	1	<p>I am a Southern California resident who realizes the importance of a reliable water supply from Northern California. Over the past 40 years, we have invested billions in the State Water Project to capture and deliver this essential supply, which makes up more than 30 percent of Southern California's water resource mix. I understand that conflicts in the Sacramento-San Joaquin Delta have steadily reduced water deliveries and that our supply from the region is at risk long-term because of seismic threats and other vulnerabilities. I am supportive of the efforts by state and federal agencies to find a long-term solution in the Delta that works for both California's environment and economy through the process known as the Bay Delta Conservation Plan.</p> <p>I wanted to relay my support for this effort now that a draft solution is on the table and your agency is seeking comments from members of the public. Southern California is faring better than much of the state during this drought because of our investments in regional storage and conveyance that allowed us in the past to capture adequate supplies in wet years and store it for dry years. The supply from Northern California is critical for this system to work. Unfortunately, that supply is at risk until we modernize the Delta portion of the statewide water delivery system so that it reduces conflicts with Delta fish species and protects this supply in the event of natural disasters such as earthquakes.</p>	This comment is consistent with information presented in Chapter 1, Introduction, of the EIR/EIS. The comment is consistent with the acknowledgement that the project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies.
1577	2	Water from Northern California is vital to the entire state, supporting our \$2 trillion urban and agricultural economy and sustaining the Delta environment. We need a solution that works for all stakeholders and we need every region of the state doing its part including increasing conservation and expanding local supplies. Please continue your important efforts on the Bay Delta Conservation Plan so that California can modernize this crucial link in our water system, restore the Delta ecosystem and put the state on a path to a more reliable water future .	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
1578	1	I urge you not to approve the ill-advised and prohibitively expensive Peripheral Diversion tunnel project in the Sacramento-San Joaquin Delta.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental impact analysis provided in the EIR/EIS documentation. For a discussion on the differences between the proposed project and the Peripheral Canal project, refer to Master Response 36.
1578	2	<p>Destroying the Delta (which is what the tunnels would do) is a very short-sighted idea for many reasons:</p> <p>The entire watershed from the Sierra-Nevada mountains (and surrounding area) to the ocean would be profoundly changed. We are already diverting up to 25% of the</p>	As noted by the comment, because salinity-related parameters have the potential to be altered by the project alternatives, these parameters, including bromide, chloride, and electrical conductivity were analyzed in detail for all alternatives in Chapter 8, Water Quality. Mitigation was introduced if the project alternative would result in a significant impact.

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		freshwater out of the Delta. Fish migration and salinity in the eastern Delta has been negatively affected. Increased diversion would allow leakage into the Delta of even more salt water from the ocean, especially in the spring months.	
1578	3	The native fish (smelt among others) and wildlife (birds included) would be deeply affected as the entire natural ecological balance would be destroyed, both during and after construction.	The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such the proposed project is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. For more information regarding purpose and need please see Master Response 3.
1578	4	The very delicate and precarious balance of farming in the Delta would also be altered and ultimately destroyed. Farming is a huge industry in California; every day as it is we are damaging this part of our state's economy. Let us not add to the destruction on purpose.	The commenter is thanked for their comment. The BDCP/California WaterFix project is being proposed to address the conflict between the ecological needs of a range of at-risk Delta species and natural communities, while providing for more reliable water supplies for people, communities, agriculture, and industry. See Master Response 18 for more information regarding agricultural impact mitigation.
1578	5	The recreational uses of the Delta waterways would also be altered and shattered. Economically, recreationally, and socially the Delta is a huge asset to the entire greater Sacramento/San Joaquin Valley area (as well as the entire state of California).	Please refer to Chapter 16, Socioeconomics, regarding socioeconomic impacts on the Delta from the project. Please also note that DWR is revising the Socioeconomic Impact Analysis for the project based on changes included in the Recirculated Draft EIR/Supplemental Draft EIS.
1578	6	The cost estimates of \$25 billion are unfathomable and unrealistic. The truth is that to build the system will inevitably take longer and cost more, and have higher [hidden, and as of now, unknown] problems than estimated. We are looking at several decades of disruption.	Please see Master Response 5 regarding the estimated cost and to see the adequacy of the proposed project funding strategy. Please also note that BDCP is no longer the preferred alternative. The preferred alternative is now Alternative 4A and no longer includes an HCP. Alternative 4A has been developed in response to public and agency input. The EIR/EIS analyzes all alternatives, including Alternative 4A.
