Appendix A

DWR Response to Comments

Appendix A

DWR Response to Comments

The public comment period on the DWR Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) was originally announced as June 26 to July 26, 2009. However, on July 21, DWR extended the comment period to August 10. At the end of the public comment period, DWR had received a total of 27 letters (some with multiple comments) and 7 oral comments addressing the Draft IS/MND. DWR appreciates and thanks the agencies and individuals for taking time to review and submit comments on the Draft IS/MND. The comments are important to DWR. DWR has prepared written responses to the comments. The responses correct, clarify, and amplify text in the Draft IS/MND, as appropriate. These changes do not alter the conclusions of the Draft IS/MND.

This Response is divided into two parts. Part I is a General Response to Comments which provides background and context for the activities proposed in the Draft IS/MND. Part II includes Specific Responses to the agency and individual comments. The letters and oral comments have been assigned a number, shown in the Index list below. DWR separated the comments into two sections: Section A includes comments from state and local public agencies and non-governmental organizations; and Section B includes comments from individuals. At the beginning of each response, the corresponding comment letter number is listed and the comment or a summary of the comment is provided. Where multiple letters or verbal comments had the same comment, DWR prepared one response and listed the comment numbers that are being addressed by the response or referenced the similar response after the comment.

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PART I

GENERAL RESPONSE TO COMMENTS

A. CEQA Review of the Draft IS/MND

Some comments stated that there was not adequate notice to review the Draft IS/MND or that there was confusion regarding the notice provisions or that there was confusion regarding the project to be reviewed.

The proposed Engineering Geotechnical Activities in Water (in-water exploratory drilling activities) that are described in this IS/MND are subject to the California Environmental Quality Act (CEQA) process. The Draft IS/MND was prepared analyzing the potential of these activities to impact the environment. The legally required and standard period of time for reviewing a Negative Declaration is 30 days. DWR extended an original 30-day review period to provide a 45-day public review period, from June 26 to August 10.

Several comments express some confusion regarding a July 21, 2009 date for the Notice of Intent to adopt a mitigated negative declaration and argue that the review period should have been 30 days from July 21, 2009. These comments apparently assume that the posting date of the revised Notice of Intent was the date that the public comment period began and therefore the Notice of Intent and public comment period are defective. This assumption is inaccurate. DWR filed an original Notice of Intent to adopt a Draft Initial Study/Mitigated Negative Declaration for the proposed In-water Geotechnical Drilling Project at the State Clearinghouse on June 26, 2009, and on June 28, 2009 DWR published the same Notice of Intent in the Sacramento Bee, a newspaper with broad distribution in the area. This Notice of Intent included information on the length of the public comment period, where to submit comments, and where copies of the Draft IS/MND could be obtained, including a computer on-line website address. Also, as required by CEQA, after DWR submitted the Notice of Intent and copies of the Draft IS/MND to the State Clearinghouse, the State Clearinghouse notified the following responsible and trustee agencies on June 27, 2009: Air Resources Board, Boating and Waterways, CHP, Caltrans District 3, Central Valley Flood Protection Board, the Delta Protection Commission, Fish and Game, Native American Heritage Commission, Office of Emergency Services, Office of Historic Preservation, Parks and Recreation, Regional Water Quality Control Board, The Resources Agency, San Joaquin River Conservancy, and the State Lands Commission. DWR has also consulted with the Department of Fish and Game, the United States Army Corps of Engineers, the U.S. Coast Guard, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The Notice of Intent and IS/MND was also sent to the Recorder's offices of Sacramento, Solano, Yolo, San Joaquin and Contra Costa counties.

In the original Notice of Intent to adopt the Draft IS/MND, DWR announced a public comment period from June 26 to July 26. After the original Notice of Intent was published, DWR was made aware that the web link to the Notice of Intent was in error. DWR made corrections to the web link and on July 22, DWR submitted to the State Clearinghouse a revised Notice of Intent that extended the comment period from July 26 to August 10, a total of 45 days. On the DWR website, DWR replaced the original June 26 Notice of Intent with the revised Notice of Intent. The revised Notice of Intent on the website had a posting date of July 21. However, the text of the July 21 Notice of Intent is clear that this Notice of Intent extended the public comment period to August 10. The public comment period from June 26 to August 10, a total of 45 days, provided a reasonable amount of time for public review.

It is possible that some of the commenters did not have a copy of the original Notice of Intent, which is dated June 26 and were confused by the date shown on the revised Notice of Intent currently posted on the BDCP website. DWR will revise the BDCP website to delete the date on the Notice of Intent and add to the title of the Notice of Intent that it is a revised version of the original NOI, dated June 26, 2009.

B. Relationship to BDCP Process

The draft IS/MND stated that DWR proposes the in-water exploratory drilling activities to obtain information as part of the Bay Delta Conservation Plan (BDCP) environmental assessment and preliminary design, including information that could be used to assess the proposed intake structures, canals, or tunnels for proposed alignment options of the water conveyance facilities associated with a proposed BDCP.[1] The activities are preliminary studies that will help DWR and others make decisions regarding what should be in the BDCP. They do not foreclose options or commit DWR or any other agency to any action in the future. The discussion in the following paragraphs clarifies the relationship of the in-water exploratory drilling activities to issues regarding the Delta and the BDCP process. Although these issues are outside the scope of this IS/MND, they are discussed here to provide some information and background on some of these issues so that the public and decision-makers can have a better understanding of the context in which the in-water exploratory drilling activities will take place and how they relate to the environmental issues regarding the BDCP.

The Delta is under tremendous pressure to meet competing needs. The Delta is a community, with people who raise families and earn a living. The Delta also supports people across the state, acting as the water supply hub for two-thirds of Californians and is home to hundreds of aquatic and terrestrial species, many of which are unique to the area and several of which are threatened or endangered.

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[1] For additional information on the BDCP, please refer to the website: http://baydeltaconservationplan.com/BDCP

The Delta of today is very different from the Delta of the past. To make matters more complicated, the Delta faces sea level rise, threats from earthquakes, continued land subsidence and higher winter flood flows. To address some of these issues, the BDCP is being developed to provide for the recovery of endangered and sensitive species and their habitats in the Delta in a way that also will provide for water supply reliability.

DWR operates the State Water Project (SWP) which is a water storage and delivery system of reservoirs, aqueducts, power plants and pumping plants. The SWP makes deliveries to two-thirds of California's population. Its main purpose is to store water and distribute it to 29 urban and agricultural water suppliers in Northern California, the San Francisco Bay Area, the San Joaquin Valley, the Central Coast, and Southern California. Of the contracted water supply, 70 percent goes to urban users and 30 percent goes to agricultural users. The SWP provides supplemental water to approximately 20 million Californians and about 660,000 acres of irrigated farmland.

The Delta is currently a conduit for water that is used for a wide range of in-stream, riparian and other beneficial uses. While some beneficial water users depend on the Delta for only a portion of their water needs, others are highly dependent on supplies from the Delta. While overall water supplies have remained finite, conflicts have arisen and intensified among Delta water users as total demands have increased for some water users and regulatory requirements for rare, threatened and endangered species have also increased. With the forecast of reduced precipitation in the Sacramento and San Joaquin Valley watersheds, the struggle to meet these demands will be intensified. In addition, the levees in the Delta are at risk of failure from a number of causes, including seismic activity and sea level rise associated with climate change. The ability to export water from the Delta would be compromised should one or more of the levees fail.

The BDCP is being developed under the Federal Endangered Species Act (ESA) and the California Natural Community Conservation Planning Act (NCCPA) and will undergo extensive environmental analysis that will include opportunities for public review and comment. The BDCP plan, which will include a new conveyance system and habitat restoration actions, is being developed to promote the recovery of endangered, threatened and sensitive fish and wildlife species and their habitats in the Sacramento-San Joaquin Delta in a way that will also protect and restore water supplies.

The BDCP is:

- Identifying conservation strategies to improve the overall ecological health of the Delta
- Identifying ecologically friendly ways to move fresh water through and/or around the Delta

- Addressing toxic pollutants, invasive species, and impairments to water quality
- Establishing a framework and funding to implement the Plan over time.

When completed, the BDCP would provide the basis for the issuance of endangered species permits for the operation of the state and federal water projects. The plan would be implemented over the next 50 years. The heart of the BDCP is a long-term conservation strategy that sets the actions needed for a healthy delta.

As the BDCP evaluates habitat, physical and operational alternatives necessary to restore the Delta ecosystem while providing water supply reliability, state and federal agencies are developing a joint Environmental Impact Report/Statement (EIR/EIS) to determine the environmental impacts of the BDCP. The draft BDCP EIR/EIS is expected to be ready for public review and comment by early 2010. The draft BDCP EIR/EIS is being prepared by DWR, as the lead agency under the California Environmental Quality Act (CEQA), and several federal lead and co-lead agencies under the National Environmental Policy Act (NEPA) (the U.S. Bureau of Reclamation, the National Marine Fishery Service and the U.S. Fish and Wildlife Service). A number of state agencies, including the Department of Fish and Game, are responsible agencies under CEQA.

As described in the Notices of Preparation, the draft BDCP EIR/EIS will review a range of habitat conservation and water conveyance actions in the Delta. The dual conveyance alternative has been identified as the proposed project for the Draft BDCP EIR/EIS. Several other water conveyance options are being considered in the BDCP EIR/EIS, including a through delta alternative and an isolated facility alternative.

