

Letter	Comment #	Comment	Relation to Final EIR/EIS
American River Water Agencies	1	<p>We represent the water suppliers who form the American River Water Agencies ("ARWA") group. On January 30, 2017, the North State Water Alliance ("Alliance") submitted comments on the California WaterFix Final EIR/EIS. That letter incorporated evidence submitted to the State Water Resources Control Board in connection with the water right change petition filed by the Department of Water Resources ("DWR") and the United States Bureau of Reclamation ("Reclamation").</p> <p>Since January 30, 2017, additional evidence has been submitted to the State Water Resources Control Board in connection with the Board's hearing on the water right change petition by DWR and Reclamation. We respectfully request that this additional evidence, which is on the disks that have been included with this letter, be incorporated into the record of proceedings for the CEQA and NEPA decisions on this matter. (For your convenience, an index of the materials reproduced on the disks is attached to this letter as Exhibit A.)</p> <p>This evidence shows, among other things, the following facts:</p>	<p>This comment describes additional sources of information incorporated into the comment by reference. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials. Additionally see NSWA's comment letter provided in Table 3-1, Developments after Publication of the Proposed Final Environmental Impact Report. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
American River Water Agencies	2	<ul style="list-style-type: none"> • The California WaterFix project description has changed, and the modeling runs performed for the EIR/EIS, the RDEIR/SEIS, and the FEIR/EIS do not reflect the current project description. The project, as revised, has been modeled in another set of modeling runs known as the "Biological Assessment" or "BA" modeling. • The BA modeling results again confirm that Folsom Reservoir drawdowns result from the proposed project, even as revised. • As Reclamation's modeler Nancy Parker confirmed in her sworn testimony, a series of results from the DWR/Reclamation biological assessment modeling show that, in a number of drier two-year sequences, California Water Fix could draw Folsom Reservoir down significantly more than the no action alternative would. (Exhibit BKS-100, Figure 1e, Tables 2 and 3 (Ms. Parker's rebuttal testimony); Exhibits BKS- 103 and BKS-104 (depicting BA modeling results).) In at least one instance, the modeling shows that Folsom would be drawn to dead pool as a result of the project, while Folsom storage was at over 200,000 acre-feet in the relevant month in the no- action alternative. • According to the modeling results, by a number of different measures, operation of the CVP with California WaterFix could draw down Folsom Reservoir significantly more than the no action alternative would. Those measures are: (1) end-of-month reservoir storage levels from the 93'd to the 99th exceedances from the entire 82-year modeling period of record in 	<p>CalSim II modeling assumptions for the Final EIR/EIS Alternative 4A were fully consistent with the CWF Biological Assessment (BA) Proposed Action assumptions. This was clearly described in the Final EIR/EIS Appendix 5A Section A and Appendix 5G. Appendix 5A Section A includes a summary of the CalSim II assumptions for all the EIR/EIS Alternatives and baselines including the Final EIR/EIS Alternative 4A. Appendix 5G was included to demonstrate that the incremental changes under Alternative 4A compared to the No Action Alternative are consistent between the Final EIR/EIS and the BA. Alternative 4A criteria outlined in the biological assessment was used in the Final EIR/EIS to confirm Alternative 4A impact analysis findings disclosed in the RDEIR/SEIS. Thus, ARWA is wrong in their claim that BA Proposed Action was not included in the Final EIR/EIS.</p> <p>As indicated in DWR's Part 1 rebuttal testimony and as noted in the Appendix 5A of the CWF BA, San Luis rule curve is a model operational target that is used to represent operator decisions to move water from upstream reservoirs to South-of-Delta storage. The model simulated San Luis rule curve could differ depending on the available export capacity during winter and spring months, and the need to protect upstream carryover storage in the fall months. San Luis rule curve was appropriately modified for the CWF proposed action recognizing that the new north Delta diversion facility would allow capturing winter and spring excess flows and filling of the San Luis Reservoir to a greater extent than the NAA. No Action Alternative with the winter and spring export restrictions, would primarily allow filling of the San Luis aggressively in the fall months. To maintain and preserve flexibility in upstream storage similar to the No Action Alternative, modeling for the PA included a modified rule curve that was not as aggressive in the fall months as the NAA. Allowing this is further important because the NMFS Shasta RPA Action is not explicitly included in the CalSim II modeling of the NAA or the PA, and therefore, to</p>

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		<p>the "no climate change" scenario (also known as the "existing hydrology" scenario, in which the climate change assumptions have been removed from the modeling runs so the effects attributable to the project can be isolated and identified) (Exhibit BKS-100, Figure 1e); (2) the comparative drawdowns in total storage within modeled years (Exhibit BKS-100, Table 3); and (3) the minimum annual storage level for the highlighted years (Exhibit BKS-100, Table 2).</p> <ul style="list-style-type: none"> • Folsom Reservoir storage levels are drawn down in both the "NoCC" scenario and the "BA" scenarios, even though only the "BA" scenarios contain climate change assumptions. This means that, even if some portion of the reduced Folsom storage shown in the BA scenarios is attributable to climate change, the reduced Folsom storage shown in the NoCC results is caused by the project. • As Ms. Parker admitted, the BA modeling results show that California WaterFix could draw down Folsom Reservoir to a point where it would be dry in some years, and that would be an adverse impact to a water supplier dependent on Folsom Reservoir. • The CALSIM II model includes logic that attempts to emulate how the projects' operators would exercise their discretion in moving water from north-of-Delta storage to San Luis Reservoir. This portion of the modeling logic is known as the "San Luis rule curve," and it attempts to represent how the operators would balance the competing project objectives of maintaining sufficient storage to provide a cushion against future dry conditions and maximizing allocations to contractors. As noted in the modeling appendix to the biological assessment (Exhibit BKS- 101) and confirmed by Ms. Parker, to model the with-project conditions in the BA modeling runs, DWR and Reclamation modified the San Luis rule curve portion of the modeling logic to be more protective of upstream storage with the project than without the project. As a result, the Folsom Reservoir modeling results are from a proposed-action scenario that contains assumptions that are more protective of Folsom Reservoir storage than the assumptions underlying the no action alternative. (Exhibit BKS-101, p. 5A-30 "San Luis Operations.") This change in the underlying assumptions makes it difficult to compare the with-project modeling run to the baseline condition modeling run, and it has the effect of masking the potential impacts of the proposed project. It also indicates that even the BA modeling results discussed above that show that California WaterFix will impact Folsom Reservoir storage underestimate the extent of that impact. <p>Finally, in the Board's hearing, the ARWA group proposed terms and conditions on the California WaterFix. These proposed terms and</p>	<p>preserve similar frequency of compliance with NMFS Shasta RPA under the NAA and PA. This modeled operation reflects the CVP operator's testimony that upstream storage is managed to maintain upstream storage levels as the supply available in the upstream end of the system would provide significant operational flexibility.</p> <p>DWR and USBR have repeatedly shown, both in the Final EIR/EIS, BA and the SWRCB Part 1 hearing testimony, that CWF does not create any additional risks to the low Folsom carryover storage conditions compared to the NAA, and conclusively proved that there is no need for the ARWA's proposed modified flow management standard. ARWA attorneys inappropriately cherry-picked a few years and presented comparison of the Folsom storage timeseries between the PA and the NAA scenarios from the BA. In cherry-picking the years, ARWA's attorneys ignored the years where Folsom storage conditions under the PA were improved relative to the NAA, and only presented years where PA showed lower storage levels compared to the NAA. When considering the results for the entire simulation period, over a broad range of system operating conditions, what the exceedance plot of the storages will show is that there are no differences between a no-action condition and a with-project condition, which is the most appropriate use of a comparative modeling study such as the ones modeled for the CWF.</p> <p>See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.</p>

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		<p>conditions are known as the Modified Flow Management Standard and are stated in Exhibit ARWA-308. A copy of this exhibit is enclosed.</p> <p>Thank you for considering this evidence and including it in the record of proceedings for the agencies' CEQA and NEPA decisions on this matter.</p>	
American River Water Agencies	ATT 1	Testimony of Tom Gohring - Revised	This attachment is Exhibit ARWA-300e presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 2	Memorandum of Understanding on Lower American River Flow Management Standard, dated October 4, 2004	This attachment is Exhibit ARWA-303 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 3	National Marine Fisheries Service Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and State Water Project, June 2009, Actions II.1 to II.2 and Appendix 2-D	This attachment is Exhibit ARWA-304 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 4	2013 Public Review Draft BDCP EIR/EIS, Appendix 5A, Section C (excerpt)	This attachment is Exhibit ARWA-305 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 5	2016 California Water Fix Final EIR/EIS, Appendix 5A, Section C (excerpt)	This attachment is Exhibit ARWA-300e presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials. ARWA-306
American River Water Agencies	ATT 6	Bay Delta Conservation Plan/California Water Fix Final EIR/EIS, Volume II, Master Response 47	This attachment is Exhibit ARWA-307 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 7	Proposed Water-Right Terms and Conditions	This attachment is Exhibit ARWA-308 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State

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			Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 8	Testimony of Jeffrev Weaver	This attachment is Exhibit ARWA-400 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 9	Modeling Assumptions	This attachment is Exhibit ARWA-401 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 10	Key Modeling Results for the Modified FMS	This attachment is Exhibit ARWA-402 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 11	Surrebuttal Testimony of Bonny L. Starr	This attachment is Exhibit CITYSAC-36 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 12	Daily Raw Temperature for SRWTP and EAFWTP for Jan 2012-Dec 2015	This attachment is Exhibit CITYSAC-37 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 13	Testimony of Keith Durkin, P.E.	This attachment is Exhibit SJWD-17 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 14	Water Right Order 2015-0043, Corrected	This attachment is Exhibit SJWD-18 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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			hearing materials.
American River Water Agencies	ATT 15	March 2015 Sacramento River Temperature Model Runs	This attachment is Exhibit SJWD-19 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 16	March 30, 2015 Request from SWRCB to Reclamation for Refined Sacramento River Temperature Modeling Information and a Plan for New Melones Operations to Reasonably Protect Fish and Wildlife	This attachment is Exhibit SJWD-20 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 17	Shasta Temperature Management Plan - Key Components	This attachment is Exhibit SJWD-21 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 18	Draft Order Denying in Part and Granting in Part Petitions for Reconsideration of and Addressing Objections to the Executive Director's February 3, 2015 Order, Etc.	This attachment is Exhibit SJWD-22 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 19	Reclamation Comment Letter Regarding Draft Temporary Urgency Change Petition Order	This attachment is Exhibit SJWD-23 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 20	State Water Contractors Comment Letter Regarding Draft Temporary Urgency Change Petition Order	This attachment is Exhibit SJWD-24 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 21	San Luis & Delta-Mendota Water Authority, et al. Comment Letter Regarding Draft Temporary Urgency Change Petition Order	This attachment is Exhibit SJWD-25 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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American River Water Agencies	ATT 22	May 2016 CVP and SWP 2016 Drought Contingency Plan for Water Project Operations	This attachment is Exhibit SJWD-26 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 23	Testimony of Marcus Yasutake, P.E.	This attachment is Exhibit FOLSOM-28 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 24	State Water Board Draft Order WR 2015, dated December 7, 2015, Denying in Part and Granting in Part Petitions for Reconsideration and Addressing Objections	This attachment is Exhibit BKS-50 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 25	Letter dated December 11, 2015 from David G. Murillo, U.S. Bureau of Reclamation, to the State Water Board	This attachment is Exhibit BKS-51 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 26	Excerpt from the Cal. WaterFix Biological Assessment	This attachment is Exhibit BKS-53 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 27	Exhibit DOI-33 Errata, marked	This attachment is Exhibit BKS-100 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 28	July 2016 CWF Biological Assessment App. 5.A, marked excerpts	This attachment is Exhibit BKS-101 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 29	December 2016 CWF Final EIR/EIS Chapter 2, marked	This attachment is Exhibit BKS-102 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation

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American River Water Agencies	ATT 30	Biological Assessment QO Modeling Results	This attachment is Exhibit BKS-103 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 31	Biological Assessment Q5 Modeling Results	This attachment is Exhibit BKS-104 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 32	Biological Assessment for the California Water Fix, July 2016 (Published August 2nd, 2016) 1_Cover_TitlePage_TOC_RevisedDraftBA. pdf	This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes.
American River Water Agencies	ATT 33	Biological Assessment for the California Water Fix, July 2016 (Published August 2nd, 2016) Ch_1_Introduction_RevisedDraftBA.pdf	This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes.
American River Water Agencies	ATT 34	Biological Assessment for the California Water Fix, July 2016 (Published August 2nd, 2016) Ch_2_Consultation_History_RevisedDraftBA. pdf	This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes.
American River Water Agencies	ATT 35	Biological Assessment for the California Water Fix, July 2016 (Published August 2nd, 2016) Ch_3_Proposed_Action_RevisedDraftBA.pdf	This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes.
American River Water Agencies	ATT 36	Biological Assessment for the California Water Fix, July 2016 (Published August 2nd, 2016) Ch_4_Action_Area_and_Environmental_Baseline_RevisedDraft BA.pdf	This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes.
American River Water Agencies	ATT 37	Biological Assessment for the California Water Fix, July 2016 (Published August 2nd, 2016) Ch_5_Effects_Analysis_NMFS_species_RevisedDraftBA.	This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes.
American River Water Agencies	ATT 38	Biological Assessment for the California Water Fix, July 2016 (Published August 2nd, 2016) Ch_6_Effects_Analysis_USFWS_species_RevisedDraftBA.pdf	This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes.

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American River Water Agencies	ATT 39	Biological Assessment for the California Water Fix, July 2016 (Published August 2nd, 2016) Ch_7_Effects_Determinations_RevisedDraftBA.pdf	This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes.
American River Water Agencies	ATT 40	Biological Assessment for the California Water Fix, July 2016 (Published August 2nd, 2016) App_5.A_CALSIM_RevisedDraftBA. Pdf	This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes.
American River Water Agencies	ATT 41	April 27, 2017 Hearing Transcript (excerpts)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 42	May 4, 2017 Hearing Transcript (excerpts)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 43	May 5, 2017 Hearing Transcript (excerpts)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 44	May 11, 2017 Hearing Transcript (excerpts)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
American River Water Agencies	ATT 45	May 12, 2017 Hearing Transcript (excerpts)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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American River Water Agencies	ATT 46	Mav 18, 2017 Hearing Transcript (excerpts)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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California Water Research	1	<p>This letter is with respect to the adequacy of the Environmental Impact Report / Environmental Impact Statement (EIR/EIS) and Biological Assessment (BA).</p> <p>When reviewing the proposed draft amendments to the Delta Plan on Conveyance and Storage, I looked at consistency with the existing NCCP proceeding under the CALFED Programmatic Record of Decision, and realized there are significant issues.</p> <p>The WaterFix project was proposed to be tiered under the Delta Plan Programmatic EIR, but the Delta Plan Programmatic EIR has been ruled legally insufficient.</p> <p>The WaterFix project was also going to be part of a new state Natural Communities Conservation Plan (NCCP) and federal Habitat Conservation Plan (HCP), the "Bay Delta Conservation Plan." But the Department of Water Resources and the Bureau of Reclamation have announced that they are not currently planning to apply for an NCCP or HCP for the project.</p> <p>There are significant consistency issues with the existing CALFED EIR/EIS. Basically, a 9,000 cfs North Delta Diversion was never considered in the CALFED EIR/EIS, and there were specific commitments made not to approve projects that were not considered. Because of these issues, the project cannot tier under CALFED.</p> <p>Because the WaterFix environmental documents fail to evaluate upstream impacts and impacts on San Francisco Bay, the documents also are insufficient, in themselves, to fully analyze impacts of the project.</p>	<p>This comment is regarding the CALFED Programmatic Record of Decision (ROD). The commenter suggests that this document prohibits the approach to conveyance embodied in the California WaterFix. This suggestion is inaccurate.</p> <p>A discussion about the CALFED process is included in the Final EIR/EIS at the following locations: Appendix 1A, Primer on California Water Delivery Systems and the Delta, pages 1A-35 – 1A-36; , Appendix 3A, Identification of Water Conveyance Alternatives, 2 Conservation Measure 1, sections 3A.2.1 and 3A.2.2; and Chapter 1, section 1.4.2. As reflected in the CALFED ROD, the CALFED Preferred Program for water deliveries from the Delta continued use of the existing Through Delta Conveyance, as the commenter notes. The CALFED ROD, however, did not purport to represent a permanent solution to conveyance problems in the Delta. Indeed, an approach to conveyance such as the one employed in the California WaterFix was recognized as a future possibility.</p> <p>In addition to recommending continued Through Delta conveyance, the CALFED ROD also recommended continued evaluation of a screened diversion facility on the Sacramento River in coordination with modifications of Delta Cross Channel operations and a channel between the Sacramento and Mokelumne rivers to improve drinking water quality if the CALFED ROD recommendations for water quality programs did not improve drinking water quality. The CALFED ROD allowed for the reassessment of the Through Delta Conveyance at the conclusion of the Stage I actions identified in the CALFED ROD (with an estimated completion time of 7 years). The CALFED ROD stated: "If the Program purposes cannot be fully achieved with the actions proposed in the Preferred Program Alternative, additional actions including an isolated conveyance facility will need to be considered in the future."</p> <p>Since 2000, further studies and information have become available that have caused reconsideration of the Through Delta Conveyance component of the CALFED ROD. In April 2006, the CALFED Program issued a 10-year Action Plan to refocus the program based on new scientific and policy information. The scientific information indicated that the current physical configuration of the Delta did not lead to a sustainable condition due to increasing risk of seismic events and sea level rise; and that population levels for Delta pelagic organisms were at record low levels and were appearing to continue to decline. The 10-Year Action Plan contemplates the CALFED Program answering the question: "Should the screened Sacramento River diversion be built or should alternatives to the Through-Delta conveyance approach be reconsidered?" A major priority element of the 10-Year Action Plan was the development of a voluntary planning agreement and HCP/NCCP(s) for Delta and anadromous species. The Action Plan notes that "several Bay-Delta system users ... are working cooperatively to explore preparation of one or more Habitat Conservation Plans..." (CALFED Bay-Delta Program 2006:52) and notes the first step is negotiation of a Planning Agreement (CALFED Bay-Delta Program 2006:53).</p> <p>Delta Vision was created by Executive Order of Governor Schwarzenegger on September 17, 2006, to "develop a durable vision for sustainable management of the Delta" so it can support environmental and economic functions important to the people of the State (Delta</p>

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			<p>Vision Blue Ribbon Task Force 2007:68–69). The Executive Order called for creation of an independent Blue Ribbon Task Force charged with completing a “vision” report by January 1, 2008, and a “strategic plan” by October 31, 2008. (Delta Vision Blue Ribbon Task Force 2007:70.) The Executive Order specifically directed that the Delta Vision process “inform and be informed by current and future Delta planning decisions such as those pertaining to the CALFED Bay Delta Program, Bay Delta Conservation Plan” and others. (Delta Vision Blue Ribbon Task Force 2007:69.)</p> <p>In October 2008, the Blue Ribbon Task Force issued the Delta Vision Strategic Plan, which contains specific recommendations for implementing the Delta Vision to “sustain the Delta in future decades while ensuring a reliable water supply for the two-thirds of California’s population who depend in whole or in part on water from the Delta” (Delta Vision Blue Ribbon Task Force 2008:v).</p> <p>Many of the concepts presented in the Strategic Plan are being pursued through the California WaterFix. The heart of the California WaterFix is a proposed project that sets forth some of the actions needed for a healthy Delta, building upon the framework set forth through the CALFED Program and Delta Vision processes. In February 2008, Governor Schwarzenegger directed DWR to proceed with the NEPA/CEQA analysis of four alternatives for Delta conveyance (consistent with the alternatives analyzed in the EIR/EIS; see Chapter 3, Description of Alternatives). That process ultimately consumed the better part of a full decade.</p> <p>Although the originally proposed project in the 2013 Draft EIR/EIS was the Bay Delta Conservation Plan (BDCP), a proposed HCP/NCCP, DWR modified its proposed project in 2015 at around the time of the issuance of the Partially Recirculated Draft EIR/Supplement to the Draft EIR (RDEIR/SDEIS). The new proposed project, the California WaterFix, no longer included an HCP/NCCP, but is nevertheless subject to very stringent requirements under both the federal Endangered Species Act and the California Endangered Species Act. The California WaterFix, then, is similar to the BDCP insofar as it would be accompanied by substantial amounts of habitat restoration intended in part to improve the overall environmental performance of the State Water Project.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
California Water Research	2	<p>This is an outline of the issues with consistency.</p> <p>(1)Current operations of the State Water Project and Central Valley Project are proceeding under the CALFED Record of Decision and the CALFED Programmatic EIR/EIS.</p> <p>(2)Decision 1641, which approved the JPOD operations by the State Water Resources Control Board, relied in part on the CALFED Programmatic EIR/EIS and Record of Decision, and the CEQA mitigations for increases in pumping as</p>	<p>See comment 1 above. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

Letter	Comment #	Comment	Relation to Final EIR/EIS
		<p>part of the Joint Point of Diversion.</p> <p>This action is subject to CEQA. Accordingly, the significant environmental effects of this action are considered and mitigation is required as appropriate. (p. 91.)</p> <p>(3)The existing Natural Communities Conservation Plan (NCCP) for the Delta is the Multispecies Conservation Strategy (MSCS). The MSCS is proceeding under the larger comprehensive Ecosystem Restoration Program, which is continuing: The CALFED Agencies will implement a comprehensive Ecosystem Restoration Program (ERP) throughout the Bay-Delta’s watershed, consistent with the Strategic Plan for Ecosystem Restoration. The goal of the ERP is to improve aquatic and terrestrial habitats and natural processes to support stable, self-sustaining populations of diverse and valuable plant and animal species through an adaptive management process. Implementation of the ERP includes recovery of species listed under the State and Federal Endangered Species Acts. (p. 35.)</p> <p>(4)The WaterFix project is inconsistent with the existing CALFED Programmatic Record of Decision. The Programmatic Record of Decision states clearly: The Preferred Program Alternative consists of a through-Delta conveyance approach, coupled with ecosystem restoration, water quality improvements, levee system improvements, increased water use efficiency, improved water transfer opportunities, watershed restoration, and additional surface waters and groundwater storage.</p>	
California Water Research	3	<p>Furthermore, the CALFED Programmatic Record of Decision states: USFWS, NMFS and DFG will not approve revisions to the MSCS-ERP Milestones that would cause or allow an effect to Covered Species or critical habitat designated under FESA that was not considered in the programmatic regulatory determinations, or would otherwise require the reinitiation of formal consultation under 50 CFR section 402.16. Consequently, the USFWS and NMFS expect that their approved revisions to the MSCS-ERP Milestones can be incorporated in each agency’s programmatic biological opinions through informal consultation, rather than formal consultation, under section 7 of FESA. DFG will incorporate its approved revisions to the MSCS-ERP Milestones by amending the “California Department of Fish and Game Approval and Supporting Findings for the CALFED Bay-Delta Program Multiple Species Conservation Strategy.” (p.78, underlining added.)</p> <p>A 9,000 cfs diversion in the North Delta was not considered under the CALFED Programmatic EIR/EIS, and formal Section 7 consultation has been reinitiated. But the Biological Assessment Section 7 consultation does not consider</p>	See comment 1 above. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.