1578	7	Restoration on the scale necessary would not occur for years (generations), and even with the best of intentions, it will not be sufficient. The environmental harm simply will be too enormous to correct.	The RDEIR/SDEIS, released in 2015, introduced a new preferred alternative, 4A, which does not include a HCP or conservation measures. The alternative implementation strategy allows for other state and federal programs to address the long term conservation efforts for species recovery in programs separate from the proposed project. Please refer to Chapter 3, Alternatives, for additional detail about the habitat restoration proposed under Alternative 4A.
1578	8	If we are willing to spend \$25 billion of taxpayers' money, let us do it the right way -- for example: Consider improvement/expansion of existing water retention systems (i.e. deepening our storage lakes at Folsom and Oroville, etc. and expanding/modifying the existing dams.) Invest in research and development of new places/ways to retain existing water resources (i.e. new dams/storage lakes -- for example Auburn and/or other smaller waterways.)	While water storage is a critically important tool for managing California's water resources, it is not a topic that must be addressed in the EIR/EIS for the proposed project. This is because the proposed project does not, and need not, propose storage as a project component. Although the physical facilities contemplated by the proposed project, once up and running, would be part of an overall statewide water system of which new storage could someday also be a part, the proposed project is a stand-alone project for purposes of CEQA and NEPA, just as future storage projects would be. Appendix 1B, Water Storage, of the 2013 Public Draft EIR/EIS, describes the potential for additional water storage. Appendix 3A thoroughly explains why various proposals were not analyzed in the EIR/EIS, including the NRDC Portfolio-Based Proposal, Congressman Garamendi's Water Plan, and other similar concepts that would require actions that are beyond the scope of the proposed project. For more information regarding alternatives to the proposed project please see Master Response 4. Please see Master Response 37 regarding water storage.
1578	9	Expansion of water desalination projects. We have the Pacific Ocean, which is full of water, at our doorstep. A primary finding of the Task Force is that "... economically and environmentally acceptable desalination should be considered as part of a balanced water portfolio to help meet California's existing and future water supply and environmental needs ..." Let us seriously explore this option. I am sure with additional	Please see Master Response 7, which describes why an alternative focused on desalination is not included in the EIR/EIS. Desalination is one strategy used in California to develop new supplies, yet it is not the primary solution for the State's water shortage due to many factors, including limited capacity and technology, high costs and energy demands, and regulatory uncertainty.

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		funding (using some the \$25 billion) we can come up with viable and affordable solutions.	
1578	10	Research and development of cloud-seeding techniques. Today seeding is often considered a tool to improve rain and snow precipitation. New research and technology seems to have produced reliable results that may make cloud seeding a dependable and affordable water-supply practice.	This proposal is beyond the scope of the BDCP. Please see Master Response 3 for a discussion of the project purpose and need.
1578	11	<p>Let us declare a "War on Drought" and get our very qualified California scientists working on the problems of solving our water needs now, and in the foreseeable future. Let's leave the politicians out of the decision making; those who seem determined to inadvertable [sic] ruin a huge part of our natural treasure (the Delta) and spend \$25 billion dollars in the process. Their decision making -- to date -- has not shown much insight and vision into the entire question of the needs of the Delta area.</p> <p>Let us learn from (instead of repeat) our previous experiences and mistakes:</p> <p>Remember the disaster of the Hetch Hetchy project and what it has cost us as a lost resource.</p>	The project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies. It is important to note that the project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, storage, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Demand Management Measures).
1579	1	<p>On behalf of the Kern County Minority Contractors Association, I am writing to demonstrate that we support for the goals of the Bay Delta Conservation Plan (BDCP).</p> <p>We agree with the co-equal goals of restoring the Sacramento-San Joaquin Delta ecosystem and securing reliable water supplies through a new Delta conveyance system. California and the Federal Government must continue the work of solving our long and short term water solutions.</p> <p>The health of the Delta is critical to the future of California, because the Delta supplies 25 million Californians fresh water, provides millions of acres of farmland in the Central Valley and supplies water to drive much of California's economy.</p> <p>Please get this plan approved, the great San Joaquin Valley and the State of California depend on the approval of the Bay Delta Conservation Plan.</p>	The commenters support for the proposed project is noted. Please note that Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft EIR/EIS. Alternative 4 remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. If the Lead Agencies ultimately choose the alternative implementation strategy and select an alternative presented in the RDEIR/SDEIS after completing the CEQA and NEPA processes, elements of the conservation plan contained in the alternatives in the 2013 Public Draft EIR/EIS may be utilized by other programs for implementation of the long term conservation efforts.