Some comments expressed opposition to building a Peripheral Canal or other water conveyance facilities which would facilitate export of water out of the Delta to the San Joaquin Valley and Southern California. No decisions have been made with regard to choosing a water conveyance option. The Draft BDCP EIR/EIS will outline these options, and the public will have the opportunity to provide comments on both the environmental impacts of the alternatives and the desirability of different alternatives when the Draft BDCP EIR/EIS is released for public review.

Some comments express opposition to proceeding with exploratory studies of any kind until a decision has been made whether to proceed with any kind of water conveyance facility. The in-water exploratory drilling activities are necessary to obtain information about proposed intake structures and tunnels for proposed alignments of the water conveyance facilities associated with the BDCP and to make an informed decision about proceeding with the water conveyance facilities associated with the BDCP. Without the data obtained through these activities, DWR is unable to assess whether or not specific locations would be suitable and does not possess reliable data to permit

preparation of a meaningful and accurate report on the impacts of the Bay Delta Conservation Plan. The information obtained from the in-water exploratory drilling activities will be used for evaluating actions that may be included in the draft BDCP EIR/EIS that is being prepared to determine if such actions, including water conveyance options, may be feasible or reasonable.

The Draft IS/MND analyzes the effects on the environment from in-water exploratory drilling activities that will be conducted to obtain information the DWR can use for multiple purposes and for later proposed projects. CEQA allows agencies to take actions to gather information as a separate independent project prior to the agency committing to a larger, later project that may use the information in analyzing the later project. See the discussion below in Section D regarding piecemealing. The data collection activities proposed by the draft IS/MND fall within these CEQA procedures. The information from the in-water exploratory drilling activities will be used by DWR in developing reasonable alternatives as to the type of proposed water conveyance facility to be part of the proposed BDCP analysis. Without the data obtained through these activities, the DWR would be limited in its ability to propose and assess potential alternative activities, facilities, and locations for water conveyance options in the future EIR/EIS for the BDCP. The activities do not foreclose options or commit DWR or any other agency to any action in the future.

C. Relationship to other Exploratory Work

Some comments have asked how the in-water exploratory drilling activities are related to other exploratory work related to the BDCP process.

A variety of exploratory studies have been initiated or will be initiated over the next several years by DWR and other state agencies to provide information about the Delta that DWR can use for multiple purposes and for later proposed projects. As discussed above, although DWR has committed to preparing an EIR/EIS for the BDCP, the data collection activities can proceed independent of this future EIR/EIS because the activities will provide information that can be used in developing the details of the BDCP, its impacts and alternatives. CEQA allows agencies to take actions to gather information as a separate independent project prior to the agency committing to a larger, later project that may use the information in analyzing the later project as long as the activities do not foreclose options or commit DWR or any other agency to any action in the future. See the discussion below in Section D on piecemealing.

In addition to the in-water drilling exploratory activities that are described in the draft IS/MND, DWR is conducting other data collection activities through field studies, including land-side drilling activities. In March 2009, DWR filed a Notice of Exemption for the land-side drilling field studies because they would not have significant effects on the environment. DWR determined that the land-side activities fell within the categorical exemptions for minor alterations to land (Section 15304) and information collection (Section 15306) and that this data

collection could be distinguished from the in-water drilling data collection as having independent and separate utility. DWR did not include the in-water exploratory drilling activities in the Categorical Exemption because DWR had concerns that the in-water activity had potential to have effects on delta fish, including endangered species. Therefore, the in-water exploratory drilling activities created special circumstances that excepted the in-water activity from the CEQA categorical exemptions.

DWR is conducting these activities to collect data for analyzing possible alternative locations for measures that may be proposed in the BDCP draft EIR/EIS. This information could also be used by DWR and others for other near-term benefits that might be proposed as part of the BDCP, including using the data to better understand the seismic response of the Delta and the potential for liquefiable areas in the Delta. As a practical matter, the data may be used for years to come as levees are reevaluated, strengthened, and/or repaired or for any other project that could appear over the next several years. These activities do not foreclose options or commit DWR or any other agency to any action in the future.

The Draft IS/MND identifies 16 specific sites for in-water. In the future, as possible alternatives or proposed actions for the BDCP are identified, DWR may need to obtain additional data from in-water drilling to help analyze such alternatives or actions. At this time, as these alternatives and actions are still being considered by the parties developing the BDCP, it would be speculative for DWR to include additional locations for in-water drilling beyond what it has identified in the Draft IS/MND. The Draft IS/MND recognizes that drilling may occur at 4 more unidentified sites. DWR would not drill at more than 20 sites under this proposed activity.

Additionally, DWR disclosed and analyzed all known environmental risks associated with the drilling of the four additional sites. They are similar to the risks associated with the drilling of the 16 known sites. DWR Environmental Scientists will review each site to determine the potential impact to environmental resources. Drill locations will be moved as necessary to avoid any identified impacts to environmental resources or to bring impacts to a less than significant level.

Another related study being carried out at this time is a study by the Department of Parks and Recreation regarding Delta Meadows Property and Stone Lake Property. Although other exploratory or information gathering activities may be carried out in the future, DWR is not aware of others that are at a decision-making stage at this time.

D. Piecemealing

Some comments suggest that DWR is piecemealing CEQA projects on three levels. Commenters claim that the proposed in-water drilling project that is the

subject of this Draft IS/MND should have been analyzed as part of: (a) the proposed Bay Delta Conservation Plan (BDCP) EIR/EIS that is being prepared by DWR as lead agency and several federal agencies pursuant to CEQA and NEPA, (b) landside drilling "field studies" that are collecting data for analyzing possible activities to be proposed in the BDCP EIR/EIS for which DWR has filed a notice of exemption, and (c) all future potential in-water drilling activities not yet identified.

DWR is not, as suggested by some of the comments, subdividing a single project into smaller individual sub-projects in order to avoid the responsibility of considering the environmental impact of the project as a whole. Both the CEQA statute (Public Resources Section 21083) and the CEQA Guidelines (14 CCR Section 15306) provide exemptions for information collection activities that can be strictly for information gathering purposes or can be part of a study leading to an action that a public agency has not yet approved, adopted or funded as long as the activities do not result in a serious or major disturbance of an environmental resource. The fact that an information gathering activity may have the potential to significantly impact the environment means that an agency must consider whether to prepare a Negative Declaration or an EIR on the information gathering activities. It does not mean that the agency must prepare a Negative Declaration or an EIR on the action that the public agency has not yet approved, adopted or funded. The drilling activities are not piecemealed, but rather "are necessary to make an intelligent decision about whether to proceed" with the water conveyance facilities associated with the Bay Delta Conservation Plan. Please refer to *No Oil, Inc. v City of Los A*ngeles (1987) 196 Cal App. 3d 223 referred to on page 23 of the CEQA Deskbook, 1999 Edition (Bass, Ronald E.; Herson, Albert I.; and Bogdan, Kenneth M.).

The discussion in Sections B and C above describe the relationship of the proposed project to the BDCP and to the land-side and other exploratory or data gathering projects. While DWR could have chosen to consider all of the activities under a tiered or programmatic environmental document regarding the BDCP, it is not obligated to do so. The exploratory and information gathering activities are projects that may help in determining the proposed BDCP options and that may develop information that could be used by DWR in the future. In addition, while DWR could have chosen to consider all exploratory or information gathering activities in one environmental document, it is not obligated to do so. The activities, although related, are not interdependent. DWR anticipates carrying out a variety of exploratory and information gathering activities in the future, but has not determined exactly what and when these activities will take place. The land-side and in-water exploratory drilling activities each have independent value and can proceed separately from each other and from other exploratory and information gathering activities.

See the discussion in Section B regarding future potential in-water drilling activities not yet identified. Including the potential additional four sites as part of

the Draft IS/MND is an example of including related work in one document and not separating it out into different documents.

E. Funding of the Exploratory Work

Some comments state that public money should not be used to fund the in-water exploratory drilling activities described in the Draft IS/MND.

The proposed drilling activities will not be funded with general revenue or other general public funds. They will be funded as part of the cost of construction and operating the State Water Project. These costs will be paid by users of water from the State Water Project.

F. Other water supply options

Some comments are opposed to exporting water from Northern California through the Delta to serve the water needs of the San Joaquin Valley and Southern California and argue that these water needs should be met by water conservation, desalination and other water management activities within the area served.

These comments are directed to the actions that will be the subject of the BDCP program. As discussed in Sections B and C, the activities that are the subject of the IS/MND are exploratory and information gathering activities that can be used in developing reasonable alternatives as to the type of proposed water conveyance facility to be part of the proposed BDCP analysis. Without the data obtained through these activities, DWR would be limited in its ability to propose and assess potential alternative activities, facilities, and locations for water conveyance options in the future EIR/EIS for the BDCP.

The in-water exploratory drilling activities described in this IS/MND do not change how water is exported from the Delta, either currently or in the future. Nor do these activities foreclose options or commit DWR or any other agency to any action in the future.