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		<p>upstream reservoir operations, stating:</p> <p>Potential interrelated or interdependent actions were evaluated by considering actions that are ongoing or reasonably foreseeable, that occur wholly or in part within the action area, and that are functionally related to the PA. To determine if an action is interrelated to or interdependent with a proposed action, the Fish & Wildlife Service Endangered Species Consultation Handbook (FWS Handbook) directs that the agency “should ask whether another activity in question would occur ‘but for’ the proposed action under consultation” (U.S. Fish and Wildlife Service and National Marine Fisheries Service 1998, 4-27). In doing so, the agency must be “careful not to reverse the analysis by analyzing the relationship of the proposed action against the other activity.” Id. For instance, “if the proposed action is the addition of a second turbine to an existing dam, the question is whether the dam (the other activity) is interrelated to or interdependent with the proposed action (the addition of the turbine), not the reverse.” Id. In this case, the PA is the proposed action under consultation, so the agency should determine whether any other action in question would occur “but for” the PA.</p> <p>Upstream operations of the CVP and SWP (the other activity) will continue—consistent with existing biological opinions—whether or not the PA (the action under consultation) is authorized, constructed, and operated. Thus, consistent with the directive from FWS Handbook, upstream actions are not interrelated to or interdependent with the PA.</p> <p>This analysis is incorrect, to the extent that the upstream operations of the CVP and SWP are proceeding under the CALFED Programmatic EIR/EIS analysis and the subsequent BA under that programmatic EIR/EIS. NMFS, FWS, and DFG (now DFW) made the commitment in the CALFED ROD that they would not approve revisions that were not considered in the CALFED Programmatic EIR/EIS. Claiming that a new 9,000 cfs diversion, not analyzed in CALFED, is not interrelated or interdependent with upstream reservoir operations is absurd.</p> <p>The WaterFix Revised Draft EIR/EIS and Final EIR/EIS is also inadequate as a stand-alone document because it does not include analysis of impacts on areas outside the Delta, the “BDCP planning area.” The BDCP planning area includes the Delta and Suisun Marsh, as shown in Figure 1-9 in Chapter 1 of the WaterFix Final EIR/EIS. (Reproduced at the end of this letter.) Impacts in other areas include both upstream impacts, and impacts on San Francisco Bay.</p>	

Letter	Comment #	Comment	Relation to Final EIR/EIS
City of Brentwood	1	<p>The City of Brentwood submits the following materials to supplement the record of proceedings for the California WaterFix Environmental Impact Report/Final Environmental Impact Statement ("Final EIR/EIS").</p> <p>On January 30, 2017, the City submitted comments on the Final EIR/EIS for the Bay California WaterFix Project ("WaterFix" or "Project"). That letter incorporated evidence submitted to the State Water Resources Control Board ("SWRCB") by the City in connection with the water right change petition filed by the Department of Water Resources ("DWR") and the United States Bureau of Reclamation ("Reclamation").</p> <p>Since January 30, 2017, additional evidence has been submitted in the rebuttal and surrebuttal phases of the change petition hearing. DWR and Reclamation have stated that future operations of the proposed project will be "guided by the outcome" of the SWRCB proceedings. Final BIR/EIS, Vol. II, 1-262 (Master Response 28). Accordingly, the evidence submitted to the SWRCB regarding injury to legal users of water resulting from the Project is relevant to future operations of the project and the associated environmental impacts. The City respectfully requests that this additional evidence, which is on the CD that has been included with this letter, be incorporated into the record of proceedings for the CEQA and NEPA decisions on this matter. (For your convenience, an index of the materials reproduced on the CD is attached to this letter as Exhibit B.)</p> <p>This evidence shows, among other things, the following:</p>	<p>This comment describes additional sources of information incorporated into the comment by reference. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials. Additionally see Brentwood's comment letter provided in Table 3-1, Developments after Publication of the Proposed Final Environmental Impact Report. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
City of Brentwood	2	<ul style="list-style-type: none"> Despite DWR and Reclamation's claims to the contrary, neither "extreme conditions," nor model limitations can explain the long periods of exceedance of the 250 mg/L chloride water quality objectives under the Boundary 1 alternative of WaterFix. Additionally, the Petitioners have not conducted sufficient analysis to characterize the "water cost" that would need to be imposed upon the State Water Project and Central Valley Project to avoid those exceedances. 	<p>This comment is a legal opinion that Boundary 1 as presented in the State Board Hearings should have been analyzed as a separate alternative to disclose significant environmental effects. The EIR/EIS captures the range of effects that would occur under Boundary 1 through evaluation of 18 alternatives and includes supplemental analyses in Appendix 5E of the Final EIR/EIS. This section describes the commenter's view that chloride levels at Brentwood's intakes in boundary scenarios are fundamentally different from Alternative 4A. Chloride effects of Boundary 1 are discussed in Appendix 5E, Supplemental Modeling Related to the State Water Resources Control Board, Section 5E.5.1.4, Water Quality, Final EIR/EIS. This section indicates that Boundary 1 water quality objective exceedances would occur more often than the no action alternative, but the modeling has limitations associated with its time step and other necessary key assumptions made, and does not account for real-time operations. As a result, the impacts on chloride would be less than significant, consistent with Alternative 4A. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p> <p>See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources</p>

Letter	Comment #	Comment	Relation to Final EIR/EIS
			Control Board hearing materials. Despite commenter's expert's difference of opinion on certain assumptions used in the modeling, the modeling and assumptions within the modeling relied upon by the lead agencies is considered appropriate to support the lead agencies' analysis of environmental impacts associated with the Proposed Project.
City of Brentwood	3	<ul style="list-style-type: none"> DWR inappropriately used long-term averages compiled from DSM2 results to assess the potential for water quality impacts. As a result, the Petitioners' analysis of WaterFix operations' compliance with water quality objectives masks potential impacts to drinking water operations. 	<p>This comment reiterates comments submitted by the City of Brentwood during the Federal Register notice period. Please see Table 3-1 for the City of Brentwood's comment letter, specifically comment considerations for Attachment 1.</p> <p>Despite commenter's expert's difference of opinion on certain assumptions used in the modeling, the modeling and assumptions within the modeling relied upon by the lead agencies is considered appropriate to support the lead agencies' analysis of environmental impacts associated with the Proposed Project.</p>
City of Brentwood	4	<ul style="list-style-type: none"> DWR criticized the use of a different EC-to-chloride conversion analysis than what they employed, arguing it could produce inconsistent results in the evaluation of D-1641 exceedances. However, the conversion factors employed by the City's expert were more conservative than the conversion used by DWR, thus the expected chloride concentrations and project impacts were slightly underestimated. <p>The rebuttal and surrebuttal evidence demonstrate that DWR and Reclamation have failed to put forth sufficient information to ensure the Project's approval would not result in injury to legal users of water. Accordingly, the City requests that this evidence be included in the record of proceedings for the agencies' CEQA and NEPA decisions on this matter.</p>	<p>Despite the difference in opinion on the appropriate EC-to-chloride conversion method, the modeling and assumptions within the modeling relied upon by the lead agencies is considered appropriate to support the lead agencies' analysis of environmental impacts associated with the Proposed Project.</p> <p>For a discussion of EC-to-chloride conversion, see DWR-932, at pages 8 to 13, sections 3.3.2 and 3.3.3 of DWR-652, and section 8.3.1.3 of the Final EIR/EIS. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
City of Brentwood	ATT 1	Highlighted Testimony of Dr. Parviz Nader-Tehrani	This attachment is Exhibit Brentwood-118 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
City of Brentwood	ATT 2	Surrebuttal Testimony of Dr. Susan Paulsen	This attachment is Exhibit Brentwood-120 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
City of Brentwood	ATT 3	Technical Comments on Petitioners' WaterFix Rebuttal Testimony	This attachment is Exhibit Brentwood-121 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

Letter	Comment #	Comment	Relation to Final EIR/EIS
City of Brentwood	ATT 4	PowerPoint Presentation: Technical Comments on Petitioners' WaterFix Rebutal Testimony	This attachment is Exhibit Brentwood-122 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
City of Brentwood	ATT 5	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 43 (Cross Examination of Panel 2: Operations, Modeling, Water Quality, and Water Rights)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
City of Brentwood	ATT 6	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 44 (Recross Examination of Panel 2: Operations, Modeling, Water Quality, and Water Rights)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
City of Brentwood	ATT 7	Excerpt from Hearing Transcript, Part 1 Surrebuttal, Vol. _(Direct Testimony of Dr. Susan Paulsen)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
City of Brentwood	ATT 8	Excerpt from Hearing Transcript, Part 1 Surrebuttal, Vol. _(Cross Examination of Dr. Susan Paulsen)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

Letter	Comment #	Comment	Relation to Final EIR/EIS
City of Sacramento	1	<p>On behalf of the City of Sacramento, this office submits this correspondence regarding the environmental impact report/environmental impact statement ("EIR/EIS") for the Bay-Delta Conservation Plan, now commonly referred to as the California WaterFix. The City of Sacramento is among the members of the Sacramento Valley Water Users ("SVWU") group of agencies that previously provided extensive comments on the draft, recirculated and/or final EIR/EIS.</p> <p>The City of Sacramento hereby joins in and incorporates fully by reference the comments submitted by other members of the SVWU group on correspondence dated June 27, 2017 from the law firm Bartkiewicz, Kronick & Shanahan, for which a true and correct copy is attached hereto.</p> <p>Thank you for your anticipated consideration of our comments and inclusion of the same in the record of proceedings for the agencies' decisions on this matter pursuant to the California Environmental Quality Act and National Environmental Policy Act.</p>	This comment describes additional sources of information incorporated into the comment by reference. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
City of Sacramento	ATT 1	Re: California WaterFix Environmental Impact Report/Final Environmental Impact Statement – Recirculation Required Due To Project Changes In Biological Opinions	See comment consideration table in Table 3-3, Developments after Publication of the Proposed Final Environmental Impact Report, for Sacramento Valley Water Users.

Letter	Comment #	Comment	Relation to Final EIR/EIS
City of Stockton	1	<p>The City of Stockton ("Stockton" or "City") has commented extensively on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) and Recirculated DEIR (RDEIR)/EIS, as well as the Final EIR (FEIR)/EIS for the California WaterFix project (Project). The City hereby submits additional evidence for the record that supports the City's previous comments on the FEIR/EIS, including the following:</p> <ul style="list-style-type: none"> • Rebuttal Testimony of Susan Paulsen, Ph.D., P.E. • Report on the Effects of the California WaterFix Project on the City of Stockton • Sur-Rebuttal Testimony of Susan Paulsen, Ph.D., P.E. • Technical Response to Petitioners' Rebuttal Testimony in the WaterFix Proceedings • Sur-Rebuttal Testimony of Robert Granberg 	<p>This comment describes additional sources of information incorporated into the comment by reference. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials. Additionally see Stockton's comment letter provided in Table 3-1, Developments after Publication of the Proposed Final Environmental Impact Report. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p> <p>As described in Section 5.2.3.2 of Chapter 5, Water Supply, in the Final EIR/EIS, changes to water supply are not environmental impacts because they would not, by themselves, create a physical change in the environment. Changes to water supply, however, could be considered as part of economic or social changes that may indirectly lead to a physical change in the environment. Therefore, as required under CEQA, any potential physical environmental impacts indirectly caused by changes to water supply are appropriately addressed in the relevant resource chapters in the Final EIR/EIS. The potential impacts related to changes in salinity in the Delta are described in Chapter 8, Water Quality of the Final EIR/EIS. The potential impacts to agricultural resources and community water supplies are discussed in Chapters 14 and 20 of the Final EIR/EIS, respectively. Changes in socioeconomics and public health are presented in Chapters 16 and Chapter 25, respectively, of the Final EIR/EIS. Potential cumulative impacts are addressed in Chapter 31, Other CEQA/NEPA Required Sections of the Final EIR/EIS.</p>
City of Stockton	2	<p>This evidence provides additional evidentiary support for Stockton's previous comments, raised since 2008 and still unaddressed in the FEIR/EIS, that the Project would substantially degrade the quality of water at Stockton's intake, resulting in new and substantially more severe impacts to the City's San Joaquin River drinking water supply than disclosed in the FEIR/EIS.</p> <p>This information supplements and provides additional detail demonstrating that the FEIR/EIS 's determination regarding the significance of impacts to the City's water supply, was incorrect because the FEIR/EIS: (1) evaluates Project-related water quality impacts at the wrong location - a location that is not representative of existing conditions at the City's intake or the conditions that would occur as a result of the Project; (2) fails to evaluate the range of impacts that would occur under the Project as it would actually operate, or against the appropriate baseline, thus dramatically under stating the frequency and magnitude of significant impacts; (3) uses an inappropriate methodology for calculating and presenting impacts that effectively hide significant day-to-day changes in- water quality by burying changes within long-term monthly average data, among other flaws; (4) does not adequately address potential for increases in microcystis blooms, which are a risk to humans and wildlife; and (5) fails to account for the means by which the City operates its water treatment plant. The additional evidence demonstrates that the Project will substantially degrade the quality of Stockton's San Joaquin River water supply, significantly increasing the time that it is unusable to the City in light of the</p>	<p>This comment reiterates and provides information related comments submitted by the City of Stockton during the Federal Register notice period. Please see Table 3-1 for the City of Stockton's comment letter, specifically comments 11, 12, 13, and 21.</p> <p>The topic of assessment location and effects of the CWF at the City of Stockton's diversion location is further addressed in a report prepared to support testimony in Part 1 of the Petition process: Exhibit DWR-652 and DWR-653. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.</p> <p>Despite commenter's expert's difference of opinion on certain assumptions used in the modeling, the modeling and assumptions relied upon by the lead agencies is considered appropriate to support the lead agencies' analysis of environmental impacts associated with the Proposed Project. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p> <p>The Microcystis impact assessment in the Final EIR/EIS does, in fact, consider the potential for changes to Microcystis blooms within the different areas of the Delta. The assessment relied, in part, on residence time modeling conducted for 19 sub-regions of the Delta, thus accounting for the changes in flow that would occur due to the CWF throughout the Delta. The topic of Microcystis and effects of the CWF at the City of Stockton's diversion location is further addressed in Exhibits DWR-652 and DWR-653 in the Petition process.</p>

Letter	Comment #	Comment	Relation to Final EIR/EIS
		<p>City's facilities and operations.</p> <p>This additional information constitutes substantial evidence that confirms Stockton's concerns that the Project will result in significant impacts to Stockton's water supply that were not evaluated, disclosed, or mitigated in the FEIR/EIS ; these inadequacies are sufficiently substantial that the document must be revised and a new Draft EIR/EIS be circulated to the public for review.</p>	<p>The Exponent assessment of chloride impacts at the City of Stockton's drinking water intake is inconsistent with the methodology used for the EIR/EIS assessment. For one, the Exponent assessment compares conditions under the Proposed Project to conditions under a different baseline EBC2 (existing biological conditions 2) and assesses impacts of the Proposed Project isolated from the effects of climate change and sea level rise. DWR took these factors into account in the No Action Alternative, as discussed in the Final EIR/EIS. This approach, which is permitted under CEQA case law (Neighbors for Smart Rail v. Exposition Metro Line Construction Authority (2013) 57 Cal.4th 439. 454), allowed DWR to isolate the effects of climate change and sea level rise from the effects of the proposed project and action alternatives themselves. (See Master Response 1, Environmental Baselines.) Further, the Exponent analysis uses a threshold for chloride of 110 mg/L, which is the City's operational preference rather than a regulatory standard. The state's adopted water quality objective for the Delta at the City's intake location for protection of the municipal and domestic supply beneficial use is the state's drinking water maximum contaminant level, which is 250 mg/L recommended, 500 mg/L as an upper level, and 600 mg/L as a short-term maximum level. The 250 mg/L MCL was used, in part, to make determinations regarding chloride impacts in the EIR/EIS, as this is the state's adopted objective as described in 8.1.3.4, Water Quality, of the Final EIR/EIS.</p>
City of Stockton	ATT 1	March 23, 2017 Rebuttal Testimony of Susan Paulsen, Ph.D., P.E., submitted in the Hearing in the Matter of California Department of Water Resources and United States Bureau of Reclamation's Request for a Change in Point of Diversion for California WaterFix (WaterFix Change Petition Hearing)	This attachment is Exhibit STKN 25 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
City of Stockton	ATT 2	March 22, 2017 Exponent Report on the Effects of the California WaterFix Project on the City of Stockton, submitted in the WaterFix Change Petition Hearing	This attachment is Exhibit STKN 26 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
City of Stockton	ATT 3	June 9, 2017 Sur-Rebuttal Testimony of Susan Paulsen, Ph.D., P.E., submitted in the WaterFix Change Petition Hearing	This attachment is Exhibit STKN 47 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
City of Stockton	ATT 4	June 9, 2017 Exponent Technical Response to Petitioners' Rebuttal Testimony in the WaterFix Proceedings, submitted in the WaterFix Change Petition Hearing	This attachment is Exhibit STKN 48 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
City of Stockton	ATT 5	June 9, 2017 Sur-Rebuttal Testimony of Robert Granberg, submitted in the WaterFix Change Petition Hearing	This attachment is Exhibit STKN 39 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting

Letter	Comment #	Comment	Relation to Final EIR/EIS
			change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

Letter	Comment #	Comment	Relation to Final EIR/EIS
Delta Flood Control Group	1	<p>Brannan-Andrus Levee Maintenance District, Reclamation District 407, Reclamation District 2067, Reclamation District 317, Reclamation District 551, Reclamation District 563, Reclamation District 150, and Reclamation District 2098, collectively the Delta Flood Control Group ("DFCG"), submit the following materials to supplement the record of proceedings for the California WaterFix Environmental Impact Report/Final Environmental Impact Statement ("Final EIR/EIS").</p> <p>On January 30, 2017, the California Central Valley Flood Control Association ("CCVFCA") submitted comments on the Final EIR/EIS for the Bay Delta Conservation Plan/California WaterFix Project ("WaterFix" or "Project"). That letter incorporated evidence submitted to the State Water Resources Control Board ("SWRCB") by DFCG in connection with the water right change petition filed by the Department of Water Resources ("DWR") and the United States Bureau of Reclamation ("Reclamation").</p> <p>Since January 30, 2017, additional evidence has been submitted in the rebuttal and surrebuttal phases of the change petition hearing. DWR and Reclamation have stated that future operations of the proposed project will be "guided by the outcome" of the SWRCB proceedings. Final EIR/EIS, Vol. II, 1-262 (Master Response 28). Accordingly, the evidence submitted to the SWRCB regarding injury to legal users of water resulting from the Project is relevant to future operations of the project and the associated environmental impacts. DFCG respectfully requests that this additional evidence, which is on the CD that has been included with this letter, be incorporated into the record of proceedings for the CEQA and NEPA decisions on this matter. (For your convenience, an index of the materials reproduced on the CD is attached to this letter as Exhibit A.)</p> <p>This evidence shows, among other things, the following facts:</p>	<p>This comment describes additional sources of information incorporated into the comment by reference. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials. Additionally see CCVFCA's comment letter provided in Table 3-1, Developments after Publication of the Proposed Final Environmental Impact Report. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
Delta Flood Control Group	2	<ul style="list-style-type: none"> DWR and Reclamation's witnesses have testified that WaterFix construction design has been performed at the conceptual level, but will be performed using accepted engineering practices. The conceptual design presented by the Project proponents lacks the detail required to evaluate these practices. 	<p>As disclosed in the Limitations and Acknowledgement section of the Final Draft Conceptual Engineering Report (CER), all the information presented in the CER is at conceptual level and will need to be verified as part of additional investigations and detailed design. The CER was not intended to be a final design document and therefore cannot be used for construction as disclosed on the cover page of the CER. Also, it is noted on page 3-1 of Appendix 3C of the Final EIR/EIS that not all construction assumptions found in this EIR/EIS are intended to include a level of analysis sufficient to support all permit decisions. Rather, the EIR/EIS may later be supplemented through additional environmental documentation, if necessary under applicable CEQA and NEPA statutes and regulations.</p>
Delta Flood Control Group	3	<ul style="list-style-type: none"> The past projects offered up by DWR as evidence that WaterFix will not result in impacts to levees or flood infrastructure included significant protections for flood control structures that are notably absent from DWR's 	<p>As described in Chapter 3, Section 3.6.1.1, North Delta Intakes, facilities to be constructed along the levees would be designed to provide flood neutrality during construction and operations. Facilities located along the levees, including coffer dams at the intake locations,</p>

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		<p>conceptual design.</p> <p>The rebuttal and surrebuttal evidence demonstrate that DWR and Reclamation have failed to put forth sufficient information to ensure the Project's approval would not result in injury to legal users of water in the Delta. Accordingly, DFCG requests that this evidence be included in the record of proceedings for the agencies' CEQA and NEPA decisions on this matter.</p>	would be designed to provide continued flood management at the same level of flood protection as the existing levees, or, if applicable, to a higher standard for flood management engineering and permitting requirements if the standards are greater than the existing levee design. New facilities would be designed to withstand the applicable flood management standards through construction of flood protection embankments or construction on engineered fill to raise the facilities to an elevation above the design flood elevation for that specific location. The levee design criteria would consider the most recent criteria, including new guidelines for urban and rural levees (DWR 2013, 2014).
Delta Flood Control Group	ATT 1	Written Testimony of Gilbert Cosio	This attachment is Exhibit DFCG-20 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.
Delta Flood Control Group	ATT 2	BDCP/WaterFix Final EIR/EIS, Appendix 6A	This attachment is Exhibit DFCG-21 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.
Delta Flood Control Group	ATT 3	USACE Engineer Circular (EC) No. 1165-2-216, Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 U.S.C. 408, June 21, 2016.	This attachment is Exhibit DFCG-22 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.
Delta Flood Control Group	ATT 4	USACE Engineer Circular (EC) No. 1165-2-214, Civil Works Review, December 15, 2012.	This attachment is Exhibit DFCG-23 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.
Delta Flood Control Group	ATT 5	Urban Flood Risk Reduction Program Guidelines	This attachment is Exhibit DFCG-24 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.
Delta Flood Control Group	ATT 6	USACE Engineering Manual (EM) No. 1110-2-1913, Design and Construction of Levees, April 30, 2000.	This attachment is Exhibit DFCG-25 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board

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			hearing materials.
Delta Flood Control Group	ATT 7	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 36 (Cross Examination of Panel 1: Engineering and Groundwater)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Delta Flood Control Group	ATT 8	Excerpt from Hearing Transcript, Part 1 Surrebuttal, Vol. _ (Direct Testimony of DFCG)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Delta Flood Control Group	ATT 9	Excerpt from Hearing Transcript, Part 1 Surrebuttal, Vol. _ (Cross Examination of DFCG)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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East Bay Municipal Utility District	1	Please include the attached documents in the Bay Delta Conservation Plan/WaterFix EIR/EIS administrative record. The attachments provide additional evidence in support of East Bay Municipal Utility District's comments on the EIR/EIS regarding the impacts of Delta Cross Channel openings on Mokelumne River salmonids.	See comment 4 of EBMUD's comment letter provided in Table 3-1, Developments after Publication of the Proposed Final Environmental Impact Report. This comment does not raise any substantive new environmental information or analysis that would result in a new significant environmental impact.
East Bay Municipal Utility District	ATT 1	Re: Information for Consideration in Bay-Delta WQCP Review	This attachment is, <i>Information for Consideration in Bay-Delta WQCP Review</i> , and does not raise any new substantive environmental issues related to the Final EIR/EIS.
East Bay Municipal Utility District	ATT 2	Request Re-Initiation of Formal Consultation Pursuant to Section 7 of the Endangered Species Act Regarding the 2016 Delta Cross Channel Fall-Run Chinook Salmon Monitoring Project (Project)	This attachment is, <i>Request Re-Initiation of Formal Consultation Pursuant to Section 7 of the Endangered Species Act Regarding the 2016 Delta Cross Channel Fall-Run Chinook Salmon Monitoring Project (Project)</i> , and does not raise any new substantive environmental issues related to the Final EIR/EIS
East Bay Municipal Utility District	ATT 3	Comments on the Supplemental Notice of Preparation and Notice of Scoping Meeting for Environmental Documentation for the Update and Implementation of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary: Comprehensive Review	This attachment is, <i>Comments on the Supplemental Notice of Preparation and Notice of Scoping Meeting for Environmental Documentation for the Update and Implementation of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary: Comprehensive Review</i> , and does not raise any new substantive environmental issues related to the Final EIR/EIS
East Bay Municipal Utility District	ATT 4	Delta Cross Channel Temporary Closure Multi-Year Study	This attachment is, <i>Delta Cross Channel Temporary Closure Multi-Year Study</i> , and does not raise any new substantive environmental issues related to the Final EIR/EIS