This IS/MND is not the appropriate tool for evaluation or mandating the changes in how water is managed in the state. Many of these issues will be discussed in the EIR/EIS on the BDCP. In addition, there are a number of administrative and legislative efforts that could address these concerns as part of other comprehensive statewide processes. To the extent that the comments argue that DWR should consider or take a leadership role in establishing mandatory requirements regarding water reliability and growth, water conservation or comprehensive Delta solutions, they are not generally comments relating to an environmental issue resulting from the proposed project. However, some information and background on some of these issues is provided below so that the public and decision makers can have a better understanding of the context of the issues and how they relate to the proposed project of in-water exploratory drilling activities and the BDCP. This information does not add significant new

information to the IS/MND regarding impacts or mitigation measures and does not change the results or conclusions of the IS/MND.

Water conservation, water demand reduction and alternative water management tools such as desalinization and water recycling are essential elements needed in facing California's water challenges. Higher levels of water conservation and more efficient water management practices are still unlikely to reduce the demand for State Water Project (SWP) and Central Valley Project (CVP) exports from the Delta considering the consistent increase in population within the SWP service area and reduction in the supply of other sources of water.

DWR has no statutory authorization to establish mandatory requirements regarding water reliability and growth; rather it supports local and regional water planning and conservation efforts through statewide grants and local assistance programs. However, demand reduction and water conservation strategies are important tools in water management planning and DWR is involved in a number of legislative and administrative actions designed to provide a regional or statewide approach to these strategies.

PART II

SPECIFIC RESPONSES TO AGENCY AND INDIVIDUAL COMMENTS

Section A.

Specific Responses to State and Local Public Agencies

and Non-Governmental Organizations

Eleven state and local public agencies and two non-governmental organizations submitted letters to DWR, which are copied in Appendix B. As noted in the Index above, DWR identifies each comment letter with the label "Agency" followed by a number. DWR's response to comments are provided following a summary of each letter.

Agency-1 Central Valley Flood Protection Board

7/23/09 Letter from the Central Valley Flood Protection Board: The proposed project is within the jurisdiction of the Central Valley Flood Protection Board. A permit from the Board will be required prior to starting work on certain activities, including removal or construction of landscaping, buildings, fencing, embankment building, establishing a vegetation plan, etc.

DWR Response to Agency-1

DWR staff from the Project Geology Section are coordinating with the Central Valley Flood Protection Board to obtain a permit for the in-water exploratory drilling activities. A Board permit will be obtained prior to beginning any geotechnical drilling.

Agency-2 Contra Costa County Environmental Health Services

07/29/09 Fax of an Environmental and Geotechnical Well and Soil Borings handout faxed from Contra Costa Health Services to DWR: Handout is a general guideline to processing permits for environmental and geotechnical wells and soil borings.

DWR Response to Agency-2

DWR, as a State agency, is exempt from county regulation unless express statutory requirements subject the State to the specific regulation. There is no express statute requiring the State to obtain a County permit for the in-water exploratory drilling activities that that are described in this IS/MND. Similarly, the State is exempt from the county fee to obtain such a permit. Although DWR is exempt from the county well drilling guidelines, DWR will require contractors who are conducting the geotechnical drilling to notify the county 48 hours prior to commencing the work. In addition, as described in this IS/MND, the drilling work will be conducted in a manner that prevents any significant impacts to the environment.

Agency-3 Sacramento Councilman Robbie Waters Office

07/22/09 Email from the Office of Councilman Waters: requesting confirmation of the deadline for public comment.

DWR Response to Agency-3

The public comment period on the Draft Initial Study/Mitigated Negative Declaration concluded on August 10, 2009. On July 22, 2009 DWR staff submitted an email to Ms. Clark, from Councilman Water's Office, with this information.

Agency-4 East Contra Costa Planning Commission

07/31/09 Email from East Contra Costa Planning Commission: Bethel Island is not aware of the project, unique opportunities for notice have not been given, and DWR cannot proceed without giving the residents of Bethel Island the opportunity to provide input for necessary mitigation of their immediate environment.

DWR Response to Agency-4 East Contra Costa Planning Commission

See the discussion of the distribution of the Notice of Intent to adopt a mitigated negative declaration and the review period in Section A of the General Response. DWR distributed the notice through a variety of accepted ways. The public had 45 days to review and comment on the Draft IS/MND. DWR received a total of 34 comments, including comments from other agencies and individuals in the Delta.

Agency-5 Sacramento Area Sewer District

08/04/09 Email from Sacramento Area Sewer District (SASD) with attached comments: It appears that none of the 16 boring locations within the Delta directly impact SASD facilities but DWR may add additional boring locations that could potentially impact SASD facilities. SASD does have a six inch pressurized sewer pipeline crossing the river at Walnut Grove near two boring locations. DWR is urged to use proper Underground Service Alert protocol for pressurized pipes. All DWR personnel involved are urged to be made aware of SASD facilities.

DWR Response to Agency-5

Staff from the Department of Water Resources, Project Geology Section will coordinate directly with staff from the Sacramento Area Sewer District to ensure that there will be no impact to their facilities. Standard Underground Service Alert protocol will be followed at all times to determine the location of any underground utilities prior to drilling activities.

Agency-6 Sacramento Regional County Sanitation District

08/05/09 email from Sacramento Regional County Sanitation District (SRCSD) with attached comments: It appears that none of the 16 boring locations will directly impact SRCSD facilities but DWR may add additional boring locations that could potentially impact SRSCD facilities. SRSCD requests that proper Underground Services Alert protocol for pressurized pipelines be followed to minimize the threat to SRCSD facilities. All DWR personally involved are urged to be made aware of SRCSD facilities. SRCSD submitted comments on the BDCP Notice of Preparation (NOP) and the Revised NOP-Environmental Impact Report and Environmental Statement for the BDCP and those comments are still relevant. The proposed water conveyance facilities have the potential to cause adverse impacts to the SRCSD facilities and all impacts must be fully mitigated.

DWR Response to Agency-6

Staff from the Department of Water Resources, Project Geology Section will coordinate directly with the Sacramento Regional County Sanitation District to

ensure that there will be no impact to their facilities. Standard Underground Service Alert protocol will be followed at all times to determine the location of any underground utilities prior to drilling activities.

With regard to the comments on the hydrology of the Delta and the Districts comments on the BDCP NOP and revised NOP, see the discussion in General Response Sections B and F. The in-water exploratory drilling activities described in this IS/MND will not affect the hydrology of the Delta. The District comments will be discussed as part of the BDCP EIR/EIS.

Agency-7 Solano County Resource Management

07/06/09 Phone Call from Misty Kaltreider, Solano County Resource Management inquiring why local jurisdictions were not noticed. Solano County has a well ordinance requiring a 48 hour notice of physical work. A permit fee is exempt for state agencies. Only one of the drilling locations is in Solano County. DWR's provisions look good for water quality protection.

DWR Response to Agency-7

DWR notified each county through the State Clearinghouse as well as through direct mailing of a Notice of Intent to the County Recorder's Office. See Section A of the General Response. DWR will require contractors hired to conduct geotechnical drilling for this project to notify the county 48 hours prior to commencing the drilling work. See DWR Response to Agency-2, above.

Agency-8 California Regional Water Quality Control Board

07/27/09 Letter: The State Water Resources Control Board certified the U.S Army Corps of Engineers' Nationwide Permit, subject to the Conditions and Notification Requirements. DWR notified the Regional Water Board on June 3, 2009 with the required information in accordance with certification. DWR meets the conditions of certification and may proceed with the project.

DWR Response to Agency-8

DWR has received a General Order Certification (WDID#5A34CR00456) from the Central Valley Water Quality Control Board which authorizes it to proceed with the project.

Agency-9 San Joaquin Farm Bureau

10/10/09 Letter: The comment states that the public should have had 30 days following the issuance of NOI on July 21 to review the Draft IS/MND. The comment also states that the Draft IS/MND results in unlawful segmentation or piecemealing.

DWR Response to Agency-9, San Joaquin Farm Bureau

See General Response Section A regarding the adequacy of the review process. See General Response Sections C and D regarding the issue of piecemealing.

Agency-10 California State Lands Commission

7/27/2009 Email from Diane Jones, Public Land Manager, California State Lands Commission, asking what is the bigger project this is associated with.

08/06/09 Letter from Diane Jones, California State Lands Commission: The proposed geotechnical boring locations involve State-owned sovereign lands and a lease from the Commission may be required. Please contact the Commission regarding its leasing requirements.

DWR Response to Agency-10

DWR proposes to conduct geotechnical drilling in tidal and submerged lands under the jurisdiction of the State Lands Commission (SLC). DWR and SLC have negotiated a Memorandum of Understanding that establishes terms and conditions under which DWR may conduct activities on lands under the jurisdiction of the SLC. DWR staff has notified and contacted SLC staff regarding DWR's proposed drilling and for purposes of satisfying conditions of the MOU. DWR will not require a lease from SLC for the drilling activities.

Agency-11 Stone Lakes Wildlife Refuge Association

1. DWR is Piecemealing Projects

Commenter asserts that the DWR is piecemealing CEQA projects.

DWR Response

See General Response Sections B, C and D.

2. Project Description Unclear and Uncertain because of Unspecified drilling locations. Commenter claims that the Project Description is not only inadequate on account of the "extensive piecemealing" but also from the failure to describe all of the drilling sites.

DWR Response

See General Response Section C.

3. Potentially Significant Impacts

3(a) Piecemealing – See General Response Sections B, C and D..

3(b) Cumulative Impacts – Commenter asserts that the cumulative impact analysis is flawed by piecemealing and the failure to mention or analyze the BDCP or other activities or phases associated with its development and implementation.

DWR Response

See General Response Sections B, C, D and E regarding the relationship to BDCP and to other exploratory and information gathering activities.

An initial study was prepared to assess the proposed activity's potential effects on the environment and the significance of those impacts. It was determined that the proposed drilling would not have any significant environmental effects due to the fact that construction impacts are minor and short term. No cumulative impacts were identified. Short-term impacts resulting from the project include increased noise levels and small vibrations created primarily from the drill rig engine and short durations from the Standard Penetration Tests. No long-term impacts are anticipated.

Mitigation measures will be implemented to bring environmental impacts of the proposed activities to less than significant levels within the project area. Specifically, potential impacts to biological resources, geology and soil (erosion), hazardous materials and hydrology (flow patterns) and water quality will be mitigated to less than significant levels.

3(c) Impacts to nearby levees and drainage systems Commenter states that the Draft IS/MND is deficient in failing to mention or investigate the "seepage phenomenon" and related impacts on levee integrity and drainage systems.

DWR Response

DWR's engineers will take steps to make sure that the property and levees will not be impacted by the proposed exploration. The proposed drill hole locations are too far from the river levees to cause instability, seepage, or piping concerns for any of the property or levees in the vicinity.

3(d) Plumes – Commenter states that the Draft IS/MND does not adequately explain how plumes will be prevented or, if inevitable, how large they could be and the full range of environmental impacts that may result.

DWR Response

The Initial Study indicates that good work practices are important and will be used in containing the drilling fluid and details what practices will be used to

prevent plumes. If plumes are discovered, activities shall cease until appropriate corrective measures have been completed or it has been determined that the environment will not be harmed. Cuttings and excess drilling fluid will be contained in drums or bins and disposed of at an appropriate landfill. The borings will be advanced by a licensed drilling contractor under the direction of DWR personnel. A DWR or Contractor Engineering Geologist or Engineer will be on site at the drill rig at all times during the operation.

3(e) Biological Surveys – Commenter states that biological surveys relating to migratory birds must be performed before the circulation of the Draft IS/MND

DWR Response

Standard practice is for the environmental document to identify in the potential for the presence of Swainson's Hawk and other migratory birds and raptors and identify measures that will be taken if the species are determined to be present at the time of construction. The preconstruction surveys called for in the Draft IS/MND are carried out immediately before construction to determine the actual presence of the species. Swainson's hawks and other migratory birds are actively nesting between March and August 15. Drilling activities will take place outside of the active nesting season.

4. NEPA Compliance

Commenter asserts that NEPA compliance is necessary since federal permits are necessary for the Project to proceed.

DWR Response

DWR and the Bureau of Reclamation are preparing a joint Draft BDCP EIR/EIS. However, the Bureau of Reclamation is not a co-lead agency for the exploratory drilling activities that are the subject of the IS/MND. See the discussion in Section B of the General Response regarding the relationship to the BDCP. DWR will be obtaining authorization for drilling work in the water under the Clean Water Act from the Army Corps of Engineers (ACOE) under a nation-wide federal permit (NWP # 6). The ACOE, as a federal agency, is subject to NEPA. However, under the NWP #6, the ACOE is exempt from preparing a NEPA document for this activity. See Agency-8 comment letter from Regional Water Quality Control Board certifying DWR's activity under the NWP #6.

4. Incorporation of Prior Comments on BDCP NOP/NOI

Agency 11 attached prior comments that they submitted on the Notice of Preparation and Notice of Intent to prepare an EIR/EIS for the BDCP and asked that they be incorporated herein by reference.

DWR Response

All comment letters, including attachments are part of the record of this environmental document. Comments relating to the Notice of Preparation or the Notice of Intent for the BDCP, however, are outside the scope of the proposed in-water exploratory drilling activities covered in this IS/MND. Responses to issues raised regarding the BDCP will be discussed in the BDCP EIR/EIS. See the discussion on the relationship to the BDCP in Section B of the General Response.

Agency-12 Reclamation District 999

DWR is Piecemealing Projects

Commenter asserts that the DWR is piecemealing CEQA projects.

DWR Response

See General Response Sections B, C and D.

Agency-13 Central Delta Water Agency , joined by South Delta Water Agency

1. DWR is Piecemealing Projects

Commenter asserts that the DWR is piecemealing CEQA projects.

DWR Response

See General Response Sections B, C and D.

2. Notice of Intent is Legally Inadequate

The Commenter indicates he is not aware of the precise date of the DWR Notice of Intent (NOI), but claims that the NOI is defective because he counts the public comment period as less than 30 days, based on the July 21 date on the NOI currently posted on the DWR BDCP website.

DWR Response

See General Response Section A.

3. DWR Approved Drilling Activity Prior to Consideration of Public Comments

Commenter claims that DWR prematurely and wrongfully approved the project activities for the in-water exploratory drilling on June 24 based on a statement and signature of Barbara McDonnell, Chief of DWR's Division of Environmental Services, in the Draft IS/MND, approving the project on a date prior to the close of the public comment period.

DWR Response

The geotechnical exploratory drilling has not yet been approved and the claim of a premature approval is based on ambiguous terminology in DWR's Draft IS/ND. Page "x" of the Draft IS/MND reads: "I hereby approve these project activities for geotechnical exploratory drilling" followed by the signature of Barbara McDonnell. However, the Draft IS/MND is clearly identified as a draft on the first page of the Draft IS/MND and on the bottom header of each page and page "x" is also posted as a draft. In addition, DWR published the Draft IS/MND to obtain public comment and clearly indicated that the public comment period would not close until August 10. Although there was a signature on the Draft IS/MND, it is clear that the document was a Draft and all that could have been approved was a draft document. DWR recognizes that page "x" of the Draft IS/MND has potential to create confusion and therefore all changes made to the Draft IS/MND have been noted with underline and strikeout within the document.

4. DWR Failed to Consult with Responsible Agencies

4(a) Commenter claims that the local reclamation districts are responsible agencies for the proposed in-water drilling project because these districts exercise "general supervision and complete control over the construction, maintenance and operation of the reclamation works, and generally over the affairs of the district." (citing Water Code Section 50652) and because access to reclamation district lands is necessary for preconstruction surveys.

DWR Response

The reclamation districts are not responsible agencies for the proposed in-water drilling because DWR does not require any approval from them and they are not contributing funds to the proposed project. The general authority provided to reclamation districts does not provide the reclamation district with permitting authority over the State. The State is exempt from local governmental permitting activities unless the local entity has clear and direct permit authority over the State. See response to Agency Comment Letter 2. If DWR needs to enter onto land for preconstruction surveys, it will obtain a Temporary Entry Permit from the landowner, including the reclamation district, if it is a landowner.

4(b) Commenter claims that counties are responsible agencies and DWR failed to consult with the counties.

4(c) Commenter claims that the Draft IS/MND did not include a statement that consultation took place with the required responsible agencies.

DWR Response to 4(b) and 4(c).

See Section A of the General Response regarding notice to counties and responsible and trustee agencies.

5. Project Description Inadequate

Project Description Unclear and Uncertain because of Unspecified drilling locations. Commenter claims that the Project Description is not only inadequate on account of the "extensive piecemealing" but also from the failure to describe all of the drilling sites.

DWR Response

See the discussion in Section C of the General Response.

6. Other Inadequacies with the Project Description. Commenter claims that the Project Description is also inadequate because it fails to provide any details as to the nature and location of the "proposed intake structures and tunnels for proposed alignments of the water conveyance facilities" associated with the BDCP for which the drilling is intended to obtain information.

DWR Response

See the discussion in Section B of the General Response. At this time, alternatives and actions are still being considered by the parties developing the BDCP and it is unnecessary and speculative for DWR to include additional details as to the nature and location of any proposed intake structure and tunnels for proposed alignments of any water conveyance facilities associated with the BDCP. The Temporary Entry Permits state test pits may be conducted, but DWR is not drilling any test pits as part of the activities covered under the IS/MND.

7. Potentially Significant Impacts

7(a) Piecemealing – See General Response Sections B, C and D.

7(b) Cumulative Impacts – Commenter asserts that the cumulative impact analysis is flawed by piecemealing and the failure to mention or analyze the

BDCP or other activities or phases associated with its development and implementation.

DWR Response

Please General Response Sections B, C, D, and E regarding the relationship to BDCP and to other exploratory and information gathering activities.

An initial study was prepared to assess the proposed activity's potential effects on the environment and the significance of those impacts. It was determined that the proposed drilling would not have any significant environmental effects due to the fact that construction impacts are minor and short term. No cumulative impacts were identified. Short-term impacts resulting from the project include increased noise levels and small vibrations created primarily from the drill rig engine and short durations from the Standard Penetration Tests. No long-term impacts are anticipated.

Mitigation measures will be implemented to bring environmental impacts of the proposed activities to less than significant levels within the project area. Specifically, potential impacts to biological resources, geology and soil (erosion), hazardous materials and hydrology (flow patterns) and water quality will be mitigated to less than significant levels.