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North Delta Water Agency	1	<p>North Delta Water Agency and districts within its boundaries (see Exhibit A for submitting parties, collectively referred to herein as "NDWA") submit the following materials to supplement the record of proceedings for the California WaterFix Environmental Impact Report/Final Environmental Impact Statement ("Final EIR/EIS").</p> <p>On January 30, 2017, NDWA submitted comments on the Final EIR/EIS for the Bay Delta Conservation Plan/California WaterFix Project ("WaterFix" or "Project"). That letter incorporated evidence submitted to the State Water Resources Control Board ("SWRCB") in connection with the water right change petition filed by the Department of Water Resources ("DWR") and the United States Bureau of Reclamation ("Reclamation").</p> <p>Since January 30, 2017, additional evidence has been submitted in the rebuttal and surrebuttal phases of the change petition hearing. DWR and Reclamation have stated that future operations of the proposed project will be "guided by the outcome" of the SWRCB proceedings. Final EIR/EIS, Vol. II, 1-262 (Master Response 28). Accordingly, the evidence submitted to the SWRCB regarding injury to legal users of water resulting from the Project is relevant to future operations of the project and the associated environmental impacts. NDWA respectfully requests that this additional evidence, which is on the CD that has been included with this letter, be incorporated into the record of proceedings for the CEQA and NEPA decisions on this matter. (For your convenience, an index of the materials reproduced on the CD is attached to this letter as Exhibit B.)</p> <p>This evidence shows, among other things, the following facts:</p>	<p>This comment describes additional sources of information incorporated into the comment by reference. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials. Additionally see NDWA's comment letter provided in Table 3-1, Developments after Publication of the Proposed Final Environmental Impact Report. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
North Delta Water Agency	2	<p>•DWR and Reclamation have failed to evaluate the amount of additional freshwater that would be needed to eliminate the D-1641 exceedances reflected in the WaterFix CALSIM II modeling. Despite the Petitioners' claims that the exceedances are merely "modeling anomalies" not expected to occur in reality due to more efficient real-time operations, the modeling fails to account for the additional volume of water that may be required to correct those anomalies. Additional analysis is needed to understand the full impacts of water supply impacts associated with meeting D-1641 water quality objectives with WaterFix in operation.</p>	<p>The subject of modeling exceedances has been covered and discussed in detail in Exhibits DWR- 66 (Nader-Tehrani) (P.8) DWR- 5-errata (Munevar and Nader-Tehrani) (Slides 64-73) and DWR-79 (Nader-Tehrani) (P.33-34, and 36-38).</p> <p>D-1641 water quality objectives are implemented in CalSim II, but due to many factors, including the difference in time-step size between the models, DSM2 may show exceedances that are more related to the differences in the assumptions within each model. In addition, the models do not reflect the ability of the SWP/CVP operators to meet those water quality objectives. Exhibit DWR-513, Figures C1 through C5 show the modeled probability of meeting D-1641 water quality objectives at Emmaton, Jersey Point, San Andreas Landing, Terminous, and Contra Costa Canal. (Exhibit DWR-513, pp. 5-9.) The information shown is based on DSM2 water quality analysis. Based on the model results, in general all scenarios including the NAA meet the D-1641 water quality objectives most of the time. The data shows a similar or an increased ability for all operational scenarios (compared to the NAA) to meet D-1641 water quality objectives at all locations except Emmaton.</p>

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			<p>Exhibit DWR-513- Figure C-1 page 5 DSM2 shows the probability of meeting D-1641 water quality objective at Emmaton. The figure shows an exceedance of the water quality objectives for the NAA about 12.5% of the time. Boundary 1 shows an exceedance about 21% of the time. All other CWF operational scenarios show an exceedance about 17% of the time or less.</p> <p>Dr. Nader-Tehrani cited multiple reasons for these exceedances and indicated that the majority of these exceedances were due to the difference in the set of assumptions between CalSim II and DSM2. It has been a well-known fact that D-1641 water quality objectives are implemented in CalSim II, and that DSM2 may show higher rates of exceedance than those shown within CalSim II. As long as the D-1641 exceedances within CalSim II occur at non-stressed times (i.e. water is available in the reservoirs), it was understood that despite modeled exceedances reported by DSM2, adjustments to the operations would be able to resolve most of these exceedances. It should be noted that CalSim II modeling results indicate that Emmaton water quality objectives are exceeded either one or two months within the entire 82 years of simulation for all the operational scenarios including the NAA. That is much lower than 1% of the time.</p> <p>http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/docs/transcripts/20161020_transcript.pdf</p> <p>(Transcript Oct 20, 2016, Page 86-87) In response to a question by Mr. Lilly on whether the MBK modeling, both the Alternative 4A and the Alternative 4A-DO, assume compliance with all applicable regulatory requirements, Mr. Bourez responded yes. Mr. Bourez further elaborated that there's no criteria that he was violating in terms of 1641 or the biological opinions. Mr. Bourez is considered a CalSim II modeling expert. He understood that the D-1641 water quality objectives are implemented in CalSim II based on a monthly time-step unlike the actual D-1641 water quality objectives that are often based on 14-day or daily averages. He didn't provide any DSM2 water quality results to back-up his claim.</p> <p>Specifically with respect to Emmaton, one of the factors that contributed to the higher D-1641 exceedances was related to the use of the ANN (Artificial Neural Network) in CalSim II. CalSim II relies on an Artificial Neural Network (ANN) to obtain flow-salinity relationships in the Delta. ANN emulates flow-salinity relationships derived from DSM2 for a given Delta channel configuration and sea level rise condition based on monthly average time-frame. It has been known for a long time that ANNs are not perfect and at times may overestimate or underestimate the flows required to meet the D-1641 water quality objectives.</p> <p>http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/docs/transcripts/20161021_transcript.pdf</p> <p>(Transcript Oct 20, 2016, Page 18-20) During cross-exam, Mr. Bourez was asked a</p>

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			<p>number of questions with the regards to modeling of the D-1641 water quality objectives in DSM2 and CalSim II. Specifically starting from line 25, page 19, Mr. Berliner asked:</p> <p>“If a water quality control salinity standard is based on a 14-day average, would you necessarily expect that CalSim II and DSM2 would report the same level of compliance?”</p> <p>Mr. Bourez responded: Being that DSM2 has a 15-minute time step and CalSim has a monthly time step, I would expect that there's times that, on a daily basis, water quality could exceed a standard where CalSim, on average monthly basis, may not. So they could be different.</p> <p>Mr. Bourez further elaborated (on line 10, page 20):</p> <p>If CalSim is showing water quality at Emmaton within compliance, the ANN is not as accurate as DSM2. However, DSM2 also shows exceedances of standards that, when you look at the calibration of the model, it may show an exceedance for a reality that's not. It's a very complex model, but it is possible that CalSim may see compliance for an average month where DSM2 may not.</p> <p>As stated earlier, at all other locations except Emmaton, DSM2 shows similar or increased ability to meet D-1641 water quality objectives for all CWF operational scenarios (compared to the NAA). As an example, Exhibit DWR-513 Figure C-2 page 6, shows the probability of meeting D-1641 water quality objective at Jersey Point. The Figure shows the water quality results for the NAA scenario show an exceedance about 16% of the time. All CWF operational scenarios including Boundary 1 show an exceedance 10% of the time or less. Boundary 2 scenario shows an exceedance about 1% of the time. In fact, with regards to meeting the Central and Western Delta D-1641 water quality objectives, Jersey Point frequently controls SWP/CVP operations during the summer more than any other location.</p> <p>See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.</p>
North Delta Water Agency	3	<ul style="list-style-type: none"> DWR has failed to adequately evaluate its ability to continue meeting its contractual obligations under the 1981 NDWA Contract. DWR has not fully evaluated the periods and circumstances under which exceedances of the 1981 Contract standards would occur with WaterFix in operation, nor did those agencies evaluate the amount of additional freshwater that would be required to resolve these exceedances. Additional analysis is needed to understand DWR's ability to comply with the 1981 Contract and the full impacts associated with that compliance with WaterFix in operation. 	<p>This topic was dealt with in detail in rebuttal testimony DWR Exhibit 79 (Nader-Tehrani) (pp. 19-21.), DWR Exhibit 50 (Nader-Tehrani, Powerpoint, slides 38-39), DWR Exhibit 77 (Sergent), and DWR Exhibit 901.</p> <p>According to Mrs. Sergent's testimony, under the terms of the 1981 Contract, NDWA agreed to specific water criteria at seven stations throughout North Delta as being protective of their water quality requirements. [Exhibit DWR-77, pp. 9-16.]</p> <p>Water quality at five of the seven stations covered under NDWA 1981 contract have been historically fresh or fairly fresh even during extreme dry years (2014-2015) (See NDWA Exhibits 14-19 and 21-26). These include North Fork Mokelumne River near Walnut Grove, Sacramento River at Walnut Grove, Steamboat Slough at Sutter Slough,</p>

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			<p>Mokelumne River at Terminous, and San Joaquin River at San Andreas Landing. The EC levels at these locations are typically well below the thresholds described in the NDWA contract. At these locations EC changes under CWF operational scenarios are typically expected to be small. See also DWR Exhibit 901 (referenced by Mrs. Sergent and Dr. Nader-Tehrani in their oral testimonies) showing DSM2 water quality results at all seven locations covered under NDWA 1981 contract.</p> <p>The NDWA testimony [Exhibit NDWA-32.] by MBK consultants contains a water quality analysis for Three Mile Slough, and Rio Vista. The MBK's analysis was based on the CWF H3+ operational scenario. The water quality results for the H3+ operational scenario at these three locations are expected to be very close to the H3 and H4 operational scenarios (DWR 79, p.20 lines 4:8). MBK analysis showed that there were only twenty additional days in the entire 16 years of DSM2 simulations, where the EC exceeded the thresholds described in the NDWA contract at Three Mile Slough (an average of 1.25 days per year) relative to the NAA scenario (NDWA-32 Page 6, last paragraph). Correspondingly, at Rio Vista, the MBK analysis showed only twelve additional days where the EC exceeded the thresholds described in the NDWA contract (an average of 0.75 day/year) relative to NAA scenario (NDWA-32 Page 9, First paragraph). This proves that the water quality provisions based on the 1981 NDWA contract is expected to be met at similar frequency under CWF.</p> <p>While the modeling results show a potential exceedance of possibly a few days in any one year at Three Mile Slough, DWR historically has complied with the terms of its contract with NDWA as described in Ms. Sergent's testimony in all but the drier year types. [Exhibit DWR-77, pp. 14:25 – 15:8.] Furthermore, the NDWA Agreement includes provisions to compensate the water users in the NDWA service area from demonstrated impacts due to water quality exceedances even during extreme drought, as experienced in 2015. [Exhibit DWR-77, p. 11:23-28.]</p> <p>DWR Exhibit 901 also indicates some EC increases at Three Mile Slough, Rio Vista and San Joaquin River at San Andreas Landing under Boundary 1 operational scenario in comparison to NAA. These increases are in large part due to the lack of inclusion of the Fall X2 action under Boundary 1 operational scenario. In DWR Exhibit 79 (p. 5-10) Dr. Nader-Tehrani explained the effects of Fall X2 on water quality, resulting in increases in EC during Fall months of Wet and Above Normal water year types.</p> <p>See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.</p>
North Delta Water Agency	4	<ul style="list-style-type: none"> •DWR and Reclamation disregarded potential impacts to individual diversions by utilizing monthly or yearly averages of surface water salinity instead of site-specific or representative field studies of soil salinity. In doing so, the Petitioners overlooked variable crop salinity tolerances and incorrectly assumed that small changes to water quality will have no measurable impact on soil salinity or crop yields. 	<p>No issues related to the adequacy of the environmental impact analysis in the EIR/EIS were raised. The 1981 Contract between NDWA and DWR contains numerous provisions that protect water users and channels in the North Delta from harm caused by changes in SWP water conveyance infrastructure and operations. DWR will continue to comply with the terms of the 1981 NDWA contract. Further, as described in Section 5.2.3.2 of</p>

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		The rebuttal and surrebuttal evidence demonstrate that DWR and Reclamation have failed to put forth sufficient information to ensure the Project's approval would not result in injury to legal users of water in the Delta. Accordingly, NDWA requests that this evidence be included in the record of proceedings for the agencies' CEQA and NEPA decisions on this matter.	Chapter 5, Water Supply, in the Final EIR/EIS, changes to water supply are not environmental impacts because they would not, by themselves, create a physical change in the environment. Changes to water supply, however, could be considered as part of economic or social changes that may indirectly lead to a physical change in the environment. Therefore, as required under CEQA, any potential physical environmental impacts indirectly caused by changes to water supply are appropriately addressed in the relevant resource chapters in the Final EIR/EIS. The potential impacts related to changes in salinity in the Delta are described in Chapter 8, Water Quality of the Final EIR/EIS. The potential impacts to agricultural resources and community water supplies are discussed in Chapters 14 and 20 of the Final EIR/EIS, respectively. Potential cumulative impacts are addressed in Chapter 31 of the Final EIR/EIS. Effects to individual crop types were calculated and are presented in Appendix 14A, Individual Crop Effects as a Result of BDCP Water Conveyance Facility Construction. However, their evaluation is incorporated in Chapter 16, Socioeconomics (Impacts ECON-6, ECON-12, and ECON-18), as changes in crop selection and crop yield are considered primarily economic effects, rather than changes to the physical environment. See also Chapter 13, Land Use and Chapter 16, Socioeconomics.
North Delta Water Agency	ATT 1	Written Testimony of Gomathishankar Parvathinathan	This attachment is Exhibit NDWA-300 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 2	Written Testimony of Gary Kienlen	This attachment is Exhibit NDWA-301 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 3	Rebuttal Testimony of Michelle Leinfelder-Miles	This attachment is Exhibit LAND-78 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 4	Michelle Leinfelder-Miles Project Report, 2016	This attachment is Exhibit LAND-79 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water	ATT 5	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 37 (Cross Examination of Panel2. Operations, Modeling, Water Quality, and Water Rights)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water

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Agency			Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 6	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 40 (Cross Examination of Panel2. Operations, Modeling, Water Quality, and Water Rights)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 7	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 42 (Cross Examination of Panel3: Agricultural Practice and Economics)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 8	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 43 (Recross Examination of Panel 2. Operations, Modeling, Water Quality, and Water Rights)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 9	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 45 (Direct Testimony of NDWA Panel)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 10	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 45 (Cross Examination of NDWA Panel)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 11	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 46 (Direct Testimony of Dr. Leinfelder-Miles)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 12	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 46 (Cross Examination of Dr. Leinfelder-Miles)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board

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			hearing materials.
North Delta Water Agency	ATT 13	Excerpt from Hearing Transcript, Part 1, Volume 38, April 28, 2017	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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North State Water Alliance	1	<p>A number of Downey Brand clients who divert water from the Sacramento River are protesting parties in California State Water Resources Control Board's hearing on the water right change petition for the California WaterFix project ("WaterFix" or "Project"). See Exhibit A for a list of the submitting parties.</p> <p>On January 30, 2017, the North State Water Alliance ("Alliance") submitted comments on the California WaterFix Final Environmental Impact Report/Final Environmental Impact Statement ("Final EIR/EIS"). That letter incorporated evidence submitted to the State Water Resources Control Board by the SVWU parties in connection with the change petition filed by the Department of Water Resources ("DWR") and the United States Bureau of Reclamation ("Reclamation").</p> <p>Since January 30, 2017, additional evidence has been introduced to the State Water Resources Control Board in connection with the change petition hearing. In particular, witnesses offered by a group of WaterFix protestants known as the American River Water Agencies ("ARWA") were cross-examined about proposed terms and conditions relating to a modified flow management standard ("Modified FMS") that would affect operations of the WaterFix if adopted by the Board.</p> <p>DWR and Reclamation have stated that future operations of the proposed project will be "guided by the outcome" of the SWRCB proceedings. Final EIR/EIS, Vol. II, 1-262 (Master Response 28). To the extent that the Modified FMS evidence results in the imposition of terms or conditions on the operation of WaterFix, it is relevant to future operations of the Project and the associated environmental impacts. The Downey Brand parties listed in Exhibit A respectfully request that this additional evidence, which is on the CD that has been included with this letter, be incorporated into the record of proceedings for the CEQA and NEPA decisions on this matter. (For your convenience, an index of the materials reproduced on the CD is attached to this letter as Exhibit B.)</p> <p>Thank you for considering this evidence and including it in the record of proceedings for the agencies' CEQA and NEPA decisions on this matter.</p>	<p>This comment describes additional sources of information incorporated into the comment by reference. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials. Additionally see NSWA's comment letter provided in Table 3-1, Developments after Publication of the Proposed Final Environmental Impact Report. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
North State Water Alliance	ATT 1	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 44 (Cross Examination of ARWA Panel)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.
North State Water Alliance	ATT 2	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 45 (Cross Examination, Redirect Testimony, and Recross Examination of ARWA Panel)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change

Letter	Comment #	Comment	Relation to Final EIR/EIS
			Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

Letter	Comment #	Comment	Relation to Final EIR/EIS
Sacramento County	1	<p>The County of Sacramento and Sacramento County Water Agency (collectively, "Sacramento County") have commented extensively on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) and Recirculated DEIR (RDEIR)/EIS, as well as the Final EIR (FEIR)/EIS for the California WaterFix project (Project). Sacramento County hereby submits additional evidence for the record that supports Sacramento County's previous comments on the FEIR/EIS, including the following:</p> <ul style="list-style-type: none"> • Surrebuttal testimony of Steffen Mehl, Ph.D. • Exhibits in Support of Dr. Mehl's Surrebuttal Testimony <p>These documents are responsive to new evidence that the Department of Water Resources (DWR) recently offered in the petition for change proceeding for the Project. DWR witness, Gwen Buchholz asserted in her rebuttal testimony offered on March 22, 2017, and her oral testimony on April 25, 2017, that DWR's groundwater impact analysis using the Alternative 1B operational scenario is adequate to indicate Project effects on groundwater under</p>	<p>This comment describes additional sources of information incorporated into the comment by reference. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials. Additionally see Sacramento County's comment letter provided in Table 3-1, Developments after Publication of the Proposed Final Environmental Impact Report. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
Sacramento County	2	<p>This information supplements and provides additional detail demonstrating that the FEIR/EIS' s determination regarding the significance of impacts to groundwater resources was incorrect because: (1) the numerical precision of the CVHM-D model used by the Project proponents in an attempt to support their analyses is insufficient to accurately assess impacts on stream/aquifer interactions and groundwater resources due to: (a) the large water budget errors. indicating that the simulated results are internally inconsistent by not balancing inflows with outflows; (b) large differences in groundwater heads; and (c) large differences in stream leakage when changing a key variable that controls the precision of the simulated stream flows; (2) a qualitative stream leakage analysis using the Alternative 1B operational scenario shows a potentially adverse effect on stream leakage in the South American Subbasin during California WaterFix operations.</p> <p>This additional information confirms Sacramento County's concerns that the analysis and impact conclusions regarding groundwater resources in the FEIR/EIS are not based upon substantial evidence. The County's new evidence shows that (1) the FEIR/EIS does not adequately evaluate the Project's impacts on groundwater resources and (2) the FEIR/EIS fails to disclose or mitigate for the likely significant impacts to Sacramento County's groundwater resources. These inadequacies are sufficiently substantial to require that the document be revised and a new DEIR/EIS circulated to the public for review.</p>	<p>As noted in response to comments on the Draft EIR/EIS as presented in the Final EIR/EIS, the CVHM and the CVHM-D models were used to evaluate regional groundwater changes under the alternatives as compared to the Existing Conditions and the No Action Alternative. It is recognized that there are numerous local and sub-regional groundwater models developed to various levels of detail by local agencies throughout the Central Valley. However, in order to effectively evaluate the range of alternatives across the study area, the lead agencies needed a model that provided equal level of detail for the Delta and the San Joaquin Valley. The only model and best available model with a recent input dataset was CVHM, which was prepared by the U.S. Geological Survey in 2009. The CVHM-D model does not change the dataset; it just provides a finer grid to allow more data inputs and outputs per unit areas in the specific Delta geographic area. The conclusions of the CVHM and CVHM-D models are of the appropriate level of detail to determine the potential effects of the alternatives as compared to Existing Conditions and No Action Alternative for an EIR/EIS analyses. The lead agencies recognize that several local agencies, including Sacramento County, have criticized the use of CVHM and CVHM-D, and have recommended use of a more detailed sub basin model. However, the lead agencies could not provide the same level of detail for input values across the entire study area because not all local agencies in the study area have completed detailed groundwater management plans in the manner that was prepared for Sacramento County. The lead agencies believe that, for the purposes of comparing the range of alternatives considered in the EIR/EIS, CVHM and CVHM-D are the appropriate tools to identify the effects in a manner that is comparative for the purposes of selecting a proposed project. The EIR/EIS has incorporated mitigation measures to protect groundwater from overdraft conditions and require mitigation of water supplies adversely affected by the proposed project. These types of mitigation measures have been used on many other construction projects, and the lead agencies believe, based upon the experience of their</p>

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			<p>groundwater experts, that the mitigation measures will reduce the impacts identified by Sacramento and San Joaquin Counties to a level of less than significant as compared to conditions without the proposed project.</p> <p>Additionally see Sacramento County's comment letter provided in Table 3-1, comment 11 and comment 12, Developments after Publication of the Proposed Final Environmental Impact Report.</p>
Sacramento County	ATT 1	Surrebuttal Testimony of Steffen Mehl. (Exh. SCWA- 200; WaterFix Change Petition Hearing)	This attachment is Exhibit SCWA-200 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento County	ATT 2	Applied Groundwater Modeling, pp. 99-100, 2015, Anderson, Woessner and Hunt. (Exh. SCWA - 201; WaterFix Change Petition Hearing)	This attachment is Exhibit SCWA-201 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento County	ATT 3	Guidelines for Evaluating Ground-Water Flow Models: U.S. Geological Survey Scientific Investigations Report 2004-5038, pp. 20-21. (Exh. SCWA-202; WaterFix Change Petition Hearing)	This attachment is Exhibit SCWA-202 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento County	ATT 4	Techniques of Water-Resources Investigation, Book 6. U.S. Geological Survey, A modular three-dimensional finite-difference ground-water flow model, McDonald and Harbaugh, 1998, p. 2-23. (SCWA-203; WaterFix Change Petition Hearing)	This attachment is Exhibit SCWA-203 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento County	ATT 5	A New Streamflow-Routing (SFR 1) Package to Simulate Stream Aquifer Interaction with MODFLOW-2004: U.S. Geological Survey Open File Report.2004-1042, pp. 40-41, Prudic, D.D., Konikow, L.F., and Banta, E.R. 2004. (SCWA- 204; WaterFix Change Petition Hearing)"	This attachment is Exhibit SCWA-204 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento County	ATT 6	Surrebuttal Power Point Presentation of Steffen Mehl. (SCW A - 205; WaterFix Change Petition Hearing)	This attachment is Exhibit SCWA-205 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

Letter	Comment #	Comment	Relation to Final EIR/EIS
Sacramento Valley Water Users	1	<p>The Sacramento Valley Water Users ("SVWU") is comprised of protesting parties in California State Water Resources Control Board's hearing on the water right change petition for the California WaterFix project ("WaterFix" or "Project"). See Exhibit A for a full list of the SVWU parties.</p> <p>On January 30, 2017, the North State Water Alliance ("Alliance") submitted comments on the California WaterFix Final Environmental Impact Report/Final Environmental Impact Statement ("Final EIR/EIS "). That letter incorporated evidence submitted to the State Water Resources Control Board by the SVWU parties in connection with the change petition filed by the Department of Water Resources ("DWR") and the United States Bureau of Reclamation ("Reclamation").</p> <p>Since January 30, 2017, additional evidence has been submitted to the State Water Resources Control Board in connection with the change petition hearing. DWR and Reclamation have stated that future operations of the proposed project will be "guided by the outcome" of the SWRCB proceedings. Final EIR/EIS, Vol. II, 1-262 (Master Response 28). Accordingly, the evidence submitted in the hearing regarding injury to legal users of water resulting from WaterFix is relevant to future operations of the Project and the associated environmental impacts. The SVWU parties respectfully request that this additional evidence, which is on the CD that has been included with this letter, be incorporated into the record of proceedings for the CEQA and NEPA decisions on this matter. (For your convenience, an index of the materials reproduced on the CD is attached to this letter as Exhibit B.)</p> <p>This evidence shows, among other things, the following facts:</p>	<p>This comment describes additional sources of information incorporated into the comment by reference. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials. Additionally see NSWA's comment letter provided in Table 3-1, Developments after Publication of the Proposed Final Environmental Impact Report. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
Sacramento Valley Water Users	2	<ul style="list-style-type: none"> • The California WaterFix project description has changed, and the modeling runs performed for the Draft EIR/EIS, the Recirculated Draft EIR/Supplemental Draft EIS, and the Final EIR/EIS do not reflect the current project description. The Project, as revised, has been modeled in another set of modeling runs known as the "Biological Assessment" or "BA" modeling. • The CALSIM II model includes logic that attempts to emulate how the projects' operators would exercise their discretion in moving water from north-of-Delta storage to San Luis Reservoir. This portion of the modeling logic is known as the "San Luis rule curve," and it attempts to represent how the operators would balance the competing project objectives of maintaining sufficient storage to provide a cushion against future dry conditions and maximizing allocations to contractors. As noted in the modeling appendix to the biological assessment (SWRCB-104, Appendix 	<p>CalSim II modeling assumptions for the Final EIR/EIS Alternative 4A were fully consistent with the CWF Biological Assessment (BA) Proposed Action assumptions. This was clearly described in the Final EIR/EIS Appendix 5A Section A and Appendix 5G. Appendix 5A Section A includes a summary of the CalSim II assumptions for all the EIR/EIS Alternatives and baselines including the Final EIR/EIS Alternative 4A. Appendix 5G was included to demonstrate that the incremental changes under Alternative 4A compared to the No Action Alternative are consistent between the Final EIR/EIS and the BA. Alternative 4A criteria outlined in the biological assessment was used in the Final EIR/EIS to confirm Alternative 4A impact analysis findings disclosed in the RDEIR/SEIS. Thus, SVWU is wrong in their claim that BA Proposed Action was not included in the Final EIR/EIS.</p> <p>As indicated in DWR's Part 1 rebuttal testimony and as noted in the Appendix 5A of the CWF BA, San Luis rule curve is a model operational target that is used to represent operator decisions to move water from upstream reservoirs to South-of-Delta storage. The model simulated San Luis rule curve could differ depending on the available export</p>