7(c) Impacts to nearby levees and drainage systems Commenter states that the Draft IS/MND is deficient in failing to mention or investigate the "seepage phenomenon" and related impacts on levee integrity and drainage systems.

DWR Response

DWR's engineers will take steps to make sure that the property and levees will not be impacted by the proposed exploration. The proposed drill hole locations are too far from the river levees to cause instability, seepage, or piping concerns for any of the property or levees in the vicinity.

7(d) Plumes – Commenter states that the Draft IS/MND does not adequately explain how plumes will be prevented or, if inevitable, how large they could be and the full range of environmental impacts that may result.

DWR Response

The Initial Study indicates that good work practices are important and will be used in containing the drilling fluid and details what practices will be used to prevent plumes. If plumes are discovered, activities shall cease until appropriate corrective measures have been completed or it has been determined that the environment will not be harmed. Cuttings and excess drilling fluid will be contained in drums or bins and disposed of at an appropriate landfill. The borings will be advanced by a licensed drilling contractor under the direction of

DWR personnel. A DWR or Contractor Engineering Geologist or Engineer will be on site at the drill rig at all times during the operation.

7(e) Biological Surveys – Commenter states that biological surveys relating to migratory birds must be performed before the circulation of the Draft IS/MND.

DWR Response

Standard practice in environmental documents is to the potential for the presence of Swainson's Hawk and other migratory birds and raptors and identify measures that will be taken if the species are determined to be present at the time of drilling or any construction activity. The preconstruction surveys called for in the Draft IS/MND are carried out immediately before drilling or any construction to determine the actual presence of the species. Swainson's hawks and other migratory birds are actively nesting between March and August 15. Drilling activities will take place outside of the active nesting season.

8. NEPA Compliance

Commenter asserts that NEPA compliance is necessary because the in-water drilling activity should comply with NEPA because the federal government is a co-lead agency for the proposed BDCP EIR/EIS and the in-water drilling is an integral part of the BDCP.

DWR Response

DWR and the Bureau of Reclamation are preparing a joint draft BDCP EIR/EIS. However, the Bureau of Reclamation is not a co-lead agency for the exploratory drilling. See the discussion in Section B of the General Response regarding the relationship to the BDCP. DWR will be obtaining authorization for drilling work in the water under the Clean Water Act from the Army Corps of Engineers (ACOE) under a nation-wide federal permit (NWP # 6). The ACOE, as a federal agency, is subject to NEPA. However, under the NWP #6, the ACOE is exempt from preparing a NEPA document for this activity. See Agency-8 comment letter from Regional Water Quality Control Board certifying DWR's activity under the NWP #6.

9. Water Commission Section 150 of the California Water Code establishes a California Water Commission that must advise DWR on matters of water policy.

DWR Response

There are currently no members appointed to the Commission. DWR is not legally constrained from carrying out its mission in the absence of a California Water Commission.

10. Additional Concerns and Requests for Information

CDWA included written comments in **"**Appendix A," which consists of a list of additional concerns and requests for information. Commenter asserts that the Draft IS/MND must be revised to thoroughly address these concerns and to include the requested information. DWR's specific responses to these technical comments are provided below in Table 1. The responses correct, clarify and amplify the information in the text of the Draft IS/MND and do not change any of the conclusions of the Draft IS/MND.

11. Incorporation of Prior Comments on BDCP NOP/NOI

Agency 13 attached prior comments that they submitted on the Notice of Preparation and Notice of Intent to prepare an EIR/EIS for the BDCP and asked that they be incorporated herein by reference.

DWR Response

All comment letters, including attachments are part of the record of this environmental document. Comments relating to the Notice of Preparation or Notice of Intent for the BDCP, however, are outside the scope of the proposed In-water exploratory drilling activities covered in this IS/MND. Responses to issues raised regarding the BDCP will be discussed in the BDCP EIR/EIS. See the discussion on the relationship to the BDCP in Section B of the General Response.

Table 1.

Technical Comments from Agency 13 attached as Appendix to Comment Letter. DWR Responses are in italics in the box below each comment.

Pg	Par	Line	Comment
1	2	14	"moved as necessary" – who will determine the relocation? Has any survey be(en) conduct(ed) to identify to locate utilities lines such as phone, electrical, water, etc. under water and/or under river bed?
The relocation will be determined jointly by the environmental scientist and the field geologist, to a location approved by the environmental scientist. Concurrently, the field geologist will coordinate with USA (Underground Service Alert) to identify and locate utilities.			

2	1	5	"approximately the Delta" something appears missing at end of this sentence.
This sentence has been corrected. See page 2 of the Initial Study.			
14	1	8	"approximately 30 days" – Does that include week days and weekends?
Depending on the drilling progress, work days may include both weekdays and weekends.			
14	1	10	"Mud Rotary Boring rig" – provide a detailed description such as length, width, height, horsepower, fuel capacity and consumption.
The typical mud-rotary boring rig used on the barge or ship is approximately 30 feet long and 10 feet wide with a mast 28 feet high. The mud-rotary rig has about 250 horsepower, a fuel capacity of around 120 gallons and uses about 4 gallons of fuel per hour. The specs are the same for either the ship- or barge-mounted rig.			
14	1	11	"shallow draft barge or ship" – Provide a detailed description of the proposed barge and ship such as length, width, height, horsepower, fuel capacity and consumption. Provide a detailed description of how the barge will be moved? How will the mud-rotary boring rig be connected to the barge or ship? Will the barge or ship be a navigation hazard? How will the boring pipe be affected by passing boats? Will the ship have a separate crew from the four drilling persons?
The typical drill-ship used for such a project is approximately 120 feet long by 30 feet wide. It uses fuel at a rate of about 12.5 gallons per hour. A typical barge is about 50 feet by 30 feet with a working deck about 5 feet off the top of the water. The barge is not self-propelled but pushed by a support boat to the desired location. The push-boat is roughly 25 feet long and consumes fuel at about 7 gallons per hour. The mud-rotary rig is skid-mounted to secure it to the barge or ship. Whenever possible, the barge or ship will be positioned where it can be easily seen by oncoming watercraft and away from the main flow of traffic. The ship or barge will be anchored to prevent passing boats from affecting drilling. Other than the drilling crew and project staff, the ship or barge will have a captain and deckhand on-site to maintain the vessel.			
14	3	5	Explain how the conductor casing pipe protects the boring pipe that extends 140 to 200 feet below the bottom of the slough or river from breaking? It seems that with the boring pipe fix into the bottom of the slough or river that the barge or ship would be moving as the result of currents, tides, and wakes from

			passing boats resulting on twisting pressure against the boring pipe.
The barge or ship is fixed in place using spuds. The conductor casing provides not only rigidity for the drill steel (boring pipe) as it passes through the water but also serves as the conduit to contain drill cuttings from the boring processes and pass them back up to the ship where they are stored in containers.			
14	4	2	"reliable seal" – How do you determine a "reliable seal" under water? How reliable is the seal?
The minimum depth of 15 feet of casing was chosen to assure a reliable seal. However, if the bottom of the river is soft, the casing will be extended until it is securely embedded in the sediment. If the seal is not secure, drilling will produce observable turbidity. In such cases, drilling will stop immediately and the casing will be extended.			
14	4	2	"bentonite powder" – what is bentonite powder? How much powder is used per boring? Where is the powder stored?
Bentonite is a non-toxic, naturally occurring clay that expands as it becomes saturated with water. It is commercially available in a variety of forms, including 50-pound sacks of powdered bentonite. It is added to drilling water that goes down the inside of the boring pipe to the drill bit. The bentonite-water mixture cools the bit, helps prevent the borehole walls from collapsing during drilling, and moves cuttings to the surface. The bentonite-water mixture returns via the annulus between the drill pipe and the bored hole until it reaches the conductor casing. It moves up to the deck of the ship inside the conductor casing, where it is collected in the recirculation tank and reused as drilling fluid. The exact amount will vary depending on the depth of the hole and the type of material found in the boring. For example, sand layers may require more bentonite than clay layers. The powder is stored in sacks on the barge or ship.			
15	1	1	"recirculation tank" – Capacity?
Recirculation tank capacities vary, however a 200-gallon tank is common and is an appropriate estimate for this drilling project.			
15	2	1	"shoveled into drums" – How many drums per boring? Where are the drums stored during and after the boring?
Approximately four drums will be used per 200 feet of drilling. The number of drums will depend on how well the drilling mud can be recycled during drilling. The drums will be stored on the barge or ship during drilling and will be removed from the barge or ship periodically. The drums will be stored at an approved staging area until taken to the appropriate landfill facility.			

15	3	1	"Upon completion of each hole, the full depth of the borings will be grouted" – How reliable is this grout to plug the borings? If the grout does not hold then will river water contamination ground water?
The state has developed standards for the sealing of borings by grouting to assure a reliable seal. These standards will be followed according to Water Well Standards, Department of Water Resources Bulletins 74-81 and 74-90.			
15	3	2	"bentonite and….cement grout" – How much bentonite and cement grout is used per boring? Where are these materials stored before, during, and after the borings? How do these materials get to the boring sites?
Dry cement and bentonite are stored on the boat/barge in sacks or plastic buckets with lids. The materials will be loaded on the ship or barge at a docking area. The bentonite and cement are mixed with water on the boat or barge to make the grout, just before injection into the boring. The grout is mixed in 55-gallon drums and is composed of three 94-pound sacks of cement, 15 pounds of bentonite, and 33 gallons of water. This grout mixture complies with state standards for sealing a boring. The total amount of grout needed is determined by calculating the volume of the boring. For example, if you have a 5-inch-diameter borehole 150 feet deep, you would need approximately 220 gallons of grout to fill the hole. The amount of bentonite used during the drilling process varies based on lithology conditions.			
15	3	6	"material may be leaked in the water" – If leaked into the waterways/rivers then how would these materials affect fish and vegetation? Where is the mitigation/containment plan if these materials leak into the waterways/river?
An environmental scientist will be on board to monitor all activities and identify any evidence of colored plumes in the water. Should material be leaked into the water, the drilling shall cease immediately. Therefore, the amount of material would be negligible and not have an impact to fish or vegetation.			
15	3	8	"corrective measures" – provide a detailed description of these measures? Who will determine if these measures are corrective? How long will it take to implement these measures?
The environmental scientist will identify any corrective measures necessary. The environmental scientist will notify appropriate resource agencies as necessary.			
15	3	9	"cuttings and excess drilling fluids…an appropriate landfill? Are these fluids toxic? Where will these fill drums filled with cuttings and excess drilling fluids be stored during and after the borings? How will these drums get to the landfill? What is the

			distance to the appropriate landfill?
The drums will be stored on the barge or ship until they need to be removed. The filled drums will either be off-loaded to a staging area at a marina or docking facility, or they will be loaded directly onto a transport truck, which will take the excess fluids and cuttings to the contractor's facility off-site. The drilling fluid in the drums is non-toxic; however, it is sampled and tested for hazardous substances. After the fluids have been deemed non-hazardous, they can be disposed of at an approved landfill. The distance to the appropriate landfill varies with the location of the filled drums and the landfill. The distance the filled drums will travel by vehicle will be at most 120 miles.			
17	3		Are any air quality permits needed?
No.			
27	3	7	"nor will it involve transporting construction materials on dirt roads? How do the drillers get to the barge or ship? How does the bentonite and cement grout get to the barge or ship? How do the drums get to the appropriate landfill? Are all the roads that will be used to support these borings paved?
The drillers will use vehicles to get to the vessel's marina or docking area. There they can load needed supplies onto the ship or barge. Off-loaded drums will be picked up and transported to an appropriate landfill. The roads to transport supplies and people to and from the vessel and barge most likely will be paved.			
28	2	13	"best management practices" – Who will enforce these measures? How often will these measures be monitored?
An environmental scientist will be on board to monitor all drilling activities.			
32	Tbl5		"Construction Equipment Emission" Where are the emissions of the proposed "ship"? "Construction Workforce Transportation Emission" "Average Number of Workers per Day = 4" On page 15, paragraph 3, last sentence states that someone from DWR or geologist or engineer will be onsite at the drill rig at all times during operations." How does this person get to the drill site? "Total Number of Workdays = 15" on page 1, paragraph 2, line 11 states that 16 sites have been identified…" "but not to exceed 20 total." On page 14, paragraph 1, line 7 states that the "drilling at each location will be completed in approximately one 12 hour day total of approximately 30 days. Based on this information, the number of workdays has to be a minimum of 16 days for 16 sites, 20 days for 20 sites but could take up 30 days. Therefore Table 5 should use worst case of 30 days to provide the public with a

			better estimate of emission. "Average Distance Travelled" Based on figure 1 (page 3) it is approximately 24 miles from the north most site to the southern most site. If the four workers lived in the middle of the study area, they could not get to the sites beyond the projected 10 mile one way distance. Therefore this factor should assume a worst case number something like the workers are coming from Stockton which seems more realistic and would provide the public with a better estimate of emissions.
Emissions were calculated for two scenarios: scenario A, using the drillship; scenario B using boat/crane only, not the drillship. For scenario A, because the URBEMIS predefined equipment list does not contain a "ship" item, "Other equipment" was used to represent the drill ship by set appropriate horsepower value and daily operation hours. Emissions are determined based on these two factors. *As to emissions from worker trips, URBEMIS software estimates the emissions from worker trip by assuming each piece of equipment generates 1.25 trip of some default mileage, which cannot be edited in the current release. The emission values in table 4 contain emissions f*rom worker trips. *The emissions from worker trips are much lower than from construction equipment. The total emission levels are still far below any of the threshold value. The conclusions remain the same. The project will not have significant impact on air quality due to the small scale of the project, and the number and type of construction equipment required to complete the project.*			
33	Tbl5		"Construction Materials Transportation Emissions" How are fuel, bentonite, cement grout, empty drums delivered? How do the filled drums get to the appropriate landfill?
The barge or ship will be fueled at an on-water licensed refueling center. The rig on the barge may also be filled manually by using smaller portable gas cans, if needed. The barge or ship will be loaded with supplies at the docking area or marina. The filled drums will be removed and taken by vehicle to the appropriate landfill.			
62	G	4	"construction personnel are required to be trained in emergency response and spill containment" – Who will conduct the training? Duration of training? What level of training (similar to US Coast Guard)? What equipment will be available and where will this equipment be located? Are there any backup plans with experienced personnel?
The training is conducted by the experienced vessel captain. All boating activities are in compliance with US Coast Guard standards. Each barge and			

ship contains a spill-response kit that typically includes gloves, goggles, rags, garbage bags, absorbent pads, oil socks, granular absorbent, and a shovel. The barge and ship also typically have oil and absorbent sock booms. In the unlikely event of a spill or emergency, the appropriate emergency services will be notified.			
73	2	3	"Construction staging will be from marinas…and will not impact transportation or traffic." – Where and how many staging areas are needed to support these borings? Are the staging areas paved? What types of vehicles and how often are these vehicles needed to deliver diesel fuel, oil, hydraulic fluid, oil spill kits and other supplies to support these borings? What type of vehicles and how often do these vehicles need to remove filled drums, solid waste, and other waste from the staging areas. Without this information then it can not be assumed that there will be no traffic impacts.
Minimal staging is expected because supplies and refuse can be stored on the barge or ship for multiple borings. If a staging area cannot be agreed upon at a local marina, the filled drums will be off-loaded directly onto a flatbed truck and taken to the drilling contractor's facility off-site. There the materials will be tested and transported to the designated landfill. Refueling will be done at an on-water licensed refueling station, when available. Supplies needed for drilling will most likely be delivered periodically to the barge or vessel by a flatbed support truck. The barge or ship typically can go multiple days without refueling and resupplying. Generally a flatbed truck with a lift gate will transport the materials from the project area.			
80	6	2	"Levee maintenance activities…may include the following" There is no de3scription of maintenance
The regular maintenance activities are described at the bottom of Page 81 and top of Page 82.			

Section B.

Specific Responses to Individuals

Twenty-one individuals submitted comments on the Draft IS/MND**.** Individual Comments are followed by DWR's Responses.

Individual-1 Stephen Wm. Bilson, July 16, 2009

From: Stephen Wm. Bilson
Sent: Thursday 7/16/2009 4:27 PM
Subject: Water Conveyance/Peripheral Canal
Dear M(s). Beach(ley) -

"If all the many water usage, reuse, and conservation laws, rules, and agreements were followed in Southern California that should be followed, there would be no need for the massive undertaking and expenditures you are embarking on with your drilling exploration in support of the Water Conveyance/Peripheral Canal boondoggle. But virtually none of those water usage, reuse, and conservation laws, rules, and agreements are followed.

That doesn't mean the state should put all future generations of Californians in debt to create more water for Southern California. Rather, it means the state should finally enforce all those water usage, reuse, and conservation laws, rules, and agreements.

If your project is subject to an EIR process, please enter this email on the record."

DWR's Response - 1

See General Response Sections B, E and F.

Individual-2 Gene Beley

From: Gene Beley
Sent: Thursday 7/16/2009 9:36 AM
Subject: Protest to your drilling in Sacramento River!

"This morning's Stockton Record Page 1 article on how your agency is going to proceed with drilling in the Sacramento River for "possible intake sites for a peripheral canal" is proof all the public meetings for input are a sham and that there is no government "by the people."

I am also alarmed by the statement "The drilling also explores infrastructure for "through-Delta conveyance," that is, the concept that some water will continue to flow through the estuary towards the export pumps through Tracy."

I think the operative word here is "SOME" water. As an avid boater, I realize you will ruin the Delta as we have been able to enjoy it for many generations and have a big impact on the boating industry in Northern California, as well as tourists that come from hundreds of miles away every year to enjoy the Delta's recreational benefits.

Tell Gov. Arnold to find water for his Southern California buddies some other way, like salt desalination.

Better yet, I think your entire staff should be fired, since California is so broke. Where in the world do you think you are going to get billions of dollars to even start this insane project? If there is that kind of money floating around Sacramento, please give it to the schools and other more important needs.

cc to Governor's office, *Stockton Record*, *Bay Area & Delta Yachtsman magazine*"

DWR Response to 2

See above General Response Sections B, E and F. .

Individual-3 Sandra Jeffries, July 16, 2009

From: The Jeffries Family
Sent: Thursday, July 16, 2009 11:34 AM
Subject: no posting on DWR website on how to submit a public comment

"I am certain this is directed to the wrong entity but it was the first e- mail I located.