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		<p>5.A. CalSim II Modeling and Results) and confirmed by Reclamation's witness, to model the with-project conditions in the BA modeling runs, DWR and Reclamation modified the San Luis rule curve portion of the modeling logic to be more protective of upstream storage with the project than without the project. This change in the underlying assumptions makes it difficult to compare the with-project modeling run to the baseline condition modeling run, and it has the effect of masking the potential impacts of the proposed project on upstream storage.</p> <ul style="list-style-type: none"> • Under existing conditions, permit terms and other regulatory constraints limit the amount of pumping from the South Delta facilities and thereby limit the total amount of water that can be exported. The CALSIM II model incorporates these regulatory constraints, which limit its south-of-Delta Export Estimates. In the biological assessment modeling of the proposed project, DWR and Reclamation did not change the model logic that constrains south-of-Delta Export Estimates. However, with California WaterFix in place, the volume of exports will no longer be constrained by the existing limits on South Delta pumping. California WaterFix would allow water to be diverted at a location where it was not subject to the regulatory constraints that apply to exports from the Delta. Even if the regulatory constraints that limit pumping from the South Delta remain in place, the total volume of water exported could be increased. However, Petitioners did not adjust the model logic for the Export Estimates to reflect the increased export capacity that the project will provide. Consequently, petitioners' modeling understates the project's potential to increase exports and, thus, allocations to south-of-Delta contractors. SWRCB-104, Appendix 5.A. CalSim II Modeling and Results, "Allocation Decisions," pp. 5.A-24 (no action), 5.A-30 (proposed action). • DWR and Reclamation's rebuttal testimony criticized the modeling that MBK did for the SVWU parties based on, among other grounds, their claim that MBK's south-of- Delta allocations were too high. They claimed that MBK improperly assumed that the CVP and the SWP could incorporate possible use of the SWP's Banks Delta- export plant to deliver water to the CVP (i.e., "joint point of diversion" or "JPOD") in making contract allocations each spring. Their testimony claimed that the CVP and the SWP are unable to project the availability of JPOD operations in the spring when they are making allocations. On cross-examination, DWR's SWP operator John Leahigh admitted that the CVP and the SWP project possible JPOD use in the spring in order to determine how transfers might occur later in a year. • DWR and Reclamation have admitted that there is no modeling presented in the Final EIS/EIR for Alternative 4A in the late-long term 	<p>capacity during winter and spring months, and the need to protect upstream carryover storage in the fall months. San Luis rule curve was appropriately modified for the CWF proposed action recognizing that the new north Delta diversion facility would allow capturing winter and spring excess flows and filling of the San Luis Reservoir to a greater extent than the NAA. No Action Alternative with the winter and spring export restrictions, would primarily allow filling of the San Luis aggressively in the fall months. To maintain and preserve flexibility in upstream storage similar to the No Action Alternative, modeling for the PA included a modified rule curve that was not as aggressive in the fall months as the NAA. Allowing this is further important because the NMFS Shasta RPA Action is not explicitly included in the CalSim II modeling of the NAA or the PA, and therefore, to preserve similar frequency of compliance with NMFS Shasta RPA under the NAA and PA. This modeled operation reflects the CVP operator's testimony that upstream storage is managed to maintain upstream storage levels as the supply available in the upstream end of the system would provide significant operational flexibility.</p> <p>Export estimates are used in CalSim II to adjust south of Delta CVP and SWP allocations, and do not directly limit the actual exports in each month. Export estimates broadly reflect export capacity under full range of hydrologic conditions, considering the physical pumping capacity and any regulatory restrictions. With CWF Alternative 4A the physical pumping capacity of CVP and SWP does not increase relative to the NAA. Similarly, the regulatory restrictions in the NAA are continued under the CWF Alternative 4A and further increased at the existing south Delta intakes, and additional regulatory restrictions are included in the CWF (spring outflow requirement and the bypass flow restrictions at the proposed north Delta diversion intakes). Thus, considering overall regulatory requirements on the CVP and SWP remain similar or more restrictive, export estimates appropriately remained unchanged between the NAA and PA in the BA. The export estimates were, however, modified for many of the Final EIR/EIS CWF Alternatives and some of the CWF scenarios presented in the change in point of diversion petition, to reflect the effective export capacity and regulatory requirements of the CVP and SWP in each specific case.</p> <p>DWR and USBR presented evidence in the change in point of diversion hearing proving that CVP does not fully utilize the JPOD capacity even under the existing conveyance. CVP operator's testimony explains that CVP cannot reliably predict available JPOD capacity in the summer months for it to be included in setting south-of-Delta allocations in the spring months. DWR and USBR modeling of the CWF is fully consistent with this reality unlike MBK's modeling for SVWU, where higher south-of-Delta allocations were predetermined with CWF knowing exactly how much export capacity would be available in summer months. It is also important to note that CalSim II does not include any short-term water transfers, which means that the available export capacity by MBK is likely overestimated.</p> <p>Even though Alternative 4A was not explicitly modeled at late long-term (LLT), the impacts were qualitatively assessed the FEIRS based on the results at ELT. As the LLT model simulations of the Alternative 4A and the No Action Alternative would only differ by climate change and sea level rise effects from their ELT counterparts and given that the</p>

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		<p>(2060) timeframe. Rather, all of the modeling for Alternative 4A uses the early-long term (2025) timeframe. Using this timeframe for analysis in the Final EIR/EIS does not realistically represent the project's environmental impacts because, as DWR and Reclamation admit, it is very unlikely the project will be operational by 2025. Even if the 2025 timeframe is meant to represent a thirty-year period spanning between 2010 and 2040, WaterFix is expected to operate beyond the year 2040, for which no modeling analysis exists.</p> <p>Thank you for considering this evidence and including it in the record of proceedings for the agencies' CEQA and NEPA decisions on this matter.</p>	<p>climate change and sea level rise assumptions are consistent between the Alternative 4A and the No Action Alternative at both ELT and LLT, the incremental changes between the No Action Alternative and Alternative 4A at LLT are expected to be similar to the ELT.</p> <p>See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.</p>
Sacramento Valley Water Users	ATT 1	Rebuttal Testimony of Walter Bourez	This attachment is Exhibit SVWU-200 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 2	Modeling Output Tables	This attachment is Exhibit SVWU-201 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 3	MBK Technical Memorandum Regarding Modeling Drought Conditions	This attachment is Exhibit SVWU-202 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 4	MBK Technical Memorandum Regarding Modeling Drought Conditions - Errata	This attachment is Exhibit SVWU-202-Errata presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 5	Rebuttal Testimony of Dan Easton	This attachment is Exhibit SVWU-203 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 6	Excerpt of DWR-86, p. 3	This attachment is Exhibit DB-1 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting

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			change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 7	Excerpt of SVWU-108, p. 9	This attachment is Exhibit DB-3 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 8	Excerpt of DWR-86, pp. 4-5	This attachment is Exhibit DB-4 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 9	Excerpt of DWR-86, p. 12	This attachment is Exhibit DB-7 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 10	Excerpt of DWR-86, p. 9	This attachment is Exhibit DB-8 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 11	Excerpt of DWR-86, p. 12	This attachment is Exhibit DB-9 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 12	Excerpt of DWR-86, p. 14	This attachment is Exhibit DB-10 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 13	Excerpt of DWR-86, pp. 14-15	This attachment is Exhibit DB-11 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final

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			Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.
Sacramento Valley Water Users	ATT 14	Excerpt of DWR-86, p. 15	This attachment is Exhibit DB-13 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.
Sacramento Valley Water Users	ATT 15	Excerpt of DWR-86, p. 16	This attachment is Exhibit DB-15 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.
Sacramento Valley Water Users	ATT 16	Excerpt of DWR-86, p. 31	This attachment is Exhibit DB-16 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.
Sacramento Valley Water Users	ATT 17	Testimony of Walter Bourez	This attachment is Exhibit SVWU-300 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.
Sacramento Valley Water Users	ATT 18	Testimony of Dan Easton	This attachment is Exhibit SVWU-301 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.
Sacramento Valley Water Users	ATT 19	California WaterFix MBK Modeling Surrebuttal Technical Report	This attachment is Exhibit SVWU-302 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.
Sacramento Valley Water Users	ATT 20	MBK PowerPoint	This attachment is Exhibit SVWU-303 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board

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			hearing materials.
Sacramento Valley Water Users	ATT 21	BA Appendix A Foresight	This attachment is Exhibit SVWU-304 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 22	WY Type CalSim	This attachment is Exhibit SVWU-305 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 23	July 16, 2015 Tech Memo re Improvements to CalSim San Luis Operations	This attachment is Exhibit SVWU-306 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 24	Biological Assessment for the California WaterFix, July 2016 (Published August 2nd, 2016)	This attachment is Exhibit SWRCB-104 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 25	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 36 (Cross Examination of Panel 1: Engineering and Groundwater)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 26	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 37 (Cross Examination of Panel 2: Operations, Modeling, Water Quality, and Water Rights)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 27	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 38 (Cross Examination of Panel 2: Operations, Modeling, Water Quality, and Water Rights)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board

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Sacramento Valley Water Users	ATT 28	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 39 (Cross Examination of Panel 2: Operations, Modeling, Water Quality, and Water Rights)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 29	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 39 (Cross Examination of Panel 2: Operations, Modeling, Water Quality, and Water Rights)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 30	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 40 (Cross Examination of Panel 2: Operations, Modeling, Water Quality, and Water Rights)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 31	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 40 (Cross Examination of Panel 2: Operations, Modeling, Water Quality, and Water Rights)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 32	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 40 (Cross Examination of Panel 2: Operations, Modeling, Water Quality, and Water Rights)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 33	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 43 (Recross Examination of Panel 2: Operations, Modeling, Water Quality, and Water Rights)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 34	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 44 (Direct Testimony of SVWU Panel)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board

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			hearing materials.
Sacramento Valley Water Users	ATT 35	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 44 (Cross Examination of SVWU Panel)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 36	Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 44 (Cross Examination of ARWA Panel)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 37	Excerpt from Hearing Transcript, Part 1 Surrebuttal, Vol. _ (SVWU's Cross Examination of Erik Reyes and Nancy Parker)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 38	Excerpt from Hearing Transcript, Part 1 Surrebuttal, Vol. _ (Direct Testimony of SVWU Panel)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 39	Excerpt from Hearing Transcript, Part 1 Surrebuttal, Vol. _ (Cross Examination SVWU Panel)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Sacramento Valley Water Users	ATT 40	Excerpt from Hearing Transcript, Part 1 Rebuttal, Volume 45, May 18, 2017 (Page 99-113)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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Sacramento Valley Water Users 6/27/2017	1	<p>We represent members of the Sacramento Valley Water Users ("SVWU") group of agencies that previously has made extensive comments on the draft and final environmental impact report/environmental impact statements ("EIR/EIS") for the Bay- Delta Conservation Plan and now called the California WaterFix. The members of the SVWU are listed on Attachment A. By this letter, we respectfully request that the Department of Water Resources ("DWR") and the Bureau of Reclamation ("Reclamation") revise and recirculate the December 2016 final EIR/EIS in light of significant changes to the California WaterFix project made in the biological opinions released by the U.S. Fish & Wildlife Service ("USFWS") and the National Marine Fisheries Service ("NMFS") released yesterday. If DWR and Reclamation were to certify and adopt the final EIR/EIS in reliance on the biological opinions without revising and recirculating that EIR/EIS, then DWR and Reclamation would violate the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA"), respectively.</p> <p>CEQA and its implementing guidelines require recirculation of an EIR where "significant new information" is added to the EIR after a draft is circulated and before the final EIR is certified. (Public Resources Code § 21092.1; Cal. Code Regs., tit. 14, § 15088.5, subd. (a).) The sort of information that requires recirculation includes, for example, the information that shows that new significant impacts would occur, the severity of an environmental impact would substantially increase unless mitigation measures are adopted or the draft EIR "was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." (Cal. Code Regs., tit. 14, § 15088.5, subd. (a).) NEPA's requirements are similar. (40 C.F.R., § 1502.9, subd. (c); Reclamation's NEPA Handbook (Feb. 2012) pp. 7-23 to 7-24.)</p> <p>Each of the above conditions for recirculation would be met if DWR and Reclamation were to certify the final EIR/EIS in reliance on the biological opinions released yesterday because those opinions rely on changes to the project description that are not reflected in the final EIR/EIS. For example,1 the opinions rely on spring Delta outflow criteria that appear to have never been previously disclosed in the CEQA/NEPA process. Those opinions do not specify the source of water to meet those spring Delta outflow criteria. Implementation of those criteria could cause numerous environmental impacts, including reductions in SVWU members' water supplies from Central Valley Project ("CVP") and State Water Project ("SWP") reservoirs, impacts to groundwater indirectly caused by those reductions in surface-water supplies upstream of the Delta, impacts to bird species that rely on SVWU members' delivery of water for agriculture and fish species that depend on cold water stored in CVP/SWP reservoirs upstream of the Delta.</p>	<p>As discussed in Section 5, Developments after Publication of the Proposed Final Environmental Impact Report, updates to the project operational criteria, including spring outflow requirements, would not result in new significant impacts or substantially increase the severity of any impacts described in the Final EIR/EIS. In the Final EIR/S and in the BA, operational criteria included a spring outflow requirement, which required maintaining the March through May average Delta outflow that, in the absence of the CWF, would have resulted because of export restrictions under the 2008 and 2009 biological opinions. In the modeling included in the Final EIR/EIS and the BA, this requirement was achieved via constraining the total Delta exports in April and May per the 2009 NMFS BiOp San Joaquin River Inflow-Export Ratio (SJR i-e) constraint. After consultation with CDFW, an additional outflow requirement was added for March, which was included in the 2081(b) Incidental Take Permit (ITP) application submitted to CDFW in October 2016. The outflow requirement is dependent upon the hydrologic conditions in March. Delta exports are curtailed to no less than 1500 cfs, if needed to meet the March outflow requirement. In addition, for April and May, the SJR i-e ratio constraint was removed if the Delta outflow was higher than 44,500 cfs.</p> <p>Section 5.1.1 (see Operations section) of Developments after Publication of the Proposed Final Environmental Impact Report, includes a sensitivity analysis that evaluates potential changes in key hydrological parameters as a result of the updated spring outflow criteria (in addition to other operational updates), as described above. The hydrological parameters include changes to upstream storage, Delta exports, CVP-SWP deliveries, river flows, OMR flow, and Delta outflow. In addition, this section also analyzes potential changes in water quality, ground water, and impacts to species. Overall, results of this analysis indicate water supply, surface water, fish and aquatic resources, and groundwater resource impacts are expected to be within the range of impacts identified for Alternative 4A in the RDEIR/SDEIS, and confirmed in the Final EIR/EIS. For example, as depicted in Figures 1 through 8 in Section 5.1.1 (see Operations section) of the Developments after Publication of the Proposed Final Environmental Impact Report,, upstream storage conditions for Trinity Lake, Shasta Lake, Lake Oroville and Folsom Lake are consistent with Alternative 4A and therefore would result in similar incremental changes as Alternative 4A compared to the No Action Alternative (see footnote 1 in Section 5, Developments after Publication of the Proposed Final Environmental Impact Report, regarding the use of the NEPA No Action Alternative baseline as a surrogate for the CEQA Existing Conditions baseline).</p> <p>Based on additional feedback from CDFW, the spring outflow criteria was further refined (i.e. criteria which include lookup tables), consistent with Final EIR/EIS Mitigation Measure AQUA-22d to address potential effects to longfin smelt. CDFW revised the proposed spring outflow criteria to more implementable and assessable criteria. The revised spring outflow criteria from the CDFW include Delta outflow targets for March, April and May. The outflow targets are dependent on the forecasted hydrologic conditions (50% forecast of the 8 River Index (8RI)), for each of the three months. CDFW's spring outflow criteria are expected to result in similar outflow conditions as the 2081(b) application criteria, given that the two sets of criteria are targeting a similar level of Delta outflow during March through May, and</p>

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		<p>The biological opinions impose on California WaterFix spring Delta outflow criteria that DWR and Reclamation appear to have never previously analyzed under CEQA and NEPA. Those criteria are: (1) stated in item "5. Delta Outflow" in Table 3.3-1 in Appendix A2 of the NMFS biological opinion; and (2) on pages 22 through 37, and particularly pages 27, 33 and 34, of the USFWS biological opinion. NMFS's Appendix A2 is entitled "June 2017 Description of the Proposed Action"; the criteria are on that appendix's pages 3-94 to 3-96. USFWS describes the spring Delta outflow criteria as part of the proposed project. As stated in NMFS's biological opinion, those criteria are dictated by a "lookup table" relating certain forecasts of Central Valley runoff in March, April and May to certain required Delta outflows in those months. (See also USFWS biological opinion, pp. 22, 27, 33-34.) It appears that such a table governing this crucial aspect of CVP/SWP operations with California WaterFix in place has never been disclosed previously in this CEQA/NEPA process. The July 2016 biological assessment contains spring Delta outflow, but they are governed by a different mechanism, specifically certain hydrologic exceedance levels. (See July 2016 Biological Assessment, p. 3-95.) None of the draft EIR/EIS documents, or the final EIR/EIS, could have disclosed the impacts of DWR and Reclamation implementing the spring Delta outflow criteria contained in the biological opinions because those criteria were developed after the December 2016 final EIR/EIS was released.²</p> <p>The biological opinions also clarify that DWR and Reclamation currently do not know what sources of water would be used to satisfy the new spring Delta outflow criteria stated in those opinions. NMFS's biological opinion states, at page 3-80, the following:</p> <p>To avoid a reduction in overall abundance for longfin smelt, the PA [proposed action, i.e., California WaterFix] includes spring outflow criteria, which are intended to be provided by appropriate beneficiaries through the acquisition of water from willing sellers. If sufficient water cannot be acquired for this purpose, the spring outflow criteria will be accomplished through operations of the CVP/SWP to the extent an obligation is imposed on either the SWP or CVP under federal or applicable state law.</p> <p>The SWVU includes the primary "willing sellers" of water to the CVP and the SWP in the past and have no knowledge of DWR or Reclamation having acquired any water to satisfy the spring Delta outflow criteria stated in the biological opinions.</p> <p>These facts indicate that, according to the biological opinions' statement that the spring Delta outflow criteria would be satisfied "through operations of the CVP/SWP" if they cannot be satisfied through voluntary transactions, water users who rely on the CVP and the SWP other than California WaterFix</p>	<p>export curtailments would be the primary mechanism to achieve the outflow targets. Therefore, the revised spring outflow criteria from CDFW are not expected to result in any new effects beyond those disclosed in the Final EIR/EIS.</p> <p>Lastly, as it relates to the other project updates as a result of State and Federal ESA consultations, Section 5 also includes a full analysis of these project changes. Overall, the analysis indicates potential effects of the project updates are consistent with those that have been analyzed in the Final EIR/EIS and their associated impact determinations. These updates do not translate into substantial increases in the severity of any previously-identified impacts or identify any new significant impacts, such that recirculation would be required.</p>

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		<p>beneficiaries could be significantly impacted by that project. If DWR and Reclamation were compelled to satisfy the biological opinions' spring Delta outflow criteria "through operations of the CVP/SWP," then that could significantly reduce water storage in upstream reservoirs such as Shasta, Oroville and Folsom, with resulting water-supply impacts on SVWU members. Those water-supply impacts then could ripple into indirect impacts on groundwater upstream of the Delta caused by increased pumping to make up for lost surface supplies, as well as indirect impacts on bird species that rely on irrigated agricultural lands in the Sacramento Valley. Increased spring releases of water from CVP/SWP reservoirs upstream of the Delta also could injure fish in the rivers below those reservoirs by reducing their cold-water storage and adversely affecting river conditions later in the year or in the following water year.</p> <p>Moreover, if DWR and Reclamation were to certify the final EIR/EIS in reliance on the biological opinions without revising and recirculating that EIR/EIS, then DWR and Reclamation would violate two fundamental requirements of environmental review by confusingly describing the proposed project and changing the project description without analyzing the change. The final EIR/EIS states, on page 3-4, that Alternative 4A is the preferred alternative selected by DWR and Reclamation. The final EIR/EIS's description of Alternative 4A contains no description of the project's spring Delta outflow criteria, but does refer to Table 3-8 as describing differences with the previous preferred alternative, Alternative 4. (Final EIR/EIS, p. 3-111.) That description of Alternative 4A also references forthcoming biological opinions, but does not explain how they might affect the applicable spring Delta outflow criteria. (Final EIR/EIS, pp. 3-112 to 3-113.) The final EIR/EIS's Table 3-8 references, but does not describe, the spring Delta outflow criteria that would apply to Alternative 4A, but refers to the EIR/EIS's section 3.6.4.2 as describing a "range" of those criteria under a scenario H. (Final EIR/EIS, p. 3-53.) The portion of the final EIR/EIS's section 3.6.4.2 that describes spring Delta outflows under Alternative 4A contains a table that relies on hydrologic exceedances to state possible outflow criteria. (Final EIR/EIS, pp. 3-261 to 3-273, esp. 3-269 (table).) That portion of section 3.6.4.2 states that DWR's and Reclamation's intent was that the final EIR/EIS's discussion would be consistent with the biological assessment. (Final EIR/EIS, p. 3-262.) As discussed above, however, the biological opinions' "lookup table" for spring Delta outflows is not the same as the July 2016 biological assessment's mechanisms for governing such outflows.</p> <p>In light of these changes to the project, if DWR and Reclamation were to certify the final EIR/EIS based on the biological opinions without revising and recirculating the EIR/EIS, then they would violate CEQA's fundamental requirements that an EIR clearly disclose the project's description and keep</p>	

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		<p>that description stable during environmental review. "The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project." (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 442.) "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." (Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn. (1986) 42 Cal.3d 929, 938.) NEPA's requirements are similar. "In order to decide what kind of an environmental impact statement need be prepared, it is necessary first to describe accurately the 'federal action' being taken." (Aberdeen & Rockfish R. Co. v. SCRAP (1975) 422 U.S. 289, 322; see also 40 C.F.R., § 1502.14 (EIS must "sharply defin[e] the issues and provid[e] a clear basis for choice among options by the decisionmaker and the public".))</p> <p>In order for DWR and Reclamation to adequately disclose, analyze and mitigate impacts that may result from implementing California WaterFix with the new spring Delta outflow criteria contained in the biological opinions, DWR and Reclamation must revise and recirculate the final EIR/EIS before certifying it in reliance on those opinions. Any other result would deny SVWU members, and the public generally, a meaningful opportunity to review and comment on the EIR/EIS for California WaterFix.</p> <p>Thank you for considering this letter and including it in the record of proceedings for the agencies' CEQA and NEPA decisions on this matter.</p>	