Why is it not apparent how to lodge a public comment, in particular regarding the drilling for the planned canal?

This whole canal thing has seemed very much a done deal from the start so why the façade of a public comment period.

I expect more from a state agency. Where are the scientists' comments regarding what these diversions will do to our fish?

Who is paying for this drilling? This water will benefit rich farmers (who prey on the labors of the undocumented) and Southern California developers- why don't they pay for it, why should a Northern Californian have to pay for any of this work including the extensive planning and environmental studies.

If it because rising sea level will destroy the Delta anyway come out and say it. If fish are gone for good and we must learn to love farmed fish- just say it.

It has become clear to me that there is a lot more politics that goes on in the DWR than common sense- for example; how much time and energy, not to mention money, has been thrown at that cesspool of the Salton Sea.

PLEASE CONSIDER THIS MY PUBLIC COMMENT AS I CAN FIND NO WHERE TO POST IT OR LINK TO POST A COMMENT ON THE DWR WEBSITE REGARDING THE DELTA PERIPHERAL CANAL."

DWR Response to 3

See General Response Sections A, B and E.

Individual-4 Glenn Abuelhaj, July 16, 2009

From: Glenn Abuelhaj
Sent: Thursday 7/16/2009 10:04 PM
Subject: In-water Geotechnical Drilling Public Comment

"Please stop before you begin the drilling.

This whole project will not achieve the desired goals that you speak of.

I'm against this drilling effort so please reconsider.

I'm for realizing more innovative ways to resolve the water delivery system ie. desalination.

You need to think out of the box on this one, not in a canal."

DWR Response to 4

See General Response Sections B and F.

Individual-5 Linda Richardson, July 17, 2009

From: Linda Richardson
Sent: Friday 7/17/2009 9:49 AM
Subject: Delta drilling planned for canal-public comment

“I do not feel that we should be drilling into delta river bottoms to explore possible "intake" sites for a peripheral canal. The bulk of the water will likely go to Southern California to supply the endless subdivisions that keep popping up. Water will be rationed for farmers in our agricultural Big Valley, turning it into a dust bowl; then, when the farmers can no longer grow produce to feed our great State, where will we be? I believe the possibility of "desalinization" plants along the coast is one possible option that needs to be explored, to supply the ever growing demand for water in Southern California. I don't recall the voters passing a bill for the construction of a peripheral canal, or did I miss that election?”

DWR Response to 5

See General Response Sections B, E and F.

Individual-6 Gary Richardson, July 17, 2009

From: Gary Richardson
Sent: Friday 7/17/2009 10:05 AM
Subject Delta Drilling Plan for Intake Site

“The State of California is over 26 Billion dollars in the RED and now they want to drill in the Delta for possible peripheral canal intake sites? Where is the drilling money coming from? When did the peripheral canal become a reality and not just a pipe dream? Southern California has stolen enough of Northern California's water. WE need it. How about taking this drilling money and building de-salting water plants in Southern California. The ocean is not that far away. If the Saudi's can do it, why can't Southern California?”

DWR Response to 6

See General Response Sections B, E and F.

Individual-7 Mark Miller, July 17, 2009

From: Mark Miller, Oroville, CA (vernalpool@riseup.net)

Sent: Friday 7/17/2009 4:00 PM

Subject: Public Comment for In-Water Geotechnical Drilling (Peripheral Canal)

"Am voicing opposition to any preliminary in-water geotechnical test drilling for the peripheral canal. The testing for a project that is already known to entail numerous risks is wasteful and pointless. Regardless of the locations of the in-water drilling sites, there are numerous problems that would be probable to occur if this peripheral canal is constructed. Despite the promise of benefits by diverting water upstream of the pumps, the risks far outweigh any positive outcome.

The structure of the peripheral canal would increase exports to the San Joaquin agribusinesses by enabling greater volume of freshwater to flow southwards from the delta. By reducing the amount of fresh river water entering the delta, the peripheral canal also allows salt water to intrude further inland, as fresh river water is no longer present in enough quantity to flush out the salt water intrusion.

Climate change scientists agree that an increase in sea level is an outcome of above average temperatures over the next few decades. Considering that the peripheral canal would exist during and after this time frame, futher risks of saline intrusions are now amplified by sea level rise from global warming. The elevation of the geotechnical in-water test sites at their highest point in Clarksburg are not enough to prevent saline water from entering the system further inland, thus disrupting the delta ecosystem.

In addition any conveyance structure of such magnitude as the proposed peripheral canal will lose significant quantities of water to seepage out of the conveyance system. This water is lost to both fish and farmers, and only contributes to growth of weeds along the peripheral canal, requiring constant maintenance for removal.

There are several alternatives to peripheral canal conveyance structures, such as; water conservation through drip line irrigation, conversion of water dependant crops like cotton and lettuce (inappropriate for San Joaquin's dry and hot climate) to drought tolerant desert natives like tepary bean (high protein content, needs little to no irrigation), edible nopales cactus and jojoba (oil for industrial and cosmetic uses) as examples. By reducing their yearly demand on water by growing crops evolved and adapted to the dry climate, water demands will decrease and the farms can remain in business without killing the delta ecosystem by removing large volumes of fresh water.

Following the model of Orange County's wastewater recycling system would benefit every municipality by becoming more efficient. The process is safe, environmentally friendly and far less expensive or risky than the proposed peripheral canal.

Finally my comment includes a quote by Rep. Doris Matsui, that more exports out of the delta by pumps or a peripheral canal is not the answer to CA's water crisis. Robbing Peter to pay Paul will not work well for anyone; Rep. Doris Matsui (D-Sacramento): “Those of us who represent the Delta region and its watershed know that the peripheral canal is not likely to solve our challenges, from the disappearance of our state’s iconic salmon fishery to the repair and management of the fragile levees that support our communities. The bottom line is that we need to come up with solutions for California that don’t rely on taking more and more water out of the Delta and the Sacramento River.”

Thank you for your time, please consider the most viable option is to cease and desist from any further testing towards the peripheral canal. The people of CA deserve to have out tax money spent on more worthwile options to solving our water crisis.”

DWR Response to 7

See General Response Sections B, E and F.

Individual-8 Thomas E. Lindemuth, July 17, 2009

From: Tom Lindemuth
Sent: Friday 7/17/2009 4:01 PM
Subject: Draft Neative Dec, Geotechnical Borings for BDCP

“I am writing to submit comments regarding the subject Draft Negative Declaration. There are two issues that concern me.

My first concern deals with the potential for realease of hazardous materials or other risk that might be caused by a collision with any watercraft with a large, immoveable object (the barge mounted drilling rig) anchored mid-channel in the Sacramento River. During the proposed drilling period, you would have one or more obstructions in the channel which would possibly (perhaps probably be) in the channel overnight. Although the exploration locations are not necessarily in the shipping channel, there is ample history of problems with collisions with smaller watercraft in the Delta waters. This issue does not seem be be covered in the draft negative declaration and needs to be addressed.

The second issue is a more general one. Given the stated drilling schedule window of August and September, it does not seem at all possible to begin in the current calander year. Since it has recently been announced that the BDCP report will now be delayed, the need to acquire this data immediately seems hard to justify. In addition, the schedule shown in the draft EIR/EIS does not show starting with permit acquisition until mid-2010.

Spending valuable funds for geotechnical work at this time is not necessary. I recommend that the Negative Declaration document be modified to show possible drilling in 2010 or 2011.

Delaying the proposed field work until the 2010 time window should cause no overall schedule delay."

DWR Response to 8

See above General Response to Individual Comments.

A higher volume of boating traffic occurs within the main waterways of the Delta. This exploration program has several drilling locations within these higher traffic areas. To reduce the risk of a boat collision with the drilling barge or ship, the drilling location of the barge/ship will be positioned where it can be easily viewed by oncoming watercraft and away from the main flow of traffic, whenever possible. During low light conditions the barge is outfitted with lighting in compliance and standards of the U.S. Coast Guard for boating visualization. In higher boating traffic areas it may be deemed necessary to have warning buoys near the barge/ship and/or a 5 mph zone will be requested from the US Coast Guard near the drilling operation. These precautions will result in reduced boat speed in the area of the drilling barge. If anchors are needed while drilling, the barge must display warnings for underwater anchors so that other boaters are aware of the potential danger beneath the water in compliance with U.S. Coast Guard regulations.

If a collision occurs resulting in a contaminant spill, the barge/ship contractor's Emergency Action Plan will go into effect and absorbents and containment booms will be used from the barge to prevent the spill from spreading. In the unlikely event that these measures cannot contain the spill, as required, local emergency services, the Office of Emergency Services (OES) and the United States Coast Guard will be contacted. Once emergency services have been notified, responders will be dispatched to control the spill and assist in the cleanup. If a collision occurs, emergency services will be notified when needed. In the event of a spill, appropriate resource agencies, including, but not limited to the California Department of Fish and Game and the U.S. Fish and Wildlife Service, will be contacted and any recommended remediation measures will be followed.

With regard to the question of whether drilling should be delayed, see General Response Section B.