Letter	Comment #	Comment	Relation to Final EIR/EIS
Save the California Delta Alliance	1	<p>This office represents Save the California Delta Alliance and we are writing on behalf of Delta Alliance to provide new information that requires recirculation of the BDCP/CWF EIR/S.</p> <p>The FEIR/S concludes both for CEQA and NEPA that there will be no significant adverse impacts because of the project's influence on microcystis blooms in the Delta. These findings are conclusory and unsupported by best available science. They are qualitative in nature and have not been supported by any data. CWF will, in fact, have a significant adverse impact on microcystis.</p> <p>In reality, CWF will significantly worsen microcystis in the Delta by substantially reducing the amount of Sacramento River water in the Delta. There will be a higher percentage of San Joaquin River water, which is much higher in nutrients than Sacramento River water. As outlined in the attached scientific papers, increased nutrients lead to increased microcystis growth. CWF will also reduce the sediment load carried into the central Delta, decreasing turbidity and thereby increase irradiance, another factor that promotes cyanobacteria blooms. CWF will also cause a small, but significant increase in water temperature in the south and central Delta that is also a factor increasing cyanohab production.</p> <p>Microcystis is one of the oldest life forms on earth, dating back some 3.5 billion years it is tenacious. In fact, microcystis at one time took over the ecosystem of the entire earth, causing a mass extinction and wiping out almost all other life on earth. The influence of CWF could easily cause microcystis to take over the entire Delta, displacing all diatoms and extinguishing all listed species in the Delta. Microcystis is toxic to fish.</p> <p>The FEIR/S also failed to analyze the impact of CWF with regard to microcystis in light of climate change. Climate change will bring much warmer water to the Delta and a much longer growing season for microcystis. Any assumption that microcystis growth in the Delta is not nutrient limited (which is inaccurate) does not account for the fact that microcystis will consume a much larger amount of nutrients when it has a longer growing season and warmer water to promote much faster growth. A water temperature increase from 20 to 27 degrees C doubles microcystis growth.</p> <p>CWF increases residence time, increases irradiance, increases nutrients, which, all coupled with climate change, will cause a microcystis disaster in the Delta.</p> <p>This problem will be particularly acute in Discovery Bay, which has experienced some microcystis blooms, which will be made much worse by CWF. Microcystis is a threat to human health in Discovery Bay, where children</p>	<p>The water quality assessment included in Chapter 8 of the DEIR/DEIS, RDEIR/SDEIR and Final EIR/EIS provide an assessment of a wide range of water quality constituents at a wide range of locations throughout the Delta study area. The impacts resulting from operating the water conveyance facilities was considered less than significant for all alternatives. Potential changes in other water quality constituents including organic carbon and Microcystis were also considered less than significant under Alternative 4A. Please refer to Master Response 14 regarding the adequacy of the Microcystis assessment. Master Response 14 discusses among other things; residence time, flow velocity, warmer conditions related to climate change, and turbidity all related to Microcystis. Also see response to comment letter 2656, Volume 2, Final EIR/EIS. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p> <p>Please also see S Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials including Microcystis.</p>

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		regularly swim.	
Save the California Delta Alliance	2	<p>Attached are</p> <ol style="list-style-type: none"> 1) Berg & Sutula technical report on microcystis in the Delta. This was commissioned by the SWRCB and is pretty well accepted in the scientific community as the state of scientific knowledge about microcystis in the Delta. 2) Written testimony of Michael Brett submitted to the SWRCB. . Brett demonstrates that microcystis is a concern in backwater sloughs and that CWF will increase microcystis production. 3) Contra Costa County Health Department map of microcystis outbreaks in Discovery Bay in 2016. 4) Written testimony of Tom Burke before the SWRCB that includes a passage about microcystis. 5) Cloern, et al. paper about climate change effects on the Bay-Delta, including increased water temperature. 6) Report by Susan Paulson. The Paulson report deals with microcystis on page 40. She refers to the FEIR's discussion of microcystis as inadequate and establishes that CWF will cause increased microcystis. 7) An aerial photograph of Discovery Bay showing the stillwater bays of Discovery Bay that will experience more microcystis because of CWF. 8) Aquatic Science Peer Review of CWF establishing that CWF will contribute to sediment starvation in the Delta and thereby decrease turbidity and increase irradiance. 9) Table from the CWF Biological Assessment showing increased Delta residence times. Due to file size some of the attachments are sent in following emails. 	This comment describes additional sources of information incorporated into the comment by reference. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials. Additionally see Save the California Delta Alliance comment letter provided in Table 3-1, Developments after Publication of the Proposed Final Environmental Impact Report. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
Save the California Delta Alliance	ATT 1	Chapter 6. Effects Analysis for Delta Smelt and Terrestrial Species Effects on Giant Garter Snake Tables, Biological Assessment for the California WaterFix	This attachment is part of Exhibit SWRCB-104 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Save the California Delta	ATT 2	Factors Affecting Growth of With Special Emphasis on the Sacramento-San Joaquin Delta Cyanobacteria	This attachment is Exhibit RTD-236 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board

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Alliance			Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Save the California Delta Alliance	ATT 3	SUR-REBUTTAL TESTIMONY OF MICHAEL T. BRETT, Ph.D. CONCERNING HARMFUL ALGAL BLOOMS RESULTING FROM THE CALIFORNIA WATERFIX	This attachment is Exhibit SJC-200 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Save the California Delta Alliance	ATT 4	Discovery Bay Blue-green Algae January 27,2017 As of December 2016, all health advisories have been lifted.	This attachment is a public update from the Contra Costa Health Services regarding water quality and does not raise any new substantive environmental issues related to the Final EIR/EIS.
Save the California Delta Alliance	ATT 5	Report on the Effects of the California WaterFix Project on the City of Stockton	This attachment is Exhibit STKN-26 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Save the California Delta Alliance	ATT 6	Projected Evolution of California's San Francisco Bay-Delta- River System in a Century of Climate Change	This attachment is a 2011 report on climate change effects on the delta and does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
Save the California Delta Alliance	ATT 7	Independent Review Panel Report for the 2016 California WaterFix Aquatic Science Peer Review	This attachment is Exhibit SCDA-1 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Save the California Delta Alliance	ATT 8	TESTIMONY OF TOM BURKE	This attachment is Exhibit SCDA-35 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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Save the California Delta Alliance 7/6/2017	1	<p>These comments are submitted on behalf of Save the California Delta Alliance. Please correct the errors and omissions in the FEIR/S outlined below and recirculate the corrected documents for public comment in compliance with NEPA and CEQA.</p> <p>The FEIR/S relies on seasonal restrictions, prohibiting disruptive construction between March and October in order to prevent eviction and resulting take of special status bats from their roosts due to noise and vibration disturbance. This mitigation measure is impossible because elsewhere the FEIR/S allows intake construction only during the period between June 1 and October 31. FEIR/S, p. 11-202. Here, as elsewhere, the FEIR/S provides for self-contradictory mitigation or avoidance measures and is a legally inadequate document. See USEPA assessment, October 30, 2015 (assigning failing rating of 3 to CWF FEIR/S); Delta Independent Science Board FEIR/S Peer Review, September 30, 2015, (EIR fails to inform weighty decisions of public policy).</p> <p>Take of bats is prohibited by California Fish and Game Code section 4150. The FEIR/S relies on seasonal restrictions to prevent take of maternal roosting colonies. FEIR/S, p. 12-3727 (“if roosting or maternity sites are detected, seasonal restrictions would be placed while bats are present”). The FEIR/S identifies the maternity period as March 1 through October 31, when disturbance must be avoided. FEIR/S, p.12-3731. The FEIR/S provides that if a maternity site is detected, it will remain undisturbed by noise and vibration from construction during the maternity season. FEIR/S, p. 12-3731. However, this is impossible since intake construction can only be undertaken during this season due to protections for endangered fish species. FEIR/S, p. 11-202.</p> <p>Heavy construction, including blasting, pile driving, helicopter over-flights, rock drills, and heavy equipment operation within the intake construction zone will result in 80dba or more with sudden disruptions up to 100 dBA at many sites within the construction zone where bats will be roosting. See Attachment One hereto.</p> <p>The FEIR/S understates noise impacts with respect to bats. For example, the FEIR/S assumes pile driving output at 102 dBA. However California bat standards set pneumatic tools, jackhammers & pile driver at 110 dBA for assessing impacts on bats. Likewise the FEIR/S does not assess the explosive blasting at the appropriate standard of 162 dBA, truck horns at 104 dBA, nor dump trucks at 98 dBA. All of the assumptions for noise of construction equipment in the FEIR/S are understated and not consistent with California standards for assessing the impact of construction noise on bats. Compare FEIR/S, p. 23-21 with Technical Guidance for Assessment and Mitigation of the Effects of Traffic Noise and Road Construction Noise</p>	<p>The commenter states that the proposed avoidance period for roosting bats is in conflict with the construction window for the intake structures.</p> <p>The construction period of June 1 to October 31 applies to the in-water work window for intake construction to protect sensitive fish species and does not apply to terrestrial construction associated with the intakes. Furthermore, on page 11-203 of the Final EIR/EIS relative to the in water work window, it states: “Construction outside this period would only be allowed if authorized by relevant permitting agencies, and additional construction timing restrictions could also be imposed by these agencies, to protect specific species.”</p> <p>Mitigation Measure BIO-166 <i>Conduct Preconstruction Surveys for Roosting Bats and Implement Protective Measures</i> limits disturbance of a bridge that has been determined to be occupied by bats to between March 1 and October 31 and does not necessarily preclude construction adjacent to or at some distance from occupied bridges during this time period. In addition, Mitigation Measure BIO-166 states that appropriate measures will be determined by DWR in consultation with CDFW. This consultation with CDFW will ensure that effects on roosting bats will be avoided and minimized to the extent practicable.</p> <p>Furthermore, there are no bridges over the Sacramento River near the locations of the intakes. The nearest bridge is over the canal on Hood-Franklin Road, which is more than a half-mile from the nearest intake and approximately 800 feet from an intake work area to be used for staging. No work will be conducted on this bridge as part of the proposed action and it is unknown bats currently utilize this bridge for maternal roosting.</p> <p>Any structures or trees that could be used by roosting bats will be removed from work areas during the appropriate time period identified in Mitigation Measure BIO-166 to ensure that effects on roosting bats are minimized.</p> <p>Take under Fish and Game Code Section 4150 specifically states that a nongame mammal may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission. Under Fish and Game Code Section 86, take is defined as to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. Any affects from construction related activities adjacent to or at some distance to an active roost site would not rise to the definition of take under the Fish and Game Code.</p> <p>The commenter also states that the FEIR/S understates noise impacts with respect to bats. Impact BIO-167 identifies potential construction related noise and vibration effects on special-status bats. Because the exact locations of roosting bats were not known at the time the document was drafted, and will not be known until sometime in the future, more specific effects from project construction equipment and activities (e.g., time, place, associated noise contours) could not be determined. Impact BIO-167, however, conservatively identifies the potential for impacts and offers Mitigation Measure BIO-166</p>

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		<p>on Bats, p. 10 (Attachment Two).</p> <p>Mexican free-tailed bats and Western red bats have been confirmed in the intake construction zone. Potential tree habitat is ubiquitous in the intake construction zone, with plentiful structural features conducive to bat roosting. Bats clearly use a number of structures in the construction zone as well. There are also confirmed colonies of Mexican free-tailed bats (<i>Tadarida brasillensis</i>) at the Old Sugar Mill. The presence of Thompsons big-eared bats is likely.</p>	<p>to reduce any future impacts to less-than-significant.</p> <p>A query of the California Natural Diversity Database on July 7, 2017, Version 5.2.14, did not find any occurrences of bat species within the Clarksburg and Courtland USGS 7.5-minute topographic quadrangles, which the intakes and the Old Sugar Mill are found in. However, as discussed in Chapter 12 of the FEIR/S, <i>Terrestrial Biological Resources</i>, Impact BIO-166, it is likely that Mexican free-tailed bats and western red bats could occur near the intakes and Mitigation Measure BIO-166 will be implemented to ensure that effects on special-status bats are avoided and minimized. Townsend’s big-eared bat (<i>Corynorhinus townsendii</i>) is very rare and has never been recorded in the delta and is strongly correlated with the availability of caves and cave-like roosting habitat.</p> <p>Regarding noise levels, the analysis acknowledges that construction noise impacts are considered to be “significant and unavoidable” after mitigation, as stated in Chapter 23. This is based on an analysis that considers worst-case construction noise conditions. For example, six pieces of construction equipment operating simultaneously and continuously in one location. Such conditions would not necessarily occur on a routine basis.</p> <p>The noise source levels including pile driving used in the noise analysis are based primarily on USDOT guidance documents, which is a standard source for levels to assess impacts. The levels assume direct line-of-sight to construction activity, which would not necessarily be true at larger distances where noise levels would attenuate to lower levels than the 50 foot reference distance used in the referenced Attachment #2 to this comment letter. It should be noted that if the higher reference levels in Attachment #2 to this comment letter were applied to the analysis, the analysis conclusions for construction noise would remain significant and unavoidable.</p> <p>Regarding noise from blasting, the use of blasting will not be used for intake or tunnel shaft sites referenced in Attachment #1 to this comment letter. The excavation sites referenced in Chapter 23 are intended to refer to aggregate mining sites where blasting is routinely used in the mining process. The use of blasting is described in Chapter 3 in reference to methods that may be used to construct underground transmission lines. A blasting event of this type may cause localized vibration but would not be a significant source of above ground noise in the Delta. As described above, blasting may also occur at aggregate mining sites within borrow/spoil areas.</p> <p>A truck horn is a signaling device that would be used in emergencies and not as routine during construction. The level for dump truck in Attachment #2 to this comment letter references a range of 82 to 98 dBA (at 50 feet). A level as high as 98 dBA would be an extreme case for a dump truck operation, and in our judgment the level would routinely be nearer to the lower end of this range in line with FHWA guidelines. However, it is acknowledged that sudden disruptions and impulsive noises may occur on an intermittent basis that would result in a startle response from bats, depending on the proximity of such locations to work areas. Implementation of Mitigation Measure BIO-166 would avoid and minimize impacts from these sudden noises by requiring conducting preconstruction bat</p>

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			<p>surveys to identify potential roosting habitat within project footprint as well as conducting visual daytime and evening searches for bats to determine if the bridge/structure is being used as a roost. If it is determined that bats are using the bridge/structure or trees as roost sites and/or sensitive bats species are detected, DWR will determine appropriate avoidance and minimization measures in consultation with CDFW which may include ensuring that bats are protected from noise that results from construction activities associated with water conveyance facilities, conservation components and ongoing habitat enhancement, as well as operations and maintenance of above-ground water conveyance facilities, including the transmission facilities. This would be accomplished by directing noise barriers inward from the disturbance or ensuring that the disturbances do not extend more than 300 feet from the point source.</p> <p>From Appendix 3B: DWR and contractors hired to construct any conveyance components of the project will implement a site-specific noise abatement plan to avoid or reduce potential construction-, maintenance-, and operation-related noise impacts. This section also includes environmental commitments to reduce noise levels where exceedances are anticipated to occur. The impact conclusions under Impact NOI-1 are considered significant and unavoidable even after available environmental commitments and mitigation measures are applied because noise thresholds would be difficult to meet at all construction sites. As explained in the Final EIR/EIS, however, noise disturbances and the potential for injury or mortality of special-status would be minimized with implementation of Mitigation Measure BIO-166, and as a result, impacts to special-status bats would be less than significant. (See Impact BIO-167 and Impact BIO-167.)</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Save the California Delta Alliance 7/6/2017	2	<p>The Noise Mitigation Plan and noise contours in the FEIR/S are inadequate and inaccurate. As outlined above the assumed noise levels for various activities are underestimated. The attenuation metric is also incorrect. Noise in this kind of environment attenuates at 6 dBA for each doubling of distance. See Attachment 2, p. 68. So a 110 dBA pile driver will be 82 dBA at 1600 feet. Given the location of the three intakes and that thousands of piles will be driven at each intake, noise of 82 dBA can be expected throughout the six mile long construction zone, and will be much louder at many areas where bat roosts are likely. The noise contours shown in Appendix 23A coupled with the noise mitigation plan promise noise levels no louder than 65 dBA between 7 am and 10 pm. While 65 dBA is loud enough to displace wildlife and people, the promise to limit noise to 65 dBA depends, in part, on placement of noise shields at sensitive receptors. FEIR/S, p.23-133. This is impossible. The entire designated legacy town of Hood is within the construction zone. It is not possible to place barricades around every structure or tree. Nor are barricades practical to go the full</p>	<p>Chapter 12 of the Final EIR/EIS addresses the effects of noise on several wildlife species and includes specific mitigation measures for some species.</p> <p>The noise analysis acknowledges that construction noise impacts are considered to be “significant and unavoidable” after mitigation, as stated in Chapter 23. This is based on an analysis that considers worst-case construction noise conditions. For example, six pieces of construction equipment operating simultaneously and continuously in one location. Such conditions would not necessarily occur on a routine basis. The noise source levels including pile driving used in the noise analysis are based primarily on USDOT guidance documents, which is a standard source for levels to assess impacts. The levels assume direct line-of-sight to construction activity, with no terrain or building shielding effects.</p> <p>Geometric and ground effect attenuation were calculated based on methods specified in the FTA Transit Noise Impact Assessment. Water bodies and parking lot surfaces taken alone would be characterized as “hard” surfaces. However, the vast majority of the Plan area can reasonably be characterized as “soft” ground, and was used to characterize</p>

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		<p>height of a tree. It is not practical to place barricades around each noise source. As Attachment One shows, the noise sources are ubiquitous throughout the construction zone. It is also not possible to place noise barriers on the water surrounding the in-water pile-driving due to over water complications and constant barge access to pile-driving sites. It is not possible to shield marinas across the river from in-water pile driving without blocking boat access to the marinas.</p> <p>In short, one glance at Attachment One makes plain that throughout this six mile long intake construction zone, which will employ thousands of construction works and expend billions of dollars, everyone and everything will be exposed to very loud noise well in excess of 65 dBA.</p> <p>Please address these issues in a re-circulated FEIR/S.</p>	<p>construction noise attenuation in the model. While in some isolated instances receptors may experience noise attenuation at a “hard” ground rate which is nearer to 6 dB per doubling of distance, noise source levels described in Chapter 23 represent a worst case condition that generally describes the higher end of noise levels a receptor may experience on an intermittent basis, depending on its proximity to a given work area.</p> <p>While true that receptors in the area of intake construction would likely experience noise levels exceeding 65 dBA on an intermittent basis, especially those located nearer to intake sites, the commenter’s statement that “everyone and everything will be exposed to very loud noise well in excess of 65 dBA” is not consistent with the analysis in Chapter 23. The analysis indicates that noise levels from intake construction sites would attenuate below 65 dBA under worst case conditions at a distance of less than 1500 feet, on the basis of hourly-equivalent sound levels.</p> <p>Noise from truck traffic under worst-case conditions (maximum of range in traffic forecasts) would result in a noticeable increase in ambient noise during daytime hours at receptors adjacent to trucking routes, in excess of 65 dBA in some locations. However, it should be noted that worst-case conditions for truck traffic and use of construction equipment use do not necessarily represent routine conditions.</p> <p>Worst-case conditions are anticipated to be intermittent. However, environmental commitments by DWR include mitigation planning to develop mitigation options for areas where exceedances are expected to occur. Noise mitigation plans do not represent a “promise to limit the noise to 65 dBA” as the commenter states. Rather, where noise levels exceed daytime or nighttime DWR noise standards, a noise mitigation plan would determine feasible options available to reduce noise levels at sensitive receptor locations.</p> <p>Noise mitigation plans are described in the environmental commitments in Appendix 3B, and prescribed measures would be location-specific, depending on the nature and extent of the exceedance. As stated in Appendix 3B: DWR and contractors hired to construct any conveyance components of the project will implement a site-specific noise abatement plan to avoid or reduce potential construction-, maintenance-, and operation-related noise impacts. This section also includes environmental commitments to reduce noise levels where exceedances are anticipated to occur. The impact conclusions are considered significant and unavoidable even after available environmental commitments and mitigation measures are applied because noise thresholds would be difficult to meet at all construction sites (see the impact analysis under Impact NOI-1).</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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Save the California Delta Alliance 7/6/2017	ATT 1	Attachment 1 (Map)	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Save the California Delta Alliance 7/6/2017	ATT 2	Technical Guidance for Assessment and Mitigation of the Effects of Traffic Noise and Road Construction Noise on Bats 2016	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.

Letter	Comment #	Comment	Relation to Final EIR/EIS
Save the California Delta Alliance 7/9/2017	1	<p>I. New Information Disclosing Previously Undisclosed And Analyzed Elimination Of Export Limits.</p> <p>New information revealed by DWR and USBR in the course of hearings before the SWRCB shows that the FEIR/S fails to analyze impacts of the project. The FEIR/S does not analyze changes to the export to inflow ratio of D-1641 that are in fact a part of the project. WaterFix effectively eliminates the Export Limits of D-1641 by excluding any water diverted by the NDD from the export term. For example, if in July the NDD were diverting 7,000 cfs and the south Delta point of diversion were diverting 1,500 cfs, the total calculated exports would be 1,500 cfs because the NDD are excluded.</p> <p>DWR and USBR argue that the purpose of the export limit is to protect fish, particularly smelt, at the Tracy diversion point, and that therefore the NDD export quantity should be excluded since the NDD do not affect smelt entrainment and mortality in the vicinity of the Tracy diversion point. The claim that the export limit is only to protect fish from entrainment at the south Delta diversion point is false. However, if DWR is proceeding on that basis, and wishes to make that argument, it must be stated and analyzed in the FEIR/S. It is not. In fact, the export limit protects legal users of water and the Delta ecosystem throughout the Delta by limiting exports and leaving more fresh water in the system.</p> <p>Attachment 3 contains the relevant pages from D-1641. The Export Limits are on page 184. Explanation of how the Export Limits are calculated is on the pages following page 184. Attachment 1 hereto is the testimony of Jennifer Pierre before the SWRCB confirming that the change in D-1641 was hidden from reviewers, certainly including the SWRCB and probably including the FEIR/S consulting team and biologists at the USFWS and NMFS. See Attachment 1, p. 234: 21–p. 236:10.</p> <p>Currently there are export limits of 35% and 65% of Delta inflow, depending on the season. D-1641, p. 184. WaterFix eliminates these export limits by allowing up to 9,000 cfs to be diverted at the NDD while counting that as zero exports. This change must be disclosed and analyzed in a re-circulated EIR/S.</p>	<p>The California WaterFix proposal where the North of Delta Diversion (NDD) is subtracted from the measured flow at Freeport on the Sacramento River is consistent with the D-1641 export/inflow requirement. The NDD as part of the California WaterFix will be situated along the Sacramento River in the northern Delta. The NDD will divert Sacramento flows that would otherwise be classified as inflow to the Delta. The change sought is simply a modification to the formula that would adjust the inflow for the new diversion. This proposed modification recognizes that if the diversion point were upstream of the Freeport gauge, that inflows would be reduced by the diversion.</p> <p>Based on documents developed during the SWRCB WQCP hearings, the Export to Inflow ratio criteria was in fact biologically based. As described on pages 2-18 and 2-19 of the Joint Water Users Proposed Bay-Delta Standards (http://www.swrcb.ca.gov/waterrights/water_issues/programs/bay_delta/wq_control_plans/1995wqcp/admin_records/part05/368.pdf) the biological objective of the Export to Inflow ratio is to “Reduce fish, egg, and larvae entrainment and mortality at the pumps through export restrictions and intensive real-time monitoring/response designed to detect presence of fish in areas adjacent to the pumps.”</p> <p>It is important to note that the biological objective of the Export to Inflow ratio noted above would be achieved through the bypass flow requirements at the north Delta intakes and the Old and Middle River flow restrictions at the south Delta intakes under the CWF.</p> <p>Chapter 3 and Appendix 5A of the FEIRS specified that the export to inflow ratio computation under Alternative 4A does not include the north Delta diversion as part of the export or the inflow term. Appendix 5D Section D.10.1 of the Final EIR/EIS also presented a sensitivity analysis comparing the two computation approaches of the export to inflow ratio. The export computation is consistent with the definition identified in the D-1641. Figure 3 in the “Tables and Figures Attached to Order” Revised Water Right Decision 1641 (page 190) provides the definition for the exports in computing the “Percent Inflow Diverted” as Clifton Court Forebay inflow plus the Tracy Pumping Plant pumping (http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/swrcb_21.pdf). The modeling and the impact analysis presented in the FEIRS for Alternative 4A reflected this computation approach of the export to inflow ratio. The commenter is incorrect that California WaterFix eliminates the 35% and 65% export limits identified in the D-1641.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Save the California Delta Alliance 7/9/2017	2	<p>II. New Information Disclosing Previously Undisclosed And Unanalyzed Change In Project To Shift Exports To Summer Months.</p> <p>The FEIR/S also does not disclose or analyze the fact that CWF is designed to restore full contract amounts by diverting more water during the summer months. The increase in</p>	<p>The Biological opinions for the proposed project are well within the range of the Alternatives analyzed in the Final EIR/EIS. The analysis shows that under the California WaterFix exports shift from summer to winter and spring months capturing excess flows when compared to the No Action Alternative.</p>

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		<p>exports that is the driving reason behind CWF will be accomplished by exporting more water (using the NDD) during the summer. This is new information that was revealed during the course of the hearings before the SWRCB but is not included or in any way analyzed or disclosed in the FEIR/S. One main effect of CWF is to shift exports from spring and winter months to summer months. This is a significant change. This shift to summer exports has been made more extreme due to just-released Biological Opinions that increase spring outflows. Increasing outflows means decreasing exports during the spring. The biological opinions' file sizes make them too large to attach to this email. They are available at https://www.fws.gov/sfbaydelta/HabitatConservation/CalWaterFix/documents/Final_California_WaterFix_USFWS_Biological_Opinion_06-23-2017.pdf and at http://www.westcoast.fisheries.noaa.gov/central_valley/CAWaterFix.html, including appendices. These biological opinions are incorporated into the CEQA and NEPA administrative records of proceedings by reference as if fully set forth here.</p> <p>Attachment 2 hereto is a transcript from the SWRCB CWF hearings that contains testimony of John Leahigh, Director of Operations for DWR. Mr. Leahigh's testimony reveals that at least up to 45% of Sacramento River flow at the NDD will be diverted under CWF during the summer months. Because the export limits are eliminated as described above and the only CWF operating criteria restraint on diversions at the NDD during the summer months is a 5,000 cfs bypass flow requirement, Mr. Leahigh agreed that he could point to nothing prohibiting a diversion of 9,000 cfs with Sacramento River flow at 19,747 cfs during the month of August, a flow reduction of 45%. This diversion rate is not possible in the spring, fall, and winter. Nothing like this is remotely possible without CWF and the NDD. See Attachment 2, p. 145:5–20. Exhibits SCDA-2, SCDA-3, and DWR-5, p.25 referred to during Mr. Leahigh's testimony are attached as the last three pages of Attachment 2. and the two charts included as the last three pages of Attachment 2.</p> <p>This drastic change in operations from the scenarios analyzed in the FEIR/S requires significant changes to the FEIR/S and recirculation. Please address these issues in a re-circulated FEIR/S.</p>	<p>Shifting exports to the summer months is not the goal of California WaterFix. In fact the project will likely reduce summer exports with the ability to capture some of the higher spring runoff events earlier in the year. This was explained by Mr. Leahigh in rebuttal where there was some shift in summer exports with the biological opinions in 2008 and 2009, but California WaterFix would shift these export back toward more of the pre-biological opinion pattern.</p> <p>As Mr. Leahigh testified under California WaterFix bypass criteria with a Freeport flow of 19,773 cfs a 9,000 cfs diversion would be permissible assuming all other D-1641 criteria were being met. The intakes could be operating at 9000 cfs in any month, depending on the hydrology and other circumstances. It is important to note that typically the source of flow diverted in the winter-spring months would be excess flows from storms, while in the summer-early fall, it would be typically redirection of stored water. Therefore, in summer, if there is sufficient water supply and the allocations are high, the exports could be high at the proposed intakes. Please note that the criteria requires that a portion of the exports (3000cfs) in the summer months occur at south delta intakes to manage water quality conditions in the south delta. For summer conditions this level of diversion is not uncommon today, without the WaterFix. This can be seen in Attachment 2, SCDA-2 where the Freeport flow is averaging about 19,700 cfs and the south of Delta exports averaging about 8,400cfs. Exports in this historical case were on average 43% of the Sacramento flow for the data in SCDA-2. It is expected that with California WaterFix the total exports would be of similar magnitude with similar conditions.</p> <p>These conditions and operations were fully captured in the impact analysis for the Final EIR/EIS and do not require recirculation. Likewise, this comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Save the California Delta Alliance 7/9/2017	ATT 1	CALIFORNIA STATE WATER RESOURCES CONTROL BOARD, CALIFORNIA WATERFIX WATER RIGHT CHANGE PETITION HEARING, Friday, July 29, 2016, Volume 4, Transcript	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.
Save the California Delta Alliance 7/9/2017	ATT 2	CALIFORNIA STATE WATER RESOURCES CONTROL BOARD, CALIFORNIA WATERFIX WATER RIGHT CHANGE PETITION HEARING, Thursday, August 18, 2016, Volume 11, Transcript	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Resources Control Board hearing materials.

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Save the California Delta Alliance 7/9/2017	ATT 3	SCDA-3, Handmade graph	This attachment is Exhibit SCDA-3 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Save the California Delta Alliance 7/9/2017	ATT 4	SCDA-2, 8/19/2016 printout from Sacramento river flow	This attachment is Exhibit SCDA-2 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Save the California Delta Alliance 7/9/2017	ATT 5	DWR-5	This attachment is Exhibit DWR-5 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Save the California Delta Alliance 7/9/2017	ATT 6	Attachment 3: REVISED Water Right Decision 1641 In the Matter of: Implementation of Water Quality Objectives for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary; A Petition to Change Points of Diversion of the Central Valley Project and the State Water Project in the Southern Delta; and A Petition to Change Places of Use and Purposes of Use of the Central Valley Project December 29, 1999 Revised in Accordance with Order WR 2000-02 March 15, 2000	This attachment is SWRCB D-1641 Table 1 – 3 and Figures 1 – 3. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.

Letter	Comment #	Comment	Relation to Final EIR/EIS
Save the California Delta Alliance 7/12/2017	1	<p>This is to follow up on our comments of July 6, 2017, of the impacts of the project on bats. As you know, take of bats is prohibited by Fish and Game Code section 4150. In our comments of July 6 we pointed out that the FEIR/S contains irreconcilable internal conflicts that render proposed mitigation measures ineffectual. Seasonal restrictions are proposed to protect listed fish species (work only during summer) and special status bats (no work during summer) at the same location.</p> <p>We are herewith providing a roosting bat survey, conducted on July 5, 2017, at the intake construction zone.(Attachment 1) The survey was constrained by limited time and land owner permissions for access. However, it documents the presence of maternal roosting colonies near the construction zone and roosting colonies within the construction zone, within 50 feet from noise source. (See Attachment 2 Bat Roosting Area with Map Book Overlay.) We have not confirmed that the roosting colonies within the construction zone are maternal. However, it is highly likely and reasonably foreseeable that there are maternal roosting colonies within the construction zone, within 50 feet of noise source. In any event, take of bats will be inevitable unless the seasonal restrictions outlined in the FEIR/S are obeyed with respect to construction activity in the six mile long intake construction zone. As you know, noise levels within the construction zone at the location of the roosts identified on the attached map will be 96 dBA according to the FEIR/S. We believe they will be higher. In any event, 96 dBA adjacent to a maternal roosting colony or other colony will result in the take of bats. See CalTrans Bat Manual attached to our comments of July 6. We therefore request that you resolve the conflict between the fish protections and the bat protections and recirculate the FEIR/S for public comment.</p> <p>We also repeat our request that you identify feasible mitigation measures for noise impacts that comply with CEQA standards for deferred mitigation measures. As we pointed out in our comments of July 6, the promise to appoint a complaint official and erect noise barriers is lacking in specificity and feasibility and is legally inadequate.</p>	<p>The commenter states that the proposed avoidance period for roosting bats is in conflict with the construction window for the intake structures and includes information on surveys conducted within and around the location of where the intakes would be constructed.</p> <p>The construction period of June 1 to October 31 applies to the in-water work window for intake construction to protect sensitive fish species and does not apply to terrestrial construction associated with the intakes. Furthermore, on page 11-203 of the Final EIR/EIS, relative to the in water work window, it states: "Construction outside this period would only be allowed if authorized by relevant permitting agencies, and additional construction timing restrictions could also be imposed by these agencies, to protect specific species."</p> <p>If construction is occurring in-water between June 1 to October it will not likely result in take of special-status bats because there is no bat roosting habitat over the water at these locations. Take under Fish and Game Code Section 4150 specifically states that nongame mammals or parts thereof may not be taken or possessed except as provided by the code or in accordance with regulations adopted by the commission. Under Fish and Game Code Section 86, take is defined as to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. Any construction related activities adjacent to or at some distance to an active roost site may cause effects on bats but would not rise to the definition of take under Fish and Game Code Section 86 and referenced in Section 4150. CDFW has reviewed the mitigation proposed related to this issue and has not raised any concerns regarding the take of bats.</p> <p>Furthermore, the intake work areas, which will be immediately adjacent to in-water work areas, will be cleared of trees and structures prior to the beginning of in-water work but only after the implementation of the avoidance and minimization measures identified in Mitigation Measure BIO-166.</p> <p>The commenter states that roosts in the construction zone identified on their map will be exposed to 96 dBA. In order to construct the intakes all existing structures and trees will be removed from the work areas. Any active roost within the construction zone will be identified during preconstruction surveys and avoidance and minimization measures will be implemented to ensure that no maternity roosts are harmed and that non-maternity roosts are evicted prior to removal of structures and trees (see discussion below).</p> <p>Impact BIO-166 <i>Loss or Conversion of Habitat and Direct Mortality of Special-Status Bats</i> addresses the loss of foraging and roosting habitat for special-status bats. Loss of roosting habitat includes discussion of impacts to bridges, developed lands, riparian, landscaping trees, eucalyptus trees, palms, and orchards that could provide roosting habitat for bats. The impact also acknowledges potential injury, mortality, and harassment of roosting bats.</p> <p>Mitigation Measure BIO-166 <i>Conduct Preconstruction Surveys for Roosting Bats and Implement Protective Measures</i> is available to identify active roosts and implement</p>

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			<p>measures to avoid and minimize effects. It includes measures to identify potential roosting habitat within the project footprint, daytime search for bats and bat sign in and around identified habitat, evening emergence surveys using night-vision technology and/or full-spectrum acoustic monitoring. These surveys will be conducted for bridges, structures, and trees.</p> <p>The information obtained from these surveys will guide the implementation of avoidance and minimization measures, which include timing bridge disturbance outside of the maternity period, installation of exclusion devices in project footprints, timing tree removal between April 15 and September 15 (the maternity period for bat species that use trees) to avoid impacts on pregnant females and active maternity roosts (whether colonial or solitary). The measure includes requirements for avoiding active maternity roosts and the establishment of buffers. The measure includes a step-by-step process for eviction of occupied roosts (except for maternity roost). In addition, Mitigation Measure BIO-166 states that appropriate measures will be determined by DWR in consultation with CDFW. This consultation with CDFW will ensure that effects on roosting bats will be avoided and minimized to the extent practicable. The measure also includes compensatory mitigation for the loss of roosting habitat.</p> <p>Impact BIO-167 identifies potential construction related noise, vibration, and light effects on special-status bats. Mitigation Measure BIO-166 would be available to reduce these impacts by “either directing noise barriers and lights inward from the disturbance or ensuring that the disturbances do not extend more than 300 feet from the point source”. The commenter refers to the 2016 Caltrans document <i>Highway Noise Effects on Bats</i>, which does also include a minimization measure that calls for installing noise barriers (see page 71 of publication).</p> <p>In practice, technically and economically feasible noise abatement options would be available in many cases to reduce construction noise levels at the nearest noise sensitive locations to conform to DWR thresholds. Temporary noise reducing barriers erected at stationary sites can substantially reduce noise levels for adjacent land uses. However, as indicated in the EIR/EIS, this will not be feasible in all cases. Additional details regarding the noise disturbance coordinator’s role and duties are included in the MMRP.</p> <p>The purpose of the CEQA/NEPA analysis is to disclose project impacts and determine whether feasible mitigation is available to reduce or avoid impacts. Mitigation is not discussed at a site specific design level of detail in the EIR/EIS. As discussion of mitigation measures in Chapter 23 indicates: <i>“Achievable noise reduction varies by measure. Shutting off a piece of equipment would eliminate its contribution to ambient noise. Noise barriers and enclosures would provide noise reduction within the discrete area shielding noise from surrounding noise sensitive receptors. Barriers can provide 5 to 15 dB of noise reduction depending configuration relative to surrounding terrain.”</i> Although implementation of these measures will reduce the impact, it is not anticipated that feasible measures will be available in all situations to reduce construction noise to levels below the applicable thresholds. Therefore the analysis concludes that noise impacts may remain significant</p>

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			<p>and unavoidable after mitigation. As explained in the Final EIR/EIS, however, noise disturbances and the potential for injury or mortality of special-status bats would be minimized with implementation of Mitigation Measure BIO-166, and as a result, impacts to special-status bats would be less than significant. (See Impact BIO-167 and Impact BIO-167.)</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Save the California Delta Alliance 7/12/2017	ATT 1	Roosting Bat Surveys in the Delta July 5, 2017. Clarksburg and Hood, Yolo and Sacramento Counties, California	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Save the California Delta Alliance 7/12/2017	ATT 2	Representative Photos Clarksburg-Hood Bat Surveys July 5, 2017	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Save the California Delta Alliance 7/12/2017	ATT 3	Representative Sonograms Clarksburg-Hood Acoustic Bat Surveys July 5, 2017	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Save the California Delta Alliance 7/12/2017	ATT 4	Bat Roosting Area with Map Book Overlay	The attached map incorrectly identifies the location of the Mexican free-tailed bat maternal colony, which the report's text states is at the Old Sugar Mill, which is in Clarksburg. Also, as noted above any structures and trees within the project footprint will be removed before construction activities begin but only after preconstruction surveys and avoidance and minimization measures are implemented. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.

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Save the California Delta Alliance 7-12-17 Salter	1	<p>These comments are submitted on behalf of Save the California Delta Alliance. Please find attached the review of the FEIR/S noise section conducted by Charles M. Salter Associates, a world-renowned acoustical engineering firm.</p> <p>The succinct review finds that the noise analysis conducted for the FEIR/S is so inadequate as to rise to the level of professional negligence. Contrary to the FEIR/S, noise levels at the Clarksburg Marina, for example, could reach 80 dBA or more and the noise level at the Hood Supply Company could reach 83 dBA or more.</p> <p>Please address the issues raised in the Salter review, and our previous comments on noise, in a re-circulated FEIR/S.</p>	<p>Please see below considerations. The noise analysis is adequate and complies with CEQA and NEPA. Additionally, it should be noted that the Bay Delta Conservation Plan/California WaterFix FEIR/S Review Comments Salter Project: 17-0416 attached to Save the California Delta Alliance’s comment letter does not conclude that DWR’s noise analysis rose to the level of professional negligence.</p>
Save the California Delta Alliance 7-12-17 Salter	ATT 1	<p>Salter FEIR/S Noise Section Review</p> <p>As requested, we reviewed Chapter 23 Noise of the Final Environmental Impact Report/Statement (FEIR/S) for the proposed Bay Delta Conservation Plan (BDCP)/California WaterFix Project. It would consist of new water intake, conveyance, and associated facilities to transport water from the Sacramento River. This letter summarizes our review and comments.</p> <p>EXECUTIVE SUMMARY</p> <p>In our opinion, the FEIR/S does not sufficiently address potential noise impacts. Our comments focus on the following issues:</p> <ol style="list-style-type: none"> 1. The noise impact significance analysis virtually ignores expected increases to ambient noise levels at neighboring sensitive land-uses. As such, CEQA Guidelines and the thresholds of significance are also ignored. Therefore, the FEIR/S is incomplete. 2. No ambient noise measurements were performed to study the baseline noise environment. For a project of this scale, it is our opinion that conducting no measurements and relying only on broad estimates of existing environmental conditions is below the standard of care for such an impact analysis with nearby noise-sensitive receivers. 3. Construction noise levels are likely underestimated in some areas, by as much as 10 dB to 15 dB or more, as the analysis assumed excess attenuation rates for sound propagation from the construction sites and failed to account for the potential variation and cumulative effects of several pile drivers operating concurrently. 	<p>The following consideration and assessment follows the order of items (issues) in the Executive Summary in the comment.</p> <p>Issue #1 re increases in noise levels.</p> <p>The analysis acknowledges that increases in ambient noise levels during construction and operation will be perceptible and readily noticeable in some areas.</p> <p>Construction of the project uses noise thresholds established by DWR, which were established based on a consensus of experts, and local and resource agencies. Because of the extent of CM1 construction at some locations and the multi-year durations for some of the construction components (e.g. intakes), the direction of DWR was to establish a numerical limit for construction noise during daytime hours. In establishing the 60 dBA threshold, consideration was given not only to DWR specification 05-16, but also to guidance in the California Model Noise Ordinance. The model ordinance identifies a maximum daytime noise level of 60 dBA for long-term (over 10 days) construction projects where it is technically and economically feasible to do so. It also specifies a maximum noise level of 50 dBA during nighttime hours.</p> <p>The 40 dBA existing ambient is used to characterize the rural setting for many locations within the project area. The goal of mitigation is to reduce levels to below the thresholds of 60 dBA daytime and/or 50 dBA nighttime. Although noise levels of up to 60 dBA would be up to 20 dB higher than the existing level of 40 dBA, a noise level of 60 dBA Ldn (equivalent to threshold of 60 dBA daytime/50 dBA nighttime) would be considered “normally acceptable” under State General Plan guidelines.</p> <p>The project uses a 5 dB increase threshold for traffic noise (including realigned roadways), and noise from construction equipment. However, this increase is applicable only where existing noise levels exceed 60 dBA Leq.</p> <p>As a note regarding noise increases, Federal Transit Administration <i>Noise and Vibration Guidance Manual</i> incorporates research by Schultz in its thresholds for</p>

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		<p>4. The FEIR/S does not include sufficient evidence to demonstrate that adequate noise reduction can be feasibly achieved by the proposed mitigation measures (see MM NOI-1a), particularly noise barrier walls along the River that would have to shield tall equipment, such as pile drivers. If the proposed mitigation is not feasible, appropriate mitigation should be identified or the impact should be concluded as significant/adverse.</p> <p>5. Construction noise is expected to significantly interfere with the activities at certain recreational facilities or businesses available for community enjoyment, such as the Clarksburg Marina and the Hood Supply Company (restaurant).</p> <p>INTRODUCTION The proposed BDCP/Waterfix Project would include the construction of several water intake facilities along the Sacramento River along with conveyance and associated facilities. The primary and most significant sources of construction noise would be the pile/pier installation and related excavation, blasting, and trucking activities along with the muck haul activities associated with the tunnel boring. The surrounding area is largely rural and agricultural land, but there are several noise sensitive landuses in the area, including residences, communities, and recreational areas/facilities.</p>	<p>allowable transit project noise increase relative to existing ambient levels. The guidance indicates that, “as the existing noise exposure increases... the allowed increase in the cumulative level decreases”...”The justification for this is that people already exposed to high levels of noise should be expected to tolerate only a small increase in the amount of noise in their community. In contrast, if the existing noise levels are quite low, it is reasonable to allow a greater change in the community noise for the equivalent difference in annoyance.” However, the manual also notes that “these criteria are based on general community reactions to noise at varying levels which have been documented in scientific literature and do not account for specific community attitudinal factors which may exist.” (Federal Transit Administration, 2006) Because of such factors, the level of community annoyance or tolerance for project related noise increases is not absolute. However, the analysis in Chapter 23 uses the general principle that receptors in less noisy areas may tolerate greater increases in noise than communities already exposed to higher levels.</p> <p>Issue #2 re noise monitoring.</p> <p>As noted in the comment and stated in Chapter 23, noise monitoring to establish existing ambient noise levels was not conducted for this project. Instead, existing noise conditions were characterized using traffic noise modeling and typical ambient noise levels as a function of population density, as reported in standard references (e.g. Cowan 1994, Hoover & Keith 2000). Based on the rural nature of the study area, most of the construction locations are expected to have ambient noise levels well below 60 dBA. The analysis assumes a baseline noise level of 40 dBA, which is analogous to a partially developed rural area as shown in Table 23-5 of Chapter 23 of the EIR/EIS. This is a conservative assumption that allows that noise levels due to the project will likely be readily perceptible in many areas. There is no evidence that noise monitoring of ambient noise levels at specific locations throughout the study area would change the impact conclusions or the recommended mitigation measures in Chapter 23.</p> <p>Issue #3 re attenuation rates and pile driving.</p> <p>Geometric and ground effect attenuation were calculated based on methods specified in the FTA Transit Noise Impact Assessment. Water bodies and parking lot surfaces taken alone would be characterized as “hard” surfaces. However, the vast majority of the study area can reasonably be characterized as “soft” ground, and this assumption was used to characterize construction noise attenuation in the model. While in some instances receptors may experience noise attenuation at a “hard” ground rate which is nearer to 6 dB per doubling of distance, noise source levels described in Chapter 23 represent a reasonable worst case condition that generally describes the higher end of noise levels a receptor may experience on an intermittent basis, depending on its proximity to a given work area.</p> <p>Although construction for the entire project would occur over a period of several</p>

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			<p>years, in many areas along the conveyance construction would be intermittent and short-term, as components of the project are completed. Some features such as intakes would take a longer amount of time to build, but would occupy a larger area. Construction noise would be a temporary effect in a given location, as the period of project construction accounts for phasing of all components of the project. In other words, noise from construction will affect different areas at different times.</p> <p>For the purposes of the analysis, the worst-case noise levels under construction can be assumed to occur during any hour or multiple hours of the day. The worst-case one-hour noise level is used to evaluate significance of impacts.</p> <p>It should be noted that intake construction work areas are large from a noise perspective. For example, while the work area northern boundary for Intake #2 is approximately 2,000 feet away from the Clarksburg Marina, the entire intake work area spans over a mile and the intake facility is about one mile away from the Marina. Nearly all piles within the work area would be installed to build the cofferdam, foundation, and control structures at the intake facility. It would not be accurate to regard the intake work zone as a homogeneous noise radiator that produces levels of 60 dBA at a distance of 2,000 feet at any given time throughout the construction period. The 60 dBA level at 2,000 feet represents a worst case noise level based on multiple pile drivers and trucks operating simultaneously, which would only occur during specific phases of construction. Furthermore, apart from pile driving, a large portion of the construction and earthwork would be done away from the river shore in interior areas and within the intake facility. The noise contour distances in Chapter 23 describe noise from equipment operating along shore areas, which represents a worst case condition in terms of location as well as overall noise level.</p> <p>The noise analysis was based on FTA construction noise analysis methods, which do not adjust for impulsive noise. The analysis assumes a 100% utilization factor for pile drivers, assuming the high end of pile driver source levels. This is a reasonable conservative assumption, given a typical factor of 20% for a single driver. The analysis states this as well in Chapter 23: "...because multiple pile drivers would be used, a utilization factor of 100% has been applied."</p> <p>The noise source levels including pile driving used in the noise analysis are based primarily on USDOT guidance documents, which is a standard source for levels to assess impacts. The levels assume direct line-of-sight to construction activity, which would not necessarily be true at larger distances where noise levels would attenuate to lower levels than the 50 foot reference distance used in the referenced <i>Caltrans Guidance Manual for the Assessment of Construction Noise Effects on Bats</i>. It should be noted that if the higher reference levels in this guidance were applied to the analysis, the analysis conclusions for construction noise would remain significant and unavoidable.</p>