Individual-9 Bill Wells, Yachtsman Magazine, July 20, 2009

From: Bill Wells
Sent: Monday 7/20/2009 12:09 PM
Subject: commoents on peripheral canal

“I am an associate editor with "Bay and Delta Yachtsman Magazine". As you might imagine there is a lot of concern among boaters and fisherman that use the Delta of the potential for the peripheral canal to cause grave harm to the waterways. Can you provide a few examples where a water diversion of this type has actually helped a waterway and or improved fish habitat?

Does Resource Secretary Mike Chrisman receive any Delta water for Chrisman Farms near Bakersfield?

I hear Governor Schwarzenegger recently purchased a ranch in Southern California, does he receive any Delta water?”

DWR Response to 9

See General Response Section B.

Individual-10 Dan Whaley, July 24, 2009

From Dan Whaley
Sent: Friday 7/24/2009 5:02 PM
Subject: drilling 16 boring 140 to 200 deep in the stream beds of the delta--negative declaration claim

“Please place in the record my objections to this project as a negative declaration, claiming insignificant environmental impact.

The actual impact of this action needs to be determined before it is started. Further to ask for and have comment when the action is already going forward shows that the public comment period is meaningless. This is an abuse of power and if the resources materialize to support seeking a TRO, legal fees and damages will be requested.

Please explain how you can allege drilling into the earth’s crust 140 to 200 feet has no effect, let alone the potential combined effect on the environment.

Please explain why this will not increase streambed problem for the smelt.

Please explain why this action does not affect traffic, noise, air pollution in area being drilled.

Please identify your ownership rights or license or easement rights to do the proposed drilling.

Please identify the cost of this project and how funded

Please address all these issues before any drilling starts and identify exactly for the public where the drilling will occur."

DWR Response to 10

The potential environmental impacts of the geotechnical drilling activities have been analyzed in the draft Initial Study.

DWR will be drilling into unconsolidated alluvial material that has accumulated on the earth's crust but not into the earth's crust which forms a thin skin of rock surrounding the earth overlying the mantle. The hole will be properly backfilled and any localized disturbance (about eight inches in diameter) resulting from drilling will have no significant negative impact on the geology.

The comments regarding streambeds, traffic, noise, and air pollution are addressed in the draft Initial Study in Section IV. Biological Resources, Section XV. Transportation/Traffic, Section XI. Noise, and Section IIIa. Air Quality, respectively.

The waterways where geotechnical drilling is proposed are owned by the State Lands Commission. DWR and the State Lands Commission have negotiated a Memorandum of Understanding that sets up the terms and conditions under which DWR may use State Lands under the control of the Commission.

The geotechnical drilling locations are identified in the draft Initial Study (Figures 2-11).

With regard to issues relating to whether DWR has already made a decision with regard to the in-water exploratory drilling activities or the BDCP, to where drilling will take place and who will pay for the cost of the project, see General Response Sections A, C, D and E.

Individual-11 Kerry Wicker, August 6, 2009

From: Kerry Wicker

Sent: Thursday 8/16/2009 2:18 PM

Subject: CEQA comments on DWR's Neg Dec for "Bay Delta Conservation Plan" geotech. drilling

“There is no need to do exportation of water from the Sacramento/San Joaquin Delta, therefore there is no need for geotech bed drilling. Communities that need water need desalinization plants, rainwater catchment systems, native zeroglyphic plants, and water re-use. Live within their own watersheds' budget.

DWR is assigned CEQA lead for the overall Delta "conservation" plan? If this project is considered a habitat conservation plan/natural communities conservation plan, the CEQA lead would be CA Dept. of Fish and Game.

Seems the geotech drilling is a piecemealed portion of the conservation plan as a whole. Therefore to state findings that this project won't have a significant effect on the environment is incorrect. “

DWR Response to 11

See above General Response Sections A, B, D, and F.

DWR is the CEQA lead for the Bay Delta Conservation Plan. The Department of Fish and Game is a state regulatory agency and provides approval authority for California ESA conservation plans.

Individual-12 Kim Glazzard, August 10, 2009

From: Kim Glazzard
Sent: Monday 8/10/2009 3:17 PM
Subject: Proposed Exploratory Drilling in Delta and EIR/EIS Process

“It is of great concern that the Department of Water Resources (DWR) is going forward with exploratory drilling regarding the Bay Delta Conservation Plan's (BDCP) potentially proposed alternate water conveyance system and associated intake structures, when the BDCP process is incomplete and approval and allocations of monies from the California State Legislature is lacking. DWR appears to be overstepping its bounds and assuming inappropriate and unfounded control and authority over land, territory, and resources of the Sacramento/San Joaquin Delta which, by virtue of its value as a major California water source is part of the public commons and as such part of the public trust. DWR's responsibility is to the people of California, and it is not within DWR's

purview to act outside the legal mandates of this state or the interests of its citizens.

We oppose DWR's continuation of this unauthorized drilling and believe and request that these efforts should be halted immediately."

DWR Response to 12

See General Response Sections B and E.

Individual-13 Clare and Dave Spensley, August 7, 2009

From Clare and Dave Spensley
Sent: Friday 8/7/2009 8:51 AM
Subject: THE DELTA

"My husband and I are strongly opposed to the idea that we need to convey water from the Sac. Delta to So. Calif. We are against drilling to achieve this goal and do not want taxpayers dollars spent on this wasteful and destructive project to the residents and indigenous wildlife of the Sac. San Joaquin Delta.

Build the Auburn Dam and force the people of So. Calif. to conserve and reduce their use of water At the same time build recycled water plants to use on vegetation. Such a plan is working in Florida every day!!:

DWR Response to 13

See General Response Sections, B, E and F.

Individual-14 Glen H. Mortensen, July 21, 2009

From: Glen H. Mortensen
Received: 7/21/2009

Commenter proposes solution of the problem of salt water flowing into the delta. He notes that as the ocean rises this problem will increase. In general, his proposal relates to a shipping lock system near Pittsburg, California.

DWR Response to 14

The comment does not address the proposed in-water exploratory drilling activities but is a suggestion related to possible options for solutions to Delta issues. See General Response Sections B and F.

Individual-15 D. Mark Wilson, Wilson Farms, July 23, 2009

From: D. Mark Wilson
Sent: July 23, 2009
Subject: Comments on Proposed IS/MND for the BDCP Engineering Geotechnical Activities in Water

"Wilson Farms' primary concern with the proposed projects is that it is a necessary component of the BDCP, and that review of the project should not be separated from review of the BDCP. The BDCP includes a new canal that would create major new diversions just south of Sacramento, creating massive social and environmental impacts. Because the proposed project is a required precursor to the BDCP and the canal, review of the project discussed in the MND cannot properly be separated from review of the overall BDCP project."

DWR Response to 15

See General Response Sections B, C, and D.

Oral Comments.

Individual-16 Oral Comments of Lee Graff, July 16, 2009

From: Lee Graff, an ex farmer

July 16, 2009; 7:35 am

"I object to the drilling plan. I object to anyone spending money that we don't have to. I object to canal at this time."

DWR Response to 16

See General Response Sections B and E.

Individual-17 Oral Comments of Glen Mortensen, July 21, 2009

From: Glen Mortensen

July 21, 2009; 3:29 pm

"I live in Stockton, California and I read the article in the Stockton Record about the Delta Canal drilling. It doesn't solve the influx of salt water."

Please note that this office also received a written letter mailed to this office. Please see response to Individual-14.

Response to 17

See Response to Letter 14.

Individual-18 Oral Comments of Unknown Caller, July 23, 2009

From: Unknown Caller

July 23, 2009; 9:49 am

Unknown caller left message regarding canal: “Only so much water. We are already making the Delta at risk and we need to keep the Delta. Why can’t San Diego take their own water rather than take it from us?”

Response to 18

See General Response Sections B and F.

Individual-19 Oral Comments of Verna Althei, July 23, 2009

From:Verna Althei

July 23, 2009; 9:51 am

“I’m responding to Stockton Record which said to call your number. How much more water can we send down: two canals? Where is the money coming from to pay for the canal? That is big, big bucks. California is already broke. We don’t need to be spending money on another canal when we already have one. We should keep our water here. They can get their own water, but that’s another point. We need to keep our Delta. That would definitely be putting it at risk.”

Response to 19

See General Response Sections B, E and F.

Individual-20 Oral Comments of Beverly Cisneros, July 23, 2009

From: Beverly Cisneros

July 23, 2009; 4:01 pm

"I'm calling in regards to the Delta drilling plan for canal. I'm against it. We're going to end up with a giant cesspool in our Delta and it's going to disrupt the ecosystem. We must stop this horrible thing. Thank you."

Response to 20

See General Response Section B.

Individual-21 Oral Comments of Jean Clark, July 25, 2009

From: Jean Clark

July 25, 2009; 11:27 am

"I'm against the peripheral canal being pushed ahead even though we voted it down. It will rob the Delta of fresh water and will take it to southern areas and southern California. They don't care about farmers. I hope it doesn't go through. Southern California has taken all the eastern side of the Sierra water and the Bay area got all of Yosemite water and Stanislaus, Tuolumne, and Mokelumne waters. We have to have something for Delta. Delta needs a quantity of water to maintain what is its natural course. They should not be grabbing it all up near Sacramento and leaving us high and dry. I hope it doesn't go through."

Response to 21

See General Response Section A and F.