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			<p>Issue #4 re mitigation feasibility and achievable noise reduction.</p> <p>The analysis in Chapter 23 concludes that construction noise impacts are considered to be “significant and unavoidable.” This is based worst-case noise conditions; for example, six pieces of construction equipment operating simultaneously and continuously in one location. These conditions would not necessarily occur on a routine basis. Although alternative haul routes for truck traffic may be an effective measure in some cases, significant impacts are still likely after mitigation.</p> <p>Regarding the commenter’s concern that, “If complaints occur, construction noise is found to be excessive, and mitigation measures are found to be infeasible, the noise sensitive community, including residences and recreational facilities, would have very few options available to redress the objectionable noise,” project environmental commitments are designed to address the potential for community annoyance, based on the determination that construction-related noise would cause levels to exceed DWR thresholds at nearby noise-sensitive receptors.</p> <p>Environmental Commitments in Appendix 3B indicate the following: <i>DWR and contractors hired to construct any conveyance components of the project will implement a site-specific noise abatement plan to avoid or reduce potential construction-, maintenance-, and operation-related noise impacts.</i> This section includes a several measures that may be applied to reduce noise levels where threshold exceedances are anticipated to occur. These noise abatement plans will vary by location and will be developed based on site specific factors.</p> <p>In practice, technically and economically feasible noise abatement options would be available in many cases to reduce construction noise levels at the nearest residences to conform to DWR thresholds. Temporary noise reducing barriers erected at stationary sites can substantially reduce noise levels for adjacent land uses. However, as indicated in the EIR/EIS, there may be locations where this will not be feasible, such as those related to pile driving activities.</p> <p>The purpose of the CEQA/NEPA analysis is to disclose project impacts and determine whether feasible mitigation is available to reduce or avoid impacts. As discussion of mitigation measures in Chapter 23 indicates: <i>“Achievable noise reduction varies by measure. Shutting off a piece of equipment would eliminate its contribution to ambient noise. Noise barriers and enclosures would provide noise reduction within the discrete area shielding noise from surrounding noise sensitive receptors. Barriers can provide 5 to 15 dB of noise reduction depending configuration relative to surrounding terrain.”</i> Although implementation of these measures will reduce the impact, it is not anticipated that feasible measures will be available in all situations to reduce construction noise to levels below the applicable thresholds. Therefore the analysis concludes that impacts may remain unavoidable after mitigation.</p> <p>Regarding the suggestion of use of quieter equipment within setbacks as a mitigation</p>

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			<p>measure, this may not be feasible within the boundaries of work areas in all cases, but may be considered in site-specific mitigation plans on a case-by-case basis.</p> <p>Issue #5 re noise interference at outdoor areas of local businesses</p> <p>The EIR/EIS describes the distances at which the applicable noise thresholds could be exceeded. For example, sensitive receptors within 2,000 feet of an active intake construction site could be exposed to construction noise in excess of the 60 dBA Leq (1hr) daytime threshold. The nighttime threshold of 50 dBA Leq would be exceeded at a distance of 2,800 feet. Distances are also described for construction noise related to the construction of conveyance and associated facilities, truck trips and worker commutes, power transmission lines, and borrow/spoil areas. (See final EIR/EIS, pp. 23-195 – 23-196.) Regarding the two receptors identified in the comment, the analysis in Chapter 23 acknowledges that project construction would result in significant and unavoidable impacts after mitigation where the construction activity would cause an exceedance of an applicable threshold at the distance where the receptors are located. Thus, the potential for unavoidable noise impacts applies to both of these receptors.</p> <p>The commenter suggests that noise levels would increase substantially at the Clarksburg marina and interfere with speech and enjoyment of the facility. A large majority of piles would be installed at distances of greater than a ½ mile from the marina, which would attenuate noise to levels corresponding to distances shown in Table 23-17 (i.e. 58 dBA or less). This assumes an average 100% utilization of pile drivers during construction, in combination with other heavy equipment (e.g dump trucks), with equipment concentrated along the river shore areas. In the case of equipment noise without pile driving, a level of 54 dBA Leq(1h) is predicted at a distance of 2,000 feet, also under conditions where equipment is concentrated at the northern end of the project along the shore area. If such conditions ever take place, they would likely occur for a very short period of time relative to the construction period. Even so, such conditions are not anticipated to result in a noticeable level of speech interference at the marina facility. In general most of the construction at Intake #2 would occur at distances well over a ½ mile from the marina. While the suggestion that noise levels would be “at least 80 dBA at [the] marina” is not consistent with the analysis in Chapter 23, project noise levels are expected to result in an overall increase in ambient levels at the marina location.</p> <p>For the purpose of evaluating impacts, worst-case noise contours shown in Appendix 23A are used in the analysis. Based on noise contour analysis of the Clarksburg Marina, impacts would be significant. DWR environmental commitments and Mitigation Measures NOI-1a and NOI-1b are available to reduce the effect. While these measures are anticipated to be effective in many cases, the analysis acknowledges that feasible mitigation will not be available in all cases to reduce levels below 60 dBA Leq during the day and/or 50 dBA Leq during the night.</p>

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			<p>Therefore impacts are potentially unavoidable at the Clarksburg Marina.</p> <p>The commenter further suggests that noise levels would increase substantially at the Hood Supply Company and interfere with speech and enjoyment of the facility. In this case, pile driving sites at intakes would be directed away from the restaurant site and terrain shielding would be a factor; however to be conservative this is not accounted for in the model. Pile driving would be done generally at distances of greater than ½ mile from the restaurant, resulting in worst case levels of up to 58 dBA Leq(1h); as indicated above, this level would likely be lower due to shielding from terrain and local buildings. Data related to noise contours and impacts in this area under Alternative 4/4A are shown in Figure 23A-04 in Appendix 23A and Tables 23-61 and 23-62.</p> <p>In the case of worst-case equipment noise without pile driving, equipment noise could reach a level of 70 dBA Leq(1h) at a distance of 500 feet, under conditions where equipment is concentrated at the northern end of the work area nearest to the restaurant. Such a condition would likely only occur for short periods of time from work zones. In the case of traffic noise, the EIR/EIS discloses that SR 160 and Hood Franklin Road are major truck routes for the project. As such noise levels from truck traffic are predicted to result in an increase in traffic noise levels in this area, with loudest hour noise levels of up to 70 dBA Leq (1h) at a distance of 100 feet from haul roads.</p> <p>A noise level of this magnitude is anticipated to result in a significant noise impact at the Hood Supply Company Restaurant. Significant impacts from construction noise at this location and in much of the Hood community are disclosed in the EIR/EIS. The same environmental commitments and mitigation measures apply at this property as described for the Clarksburg Marina. There is a potential for an unavoidable impact at this receptor, given its proximity to haul roads and work zones, and the potential for exposure to traffic noise levels exceeding 60 dBA Leq during construction.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Save the California Delta Alliance 7-12-17 Salter	ATT 1	Bay Delta Conservation Plan/California WaterFix FEIR/S Review Comments Salter Project: 17-0416	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.

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Tehama-Colusa Canal Authority	1	<p>Tehama-Colusa Canal Authority and water service contractors within its service area (collectively "TCCA") submit the following materials to supplement the record of proceedings for the California WaterFix Environmental Impact Report/Final Environmental Impact Statement ("Final EIR/EIS").</p> <p>On January 30, 2017, TCCA submitted comments on the Final EIR/EIS for the Bay California WaterFix Project ("WaterFix" or "Project"). That letter incorporated evidence submitted to the State Water Resources Control Board ("SWRCB") by the City in connection with the water right change petition filed by the Department of Water Resources ("DWR") and the United States Bureau of Reclamation ("Reclamation").</p> <p>Since January 30, 2017, additional evidence has been submitted in the rebuttal and surrebuttal phases of the change petition hearing. DWR and Reclamation have stated that future operations of the proposed project will be "guided by the outcome" of the SWRCB proceedings. Final EIR/EIS, Vol. II, 1-262 (Master Response 28). Accordingly, the evidence submitted to the SWRCB regarding injury to legal users of water resulting from the Project is relevant to future operations of the project and the associated environmental impacts. TCCA respectfully requests that this additional evidence, which is on the CD that has been included with this letter, be incorporated into the record of proceedings for the CEQA and NEPA decisions on this matter. (For your convenience, an index of the materials reproduced on the CD is attached to this letter as Exhibit B.)</p> <p>This evidence shows, among other things, that Reclamation could operate the WaterFix in a manner that would result in impacts to water users within the Tehama-Colusa Canal Authority or result in reduced allocations under those water users contracts with Reclamation.</p> <p>The additional evidence demonstrates that DWR and Reclamation have failed to put forth sufficient information to ensure the Project's approval would not result in injury to legal users of water. Accordingly, TCCA requests that this evidence be included in the record of proceedings for the agencies' CEQA and NEPA decisions on this matter.</p>	<p>This comment describes additional sources of information incorporated into the comment by reference. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials. Additionally see TCCA's comment letter provided in Table 3-1, Developments after Publication of the Proposed Final Environmental Impact Report. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
Tehama-Colusa Canal Authority	ATT 1	<p>Excerpt from Hearing Transcript, Part 1 Rebuttal, Vol. 36 (Cross Examination of Panel2. Operations, Modeling, Water Quality, and Water Rights)</p>	<p>This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.</p>

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Tehama-Colusa Canal Authority	ATT 2	Excerpt from Hearing Transcript, Part 1 Surrebuttal, Vol. (Cross Examination of Nancy Parker)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
Tehama-Colusa Canal Authority	ATT 3	Excerpt from Hearing Transcript, Part 1, April 27, 2017, Vol. 37 (Page 75-85)	This attachment is a transcript presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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Brodsky, Michael	1	<p>CEQA and its implementing guidelines require recirculation of an EIR where "significant new information" is added to the EIR after a draft is circulated and before the final EIR is certified. (Public Resources Code § 21092.1; Cal. Code Regs., tit. 14, § 15088.5, subd. (a).) The sort of information that requires recirculation includes, for example, the information that shows that new significant impacts would occur, the severity of an environmental impact would substantially increase unless mitigation measures are adopted or the draft EIR "was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." (Cal. Code Regs., tit. 14, § 15088.5, subd. (a).) NEPA's requirements are similar. (40 C.F.R., § 1502.9, subd. (c); Reclamation's NEPA Handbook (Feb. 2012) pp. 7-23 to 7-24.)</p> <p>The revised BA deletes the Rio Vista 3,000 cfs flow requirement. (Ch. 3, p. 97.) This change is not reflected in the FWS BO, where it describes the Rio Vista flow as January-August: Minimum of 3,000cfs. (See p. 33.) The NOAA BO, however, does not mention this requirement at all. The removal of the Rio Vista 3,000 cfs flow requirement constitutes "significant new information" added to the EIR because it will have a significant impact on water quality, including but not limited to salinity. Recirculation is required in order to reconcile the inconsistent assertions described above.</p>	<p>Based on the modeling conducted for the Biological Assessment, it was found that resulting flows under the California WaterFix Proposed Project at Rio Vista were always greater than the proposed Rio Vista flow requirement of 3000 cfs during Jan-Aug, as a result of other operational requirements such as the proposed north Delta diversion bypass flow requirements and the D-1641 requirements. The modeling results included in the Final EIR/EIS Appendix 5A Section C Table C-63-6 also confirm this finding. Therefore, during the formal consultation process this additional redundant flow requirement for the California WaterFix was no longer continued. California WaterFix continues to adhere to the existing D-1641 Rio Vista minimum flow requirement during September through December months.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Chacon, Paul	1	No intake screens! Save the delta!	This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Daly, Barbara (submitted by Michael Brodsky)	1	<p>I have lived in Clarksburg for 26 years. My husband and I put our five children through the Clarksburg public schools and we have been owners of the Cliff House Marina in Rio Vista for 25 years. Because my children were active in sports and other school activities, I was, and am, very engaged with the Clarksburg Grade School, Clarksburg Middle School, and Clarksburg High School. I am very familiar with these schools and their outdoor recreational facilities.</p> <p>I own and operate Delta Heartbeat Tours, which provides recreational tours throughout the Hood, Clarksburg, Locke, Walnut Grove, Rio Vista, and Isleton areas and beyond. Our tour map is attached. I am familiar with the history of the Delta and have acquired much knowledge of the Delta communities through living here for 26 years and operating my tours. I engage the tourists who I take around the Delta. I know that they come to the Delta for peace and quiet and a look at undisturbed rural and agricultural life. Clarksburg was established in 1850, the same year California became a state.</p> <p>Clarksburg, Hood, Walnut Grove, and Locke are all set in the historic landscape that is pretty much as it was when Clarksburg was established in 1850. Of course the levees have been built since Clarksburg was established, but our town has escaped suburban sprawl and gentrification. We do not have a Starbucks and we are proud of it. Locke was built in the early twentieth century, and retains its historic wooden buildings and sidewalks. Locke is a national historic district and is the largest, most complete example of a rural, Chinese-American agricultural community in the United States. Locke is preserved at a museum-quality state of historic integrity—throughout an</p>	This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.

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		<p>entire town. Our cultural institutions and gathering places haven't changed much since Locke was established in 1915.</p> <p>The FEIR/S discloses that "construction activities associated with water conveyance facilities would be anticipated to result in changes to the rural qualities of these communities [legacy communities of Clarksburg, Hood, and Walnut Grove] during the construction period" and could "also result in changes to community cohesion if they were to restrict mobility, reduce opportunities for maintaining face-to-face relationships, or disrupt the functions of community organizations or community gather places</p> <p>Under Alternative 4A, several gathering places that lie in the vicinity of construction areas could be indirectly affected by noise and traffic associated with construction activities." FEIR/S 16-279. The area of the construction sites for intakes 2, 3, and 5, as well as the intermediate forebay and the muck piles (where the tunnel muck will be dumped) are much larger than the area of our communities. The construction activities will be ongoing for a decade or more and thousands of construction workers will flood the area.</p> <p>The FEIR/S does not understand the fatal blow that this massive amount of construction activity will have on our communities. These are small towns and people here do not have a lot of money and there is not a lot of opportunity to make money here. Our communities are held together by sense of place and home. We gather in public, at the library, at church, and in each other's homes. We stay here because it is quiet and peaceful and the outside world doesn't much intrude. Hood will likely be abandoned entirely to become a ghost town. There will be large scale abandonment in Clarksburg. The historical integrity of Locke and Walnut Grove, situated within their historical vernacular landscape, will be lost to the world forever.</p> <p>The massive construction site right across the river from Clarksburg dwarfs our town. Thousands of construction workers coming and going on our tiny country roads will completely change the feel of our area. Let alone huge trucks hauling tunnel muck and construction supplies to and from. And we can see that here will be thousands of barge trips up and down the river in front of our town. The river, for a six mile stretch, will also be turned into a giant construction zone with a 5 mile per hour boat speed limit. A lot of our economy depends on boating and fishing. People will not want to come here to boat and fish in the middle of what will feel like a war zone.</p>	
Daly, Barbara (submitted by Michael Brodsky)	2	<p>The FEIR/S concludes that there will be no permanent loss of any well- established Delta recreational facility. This is a remarkable claim. I cannot fathom on what basis anyone qualified to opine about the impacts of this project on our delicate communities could make that conclusion. It appears to be wild speculation not based on any expert knowledge of our communities. I can tell you for sure that the Clarksburg Marina cannot survive the onslaught of noise and industrial activity disrupting this peaceful stretch of river. Clarksburg Marina will go out of business for sure. Other recreational businesses will also be forced out of business forever.</p> <p>The Hood Supply Company, a very popular local bar and Grille in Hood, is right in the</p>	The Final EIR/EIS analyzes impacts to recreational facilities in Chapter 15, Recreation, and specifically analyzes potential impacts from all action alternatives to Clarksburg Marina. In the case of Alternative 4A, Clarksburg Marina falls outside of the 1,200-1,400-foot indirect impact area associated with aboveground construction of the proposed water conveyance facilities; therefore it is not specifically discussed even though it was considered. Among other thresholds of significance, the EIR/EIS explains that an impact is considered significant for purposes of CEQA if an alternative would locate facilities that would "result in the permanent displacement of well-established recreational facilities. For purposes of this analysis, the permanent displacement of a well-established recreation facility is defined as circumstances in which construction

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		<p>middle of the construction zone. It virtually touches the giant heavy equipment zone. I know who patronizes our local businesses and why. Noise impact studies and measurements attached show that noise levels and impacts will be severe and not as described by the FEIR/S. This is significant new information. The outdoor patio seating at Hood Supply Company will be unusable, to say the least, and tourists will not want to stop in the Hood construction zone. Hood supply company, a well-established recreational facility—will be lost. R. Kelly Farms is located at 1120 Scribner Road. The picnic area and you-pick-your-own fruit recreational facilities at R. Kelly will be abandoned. Scribner Bend Vineyards is located at 9051 River Road, again at ground zero inside the massive 6 mile long construction zone. The Vineyard has regular wine-tasting and is a wedding party venue. These facilities will be lost. Eleven years of construction is permanent. The businesses will not re-open, but the closure for eleven years (or even five years) is a permanent loss.</p> <p>The FEIR/S did not discuss or acknowledge these well-established recreational facilities and apparently was unaware of their presence.</p> <p>In my opinion the recreational fatalities will extend well beyond the Hood construction zone. Boaters will avoid this stretch of river. Beyond that there will be a lot of construction activity throughout the Delta. There will be intensive barge traffic servicing muck-dumps on Delta Islands, blasting, and intensive noise throughout the Delta. Word will get out that the Delta is closed for construction. In my opinion, the Delta will lose at least half of its recreational boating and that will force closure of many of our marinas. All the marinas simply cannot survive on half the business. There will be consolidation and loss of well-established marina recreational facilities. My business is named Delta Heartbeat Tours and a large measure of my success is due to my ability to take the pulse of the Delta. Your project is a fatal heart attack for us.</p> <p>It will be the same with the local wineries that draw tourists. People aren't going to brave construction delays and come to a noisy congested area to do wine tasting. The peaceful nature of this place is what draws people here. The Old Sugar Mill in Clarksburg is a major wine destination. I do not believe it will survive the construction.</p> <p>I know this place. Believe me, the town of Hood will be largely abandoned and will never recover if the intakes are built on a scale anywhere near what is being offered in Alternative 4A. It seems that those who prepared the FEIR/S have a cavalier attitude and will say just about anything, shooting from the hip without knowledge or expertise. The proposed "mitigation measure" of putting up a viewing platform and using the construction as a tourist attraction is insulting and demeaning to our community. It is as if you are thumbing your nose at us and perhaps intentionally causing us grief for your amusement. Please show some respect and remove that from the document.</p> <p>Really, to show respect, and obey the law, you must go back to the drawing board and consider the devastating impacts on our communities so you can place the tunnel intakes somewhere else. We prefer you not build it at all but there are areas of the Delta where there are no towns and no historic places like Locke, Hood and</p>	<p>or operational activities would result in the permanent loss or closure of such facility or activity." (Final EIR/EIS, p. 15-62.) As explained in the Final EIR/EIS and in the consideration and assessment to this comment letter below, construction or operational activities would not result in the permanent loss or closure of well-established recreational facilities.</p> <p>As stated in Chapter 15, Recreation, Section 15.3.2, the threshold of significance for "permanent displacement" under Impact REC-1 is whether construction or operational activities would result in the permanent loss or closure of such facility or activity. The post-construction location of the water conveyance facilities would not result in direct permanent displacement of well-established recreation facilities available for public access. The Final EIR/EIS looks at what is reasonably foreseeable direct, indirect, and cumulative impacts of the action alternatives. However, in this case, it is not reasonably foreseeable that Clarksburg Marina would be permanently displaced as a result of construction activities.</p> <p>However, Impact REC-2 acknowledges that a total of six recreation sites or areas are within the 1,200 to 1,400-foot indirect impact area associated with aboveground construction of the proposed water conveyance facilities (CM1) (see Chapter 23, Noise, Section 23.3.3.9) and that it is foreseeable that there will be permanent and long-term impacts on well-established recreational opportunities and experiences in the study area because of access, noise, and visual setting disruptions that could result in loss of public use. The effects that could occur at each potentially affected recreation site are discussed in Section 15.3.3.9. Potential indirect effects on recreation include access, construction noise, and changes in the visual character of the area surrounding the recreation sites, as well as reduced wildlife-related recreational opportunities due to nearby noise effects. While numerous mitigation measures have been proposed to address these adverse effects on recreation (REC-2, BIO-75, AES-1a, AES-1b, AES-1c, AES-1d, AES-1e, AES-1f, AES-1g, AES-4a, AES-4b, AES-4c, AES-4d, TRANS-1a, TRANS-1b, TRANS-1c, NOI-1a, and NOI-1b), due to the length of time that construction would occur, the direct and indirect effects related to temporary disruption of existing recreational activities at facilities within the impact area would be significant and unavoidable. These temporary and intermittent impacts do not suggest, however, that the project would result in the permanent loss or closure of Bullfrog Marina, or that the associated recreational opportunities would be permanently lost.</p> <p>As discussed in Impact TRANS-4, the potential for construction of Alternative 4A to disrupt marine traffic would be less than significant. All barge routes and unloading facilities will be selected to maximize continuous waterway access and a minimum waterway width greater than 100 feet. Moreover, Mitigation Measure TRANS-1a (implement site-specific construction traffic management plan), would be implemented to reduce effects identified under Impact TRANS-1, and would reduce any potential disruptions as it includes stipulations to notify the commercial and leisure boating community of proposed barge operations in the waterways.</p>

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		<p>Clarksburg. You must simply have completely disregarded the fact that Hood and Clarksburg are designated Legacy Communities and Locke is a National Historic District. A hard look at the consequences of intake construction would surely lead to placing the intakes somewhere else. Please obey the law and revise and re-circulate the FEIR/S or adopt the no project alternative.</p>	<p>For a discussion on noise impacts to Hood Supply Company Restaurant see, Save the California Delta Alliance 7-12-17 Salter, comment letter.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
<p>Morgan, Frank (submitted by Michael Brodsky)</p>	<p>1</p>	<p>My name is Frank Morgan, I am 56 years old and I have lived in a waterfront home in Discovery Bay, California for the past 17 years. However, my story doesn't start there, it started many years earlier in Buena Park California where I was living with my parents at the young age of 15.</p> <p>At age 15 I was a highly motivated young man and earned enough money pulling weeds, mowing lawns, and delivering newspapers to purchase my first ski boat for \$1,700 which was a 17-foot Esquire with a 115 horse power Mercury outboard engine. I was so excited to own my own boat I almost waxed the gelcoat right off the boat. However, I did have one major problem, I wasn't old enough to drive nor did I have a car so getting my boat to the water was always challenging. When I was lucky, my 18-year-old neighbor who did have a car with a tow hitch, would pull my boat to the marina in Long Beach, CA so we could launch my boat in the ocean and ski within yards of the Queen Mary.</p> <p>I didn't think life could get any better but it did when one Sunday morning in 1975 a well-dressed man presented a slide show and talked about a water ski camp his son ran on the California Delta. For the previous 15 years of my life I had no idea we had a California Delta nor did I know it had hundreds of miles of waterways to ski and best of all, it was fresh water without ocean swells. At the end of the presentation I was sold, I made arrangements to attend the water camp on the Delta and started counting down the days until it was time to pack my ski and go. Attending the camp was better than I could have ever imagined, I loved every minute of it and returned the next year driving my own car and pulling my own boat so I could be the new ski instructor for the camp.</p> <p>In-between scheduled camps and on my free time, I had time to take my boat and explore many parts of the Delta with each slough, cut, and channel more spectacular than the one before it. Little did I know at the time but my life was changed forever. Every chance I got in all the following years, I would rent large houseboats and put together Delta houseboat trips with friends so I could share what I called "The Promised Land".</p> <p>In 2000 and at the age of 40, I was able to fulfill a lifelong desire and land a job in Contra Costa County which afforded me the opportunity to move my wife and four daughters from Buena Park to Discovery Bay. After looking for a home on the Delta for several years, we decided on Discovery Bay for many reasons but at the top of that list was the small town feel and sense of community when your own children end up in the local newspapers for participating in a community event. I also loved the idea our family could participate in local events by boat such as concerts at the marina, dinner at numerous restaurants along the Delta, and unique events like Music festivals and</p>	<p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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		<p>more. I consider Discovery Bay to be not only the place I live and raised my family, but I consider it a close knit community that's culture promotes all the great aspects of life that people look for when deciding where to locate their family and call home.</p> <p>As a result of my love for the Discovery Bay community and the Delta region as a whole, I started a Houseboat Charter tour business in 2012 called Captain Morgans Delta Adventures, LLC. which provides various types of boat tours which lets others experiences what I have experienced for the past 40 years. On October 12th 2012, I received my Certificate of Inspection from the United States Coast Guard for the "Rosemarie" which is a 55-foot Fun Country houseboat converted into an approved passenger vessel. The Rosemarie's home port is the Discovery Bay Yacht Harbor in Discovery Bay, Ca. The Rosemarie can accommodate up to 35 guests and 4 crew on any given tour.</p> <p>Starting a Charter Boat business on the Delta is not hard, but operating a successful Charter Boat business on the Delta is. In our first year of operation we did a total of 12 cruises both private and public cruises combined. As we developed our business model over the past 4 years and became a significate partner in the Discovery Bay community and surrounding Delta areas, we have been able to grow exponentially to the point of 135 cruises in 2015.</p> <p>Our recreational cruises include "Water & Wine," an all inclusive full day of water and land excursion on the California Delta and surrounding Lodi wine country; "Wilderness Lunch & Eco- Cruise," a 2.5 hour educational Delta cruise followed by lunch at the Boardwalk Grill Restaurant; "Discovering the Delta," an all inclusive 4-day and 3-night water and land adventure with luxurious accommodations. We have birthday cruises and private-event cruises.</p> <p>During our Discovering The Delta tours, guests learn all about the Delta's water system, levees, bridges, wildlife and much more. This unique opportunity spends each day with half the time on the Rosemarie cruising the many waterways of the East Delta, and the other half of the day exploring some of the Delta region's most hidden treasures such as the Electric Train Museum in Suisun City, the only operational Japanese Bath house left in the country located in Walnut Grove, a visit to the town of Lock for the history of the Chinese who built the levee system, and much more.</p> <p>Through my life-long experience in the Delta, and five years of operating my charter business, I have gained a deep and thorough understanding of the Delta and Delta recreation. I cruise the Delta waters at all times of the day, night, and year and probably spend as much or more actual time on the water than any other recreation related boater. Our cruises visit many well- established recreational facilities and I know these facilities, their owners, and clientele very well. For example, our Water and Wine Delta Adventure offers a unique blend of the beautiful California Delta waterways and wine country hidden treasures. Our guests enjoy everything from waterfront dining to a wine, cheese, and champagne tasting experience. Traveling by</p>	

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		<p>boat our customers see historic and scenic vistas of the Delta. Then by motor coach we travel down back roads to savor the scenery and the wine.</p> <p>The pages from my website attached as Attachment 1 show that we visit and have ongoing relationships with dozens of Delta recreational facilities. I believe that I know the recreation industry in the Delta as well as anyone.</p>	
Morgan, Frank (submitted by Michael Brodsky)	2	<p>I have taken the time to review the BDCP / California WaterFix FEIR/S sections on the recreational impacts of Alternative 4A. I reviewed Map Book Figure M15-4, sheets 1–8 and Chapter 15, Recreational Impacts. I also reviewed Chapter 23 and Appendix 23A dealing with noise.</p> <p>In my view, the construction impacts of California WaterFix will destroy the Delta as we know it, and the Delta will never recover. The statement in the FEIR/S that not one well-established Delta recreational facility will be permanently lost is incorrect. Many Delta commercial recreational facilities will be put out of business and informal recreational facilities will also be lost forever.</p> <p>Last summer, there was an outbreak of blue-green algae in the Delta. Boaters abandoned the Delta in droves for months. Boaters have a choice where they boat, and during the algae scare they went elsewhere. There are dozens of recreational lakes in California that will not have a massive construction project running through the middle of them. In my estimation, recreational boating declined by 50% during the algae scare. That is consistent with the number of trailer boats that I see in the Delta. The launch ramps at Orwood Resort and the Discovery Bay Marina are jam full with boaters launching their trailer boats during the summer, as are launch ramps and launch facilities throughout the Delta. All of these boaters can and do choose not to boat in the Delta when there is a reason not to. Eleven years of heavy construction, with tens of thousands of barge trips and barges loading and unloading tunnel muck throughout the Delta is plenty reason alone not to boat in the Delta. Water skiers and Wake Boarders do not want to contend with multiple 5 MPH zones attendant to barge activities-this interrupts their sport.</p>	<p>As stated in Chapter 15, Recreation, Section 15.3.2, the threshold of significance for “permanent displacement” under Impact REC-1 is whether construction or operational activities would result in the permanent loss or closure of such facility or activity. The post-construction location of the water conveyance facilities would not result in direct permanent displacement of well-established recreation facilities available for public access.</p> <p>However, Impact REC-2 acknowledges that a total of six recreation sites or areas are within the 1,200 to 1,400-foot indirect impact area associated with aboveground construction of the proposed water conveyance facilities (CM1) (see Chapter 23, Noise, Section 23.3.3.9) and that it is foreseeable that there will be permanent and long-term impacts on well-established recreational opportunities and experiences in the study area because of access, noise, and visual setting disruptions that could result in loss of public use. The effects that could occur at each potentially affected recreation site are discussed in Section 15.3.3.9. Potential indirect effects on recreation include access, construction noise, and changes in the visual character of the area surrounding the recreation sites, as well as reduced wildlife-related recreational opportunities due to nearby noise effects.</p> <p>Chapter 16 examines economic impacts to restaurants and marinas within the Delta.</p> <p>While each informal recreational site was not examined, the overall impacts to Delta recreation are discussed in the Recreation Chapter.</p> <p>See Master Response 14, Volume 2, Final EIR/EIS, regarding water quality.</p> <p>As discussed in Impact TRANS-4, the potential for construction of Alternative 4A to disrupt marine traffic would be less than significant. All barge routes and unloading facilities will be selected to maximize continuous waterway access and a minimum waterway width greater than 100 feet. Moreover, Mitigation Measure TRANS-1a (implement site-specific construction traffic management plan), would be implemented to reduce effects identified under Impact TRANS-1, and would reduce any potential disruptions as it includes stipulations to notify the commercial and leisure boating community of proposed barge operations in the waterways.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Morgan, Frank (submitted by Michael Brodsky)	3	In addition to the barge activity, construction noise will spoil the Delta experience. I have seen the 6 mile long construction zone at the Clarksburg-Hood area on your	Regarding noise levels, the analysis acknowledges that construction noise impacts are considered to be “significant and unavoidable” after mitigation, as stated in Chapter

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		<p>maps. I have visited this area often. It is dead quiet on the river here and on the river banks. Your animation video of pile-driving shows thousands of piles being driven here. I am an experienced boat captain and understand the river. Your plan to place noise barriers around “sensitive receptors” and thereby mitigate the noise impacts is unrealistic. How will you place a noise barrier around the dock of the Clarksburg Marina? A floating or permanent structure out in the river around the marina dock would block access and boaters couldn’t get in and out of their slips. Noise barriers out on the river around the three pile driving sites at the intakes? How will barges and tugs service the pile drivers? Have you ever placed a 3/4 long noise barrier in a 40 foot deep river that runs at 16,000 cfs during the summer? Has anyone? Have you taken a hard look at the noise impacts? I think not. The Clarksburg Marina, for sure, will be driven into bankruptcy by this project. Boaters will not stay moored at a marina exposed to this kind of noise. It appears that your consultants have not thought this through. The mitigation measures appear to be cut and paste. Perhaps the consultants were preoccupied with trying to prove that the project won’t exterminate all of our salmon and didn’t have time to look at recreational impacts. They certainly have not taken a hard look.</p>	<p>23. This is based on an analysis that considers worst-case construction noise conditions. For example, six pieces of construction equipment operating simultaneously and continuously in one location. Such conditions would not necessarily occur on a routine basis. Using this worst case scenario approach assures that the impact also captures noise that is negligible relative to the other heavy equipment operations, such as barge traffic. The noise source levels including pile driving used in the noise analysis are based primarily on USDOT guidance documents, which is a standard source for levels to assess impacts. The levels assume direct line-of-sight to construction activity. It should be noted that if the higher reference levels in this guidance were applied to the analysis, the analysis conclusions for construction noise would remain significant and unavoidable.</p> <p>As described in Section 23.3.1.1 of the Final EIR/EIS, geometric and ground effect attenuation were calculated based on methods specified in the FTA Transit Noise Impact Assessment. Water bodies and parking lot surfaces taken alone would be characterized as “hard” surfaces. However, the vast majority of the area affected by construction noise can reasonably be characterized as “soft” ground, and was used to characterize construction noise attenuation in the model. While in some isolated instances receptors may experience noise attenuation at a “hard” ground rate which is nearer to 6 dB per doubling of distance, noise source levels described in Chapter 23 represent a worst case condition that generally describes the higher end of noise levels a receptor may experience on an intermittent basis, depending on its proximity to a given work area. Noise would not attenuate from construction zones at a rate of 3 dB per doubling of distance, as this would be consistent with a noise traveling across “hard” ground from a line source such as highway traffic.</p> <p>A large majority of piles would be installed at distances of greater than a ½ mile from the marina, which would attenuate noise to levels corresponding to distances shown in Table 23-17 (i.e. 58 dBA or less under worst-case conditions). In general the large majority of construction at Intake #2 would occur at distances well over a ½ mile from the marina. Noise levels are expected to result in an overall increase in ambient levels. However, the suggestion that noise levels would be “at least 82 dBA at [the] marina” is not consistent with the analysis in Chapter 23.</p> <p>Worst-case conditions are generally anticipated to be intermittent. Noise mitigation plans are described in the environmental commitments in Appendix 3B, and prescribed measures would be location-specific, depending on the nature and extent of the exceedance. As stated in Appendix 3B, DWR and contractors hired to construct any conveyance components of the project will implement a site-specific noise abatement plan to avoid or reduce potential construction-, maintenance-, and operation-related noise impacts. This section also includes environmental commitments to reduce noise levels where exceedances are anticipated to occur. Potential noise caused by construction activities would not result in the permanent loss of Clarksburg Marina. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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Morgan, Frank (submitted by Michael Brodsky)	4	<p>My home port is Discovery Bay. Attachment 2 hereto is a map of construction impacts at Discovery Bay. The biggest muck dump is located just south of the area shown on the map, at Clifton Court Forebay. There will be constant barge traffic up and down Old and Middle Rivers taking muck to the dump and returning back to take on more muck. Barge traffic through Mildred will ruin this favorite and quiet Delta anchorage. A tugboat generates 87 dBA. No one will want to anchor at Mildred to listen to tug boats. There are five access shafts in this area, which will dispel muck and supply materials down to the tunnels. New roads for dump trucks are being built on the Islands to haul muck from the shafts to the two new barge docks, also shown. In short, this entire area will become an industrial zone for eleven years or more. This area will be abandoned by boaters.</p> <p>Bullfrog Marina, in the very heart of the most intense construction activity, will be put out of business by this construction. Attachment 3 is a photograph of the Rosemarie passing Bullfrog Marina. I know this place and know that it will be ruined by the construction activity. Boaters come to Bullfrog to take on fuel. Bullfrog is easy to access. The construction zone, with mid- river geological exploration just north of Bullfrog on Middle River, a new dump truck road just across the river on Bacon Island, intense barge traffic using Middle River, the new barge dock around the bend, on Connection Slough, engulfs Bullfrog, and, indeed, it is shown to be within the construction zone on your maps. All of this will make access to Bullfrog difficult and presence at Bullfrog unpleasant. The overall steep decline in boating on the Delta caused by your construction coupled with difficult access and annoyance will be a death blow to Bullfrog Marina.</p> <p>Attachment 4 is a photograph of Carl Wenske, the long-time manager of Bullfrog Marina. Carl is 73 years old and has managed the Marina for 12 years. To say he is the manager of the marina, though, does not capture the importance of this man and his dog, Bear. Attachment 5 is a photograph of Bear. Bear is eight years old and was raised from a pup at Bullfrog. Carl has constructed a dog-ladder off the Bullfrog dock so Bear can get out of the water easily after a cooling swim. Carl cooks all of Bear's meals himself with pure organic ingredients. Carl and Bear are famous throughout the Delta. Stop any boater and mention Carl and Bear and the odds are they will know you are talking about Carl Wenske and his dog at Bullfrog Marina. The Delta is one of the last places in the United States where mail is delivered by boat. The mail boat takes on fuel at Bullfrog. Bear and the mailman are great friends and Bear dances around on the dock whenever the mail boat approaches, excited to greet his good friend. The permanent loss of Bullfrog Marina will abolish a Delta cultural institution as well as a well- established Delta recreational facility. Looking at the map, it is as though the planners picked the location for construction activities so as to be sure to engulf and destroy Bullfrog. Carl has spoken out against the tunnels. Perhaps this is retribution. The planners certainly didn't consider the consequences of their actions with the idea of avoiding or mitigating impacts.</p>	<p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p> <p>As discussed in Impact TRANS-4, the potential for construction of Alternative 4A to disrupt marine traffic would be less than significant. All barge routes and unloading facilities will be selected to maximize continuous waterway access and a minimum waterway width greater than 100 feet. Moreover, Mitigation Measure TRANS-1a (implement site-specific construction traffic management plan), would be implemented to reduce effects identified under Impact TRANS-1, and would reduce any potential disruptions as it includes stipulations to notify the commercial and leisure boating community of proposed barge operations in the waterways.</p> <p>As discussed in Chapter 15, Recreation, Bullfrog Marina is anticipated to be indirectly affected for up to 11 years. Recreation at the Bullfrog Landing Marina on Middle River could be affected by noise and visual disturbance as a result of constructing the water conveyance across Bacon Island. This would include impacts from constructing a temporary access road on the island as well as a temporary safe haven work area. Anglers on the river between the marina and the construction area would also experience noise and visual disturbances during construction. While numerous mitigation measures have been proposed to address these adverse effects on recreation (REC-2, BIO-75, AES-1a, AES-1b, AES-1c, AES-1d, AES-1e, AES-1f, AES-1g, AES-4a, AES-4b, AES-4c, AES-4d, TRANS-1a, TRANS-1b, TRANS-1c, NOI-1a, and NOI-1b), due to the length of time that construction would occur, the direct and indirect effects related to temporary disruption of existing recreational activities at facilities within the impact area would be significant and unavoidable. These temporary and intermittent impacts do not suggest, however, that the project would result in the permanent loss or closure of Bullfrog Marina, or that the associated recreational opportunities would be permanently lost.</p> <p>Noise mitigation plans are described in the environmental commitments in Appendix 3B, and prescribed measures would be location-specific, depending on the nature and extent of the exceedance. As stated in Appendix 3B: DWR and contractors hired to construct any conveyance components of the project will implement a site-specific noise abatement plan to avoid or reduce potential construction-, maintenance-, and operation-related noise impacts. This section also includes environmental commitments to reduce noise levels where exceedances are anticipated to occur. As the commenter suggests the use of noise shielding or barriers may not be feasible in all situations.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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		<p>The permanent loss of Bullfrog Marina will abolish a Delta cultural institution as well as a well- established Delta recreational facility. Looking at the map, it is as though the planners picked the location for construction activities so as to be sure to engulf and destroy Bullfrog. Carl has spoken out against the tunnels. Perhaps this is retribution. The planners certainly didn't consider the consequences of their actions with the idea of avoiding or mitigating impacts.</p>	
Morgan, Frank (submitted by Michael Brodsky)	5	<p>The same kind of "pick the worst spot" logic was applied to the Meadows Slough, at the other end of the Delta. Attachment 6 is a map of the construction zone planned for the Meadows. The meadows is the queen of Delta anchorages. Attachment 7 contains photographs of the serene location. Why on earth would you locate a concrete batch plant, muck dump, muck conveyor, fuel station and barge dock at this location? The meadows is famous as the most peaceful anchorage in the Delta. Again, planners either didn't know what they were doing or intentionally sought to spoil a favorite spot and well-established informal recreational area.</p> <p>The Meadows anchorage continues up Snodgrass Slough through the entire construction zone. By locating a key project staging facility at this location it will ensure constant barge traffic on Snodgrass Slough. Barges will have to access this dump by traveling up the Mokelumne River from the San Joaquin River and then up Snodgrass Slough. It appears that the planners do not know that the Meadows construction zone cannot be accessed by boat from the north. It cannot be accessed through the Cross-Delta Channel from the Sacramento River either because the bridge is too low for a tug to clear, even if the gates are open. Either this is a blunder, because even disregarding the destruction of the Delta, this location makes no sense from a logistical standpoint for tunnel construction or there is an undisclosed plan to cut a channel from the north or re-work the cross-channel gates.</p> <p>Either way, in my professional judgment, the Meadows anchorage will be abandoned entirely by boaters due to the noise, barge traffic, and visual disturbance. Eleven years is permanent. This will be the permanent loss of a well-established informal recreational facility.</p> <p>I have given a few concrete examples in detail. My overall judgment is that this project will cause the permanent loss of dozens of well-established recreational facilities. It is not necessary to take each and every one in turn.</p> <p>The law requires that an EIR must be revised and re-circulated where it is "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." (Cal. Code Regs., tit. 14, § 15088.5, subd. (a).) NEPA's requirements are similar. (40 C.F.R., § 1502.9, subd. (c); Reclamation's NEPA Handbook (Feb. 2012) pp. 7-23 to 7- 24.)</p> <p>As an expert on the Delta and on recreation in the Delta, I have shown that the FEIR/S is so woefully inadequate as to recreational impacts that it cannot inform the public about the project's impacts. Please comply with the law and revise and re-circulate the FEIR/S. If you would like help with understanding the Delta and Delta recreation, I would be happy to oblige. I can also recommend others who can provide you with a</p>	<p>Attachment 6 is a Google Earth map that has been annotated by the commenter. The features shown on Attachment 6 are incorrectly located. Please refer to the Mapbook in Chapter 3, Figure M3-4, Final EIR/EIS (specifically sheets 2 and 5 for the equivalent area) for an accurate depiction of water conveyance features proposed in this area.</p> <p>As stated in Chapter 19, Transportation, commercial barges would be used to transport precast tunnel segment liners from the ports to temporary barge unloading facilities near construction sites. Approximately 11,800 barge trips are projected to carry tunnel segment liners from ports to the barge unloading sites (including the one on Glannvale Tract on Snodgrass Slough) via the Sacramento River under Alternative 4A, averaging approximately 4 roundtrips per day during construction of CM1 for up to 5.5 years. The Sacramento River would remain open to boat traffic at all times during construction. All barge routes and unloading facilities will be selected to maximize continuous waterway access and a minimum waterway width greater than 100 feet. Additionally, Mitigation Measure TRANS-1a would be implemented to reduce effects identified under Impact TRANS-1, and would reduce any potential disruptions as it includes stipulations to notify the commercial and leisure boating community of proposed barge operations in the waterways.</p> <p>For the recreation portion of comment refer above. The recreation analysis conducted in the Final EIR/EIS complies with CEQA and NEPA.</p>

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		basic understanding of the Delta.	
Morgan, Frank (submitted by Michael Brodsky)	ATT 1	Website Page	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Morgan, Frank (submitted by Michael Brodsky)	ATT 2	Map of construction impacts at Discovery Bay	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Morgan, Frank (submitted by Michael Brodsky)	ATT 3	Photograph of the Rosemarie passing Bullfrog Marina	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Morgan, Frank (submitted by Michael Brodsky)	ATT 4	Photograph of Carl Wenske	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Morgan, Frank (submitted by Michael Brodsky)	ATT 5	Photograph of Bear	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Morgan, Frank (submitted by Michael Brodsky)	ATT 6	Map of the construction zone planned for the Meadows	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Morgan, Frank (submitted by Michael Brodsky)	ATT 7	Photographs of the serene location	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Motlow, James	1	<p>America’s Last Rural Chinese Town,” which features oral histories and my photographs of residents of Locke. “Bitter Melon” was named by the Commonwealth Club as “Best California History” when first published in 1988. It is now in its 6th printing. I lived in Locke for most of the 1970s and was fortunate enough to return in 2010. Today it is my community and my home. Thousands of visitors from all over the county, the state, the nation, and the world come to Locke each year. As a home to the Chinese who built our railroads, who built our levees, who planted the pear trees up and down the Delta, it holds a unique place in the hearts and memories of Chinese people in California. And it is a deeply important place for all Californians -- whatever their background.</p> <p>In 1882 the U.S. Congress passed the Chinese Exclusion Act, the only law in American history that specifically forbade the immigration of people based exclusively on race. The Sacramento-San Joaquin Delta was one of the few western</p>	<p>Impacts on the town of Locke are discussed in Chapter 18, Cultural Resources as well as in Chapter 28, Environmental Justice of the Final EIR/EIS.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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		<p>sites where Chinese escaped violence, though not the impact of this law. Many came to the town of Locke. Locke was established in 1915 on land rented from the estate of Sacramento furniture dealer George Locke. Almost one hundred years later, after fighting for it for decades, the residents of Locke were finally able to own the land beneath their homes.</p> <p>Today, Locke is a place where the past is actively remembered. It is a kind of living museum, where thousands come every year to experience a vital history that is as relevant today as it was a century ago. Groups from a variety of historical and cultural organizations sponsor tours of Locke almost every week of the year. If you are a parent of a 4th grader, your child will most likely have a field trip to Locke.</p> <p>We're proud that Main Street Locke is on the National Registry of Historical Landmarks #65 of 145 for all of California and on the National Registry of Historical Places, and that the California State Parks has a museum at one end of Main Street. It's hard to imagine that anyone could disagree that Locke is a place worthy of preservation and protection. But recently I found out about a proposed project called the "Through Delta Conveyance." This project, and the construction of the intakes and fish screen it involves, poses a threat to Locke that cannot be overstated.</p> <p>This construction, twenty-four hours a day, seven days a week – for literally years -- will effectively destroy Locke. 100-year old buildings will fall. The heavy truck traffic will make getting in and out of Locke nearly impossible -- to say nothing of the noise from the pile driving. People will stop coming to Locke. The town will die. Its precious history will be lost forever -- and it can never be replaced.</p> <p>I ask you, plead with you, to give more time to let the Chinese community know, more time to let historical groups and organizations and past visitors know, more time to let school teachers know, more time to let writers, painters, photographers, and poets know. All of these people will be passionate about the importance of saving Locke. And we sincerely hope we will convince</p>	
Updegraff, Don and Kathleen (submitted by Michael Brodsky)	1	<p>We own and operate the Clarksburg Marina, located in Clarksburg, California, on the west bank of the Sacramento River. We are writing to you because construction of the three intakes for the WaterFix project will severely impact the town of Clarksburg, and, in particular, our Marina. The noise and vibration from construction activities will be overwhelming at our location. The barge traffic, and loading and unloading will also disrupt recreational activity on this section of river. The noise and vibration in particular will be so severe that we will be forced to close our business. Clarksburg Marina is a well-established Delta recreational facility. Construction of WaterFix will result in its permanent closure. We therefore request that you recirculate the FEIR/S because that document incorrectly concludes that there will be no permanent loss of Delta recreational facilities.] Clarksburg Marina is located only</p>	<p>The Final EIR/EIS analyzes impacts to recreational facilities in Chapter 15, Recreation, and specifically analyzes potential impacts from all action alternatives to Clarksburg Marina. In the case of Alternative 4A, Clarksburg Marina falls outside of the 1,200-1,400-foot indirect impact area associated with aboveground construction of the proposed water conveyance facilities; therefore it is not specifically discussed even though it was considered. Among other thresholds of significance, the EIR/EIS explains that an impact is considered significant for purposes of CEQA if an alternative would locate facilities that would "result in the permanent displacement of well-established recreational facilities. For purposes of this analysis, the permanent displacement of a well-established recreation facility is defined as circumstances in which construction or operational activities would result in the permanent loss or closure of such facility</p>

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		<p>about 1600 feet from the construction of intake 2. Pile driving on the levee side of the east bank of the river at a continuous 110dba or more, will reach our dock largely undiminished. Although the FEIR/S rates pile driving at 102 dBA, this is an underestimate. The CalTrans road construction noise manual attached, rates noise from pneumatic tools, jackhammers & pile driver as high as 110 dBA. All of this equipment will be in continuous use right across the river from us. The CalTrans manual says that noise attenuates at 6dBA for every doubling of distance. If the pile driving is 110 dBA at fifty feet, it will be at least 82 dBA at our marina. The noise source is the six mile long construction zone surrounding the three intakes. The CalTrans manual states that if the noise source is linear, the attenuation will be at only 3 dBA per doubling of distance. In that case, the noise at our dock would be 95 dBA. At 95dBA, exposure for an hour or more will result in permanent hearing damage.</p> <p>Our marina is currently full with a waiting list because our customers seek and enjoy our quiet peaceful location. They laze away hours on our peaceful dock. The noise from construction will drive all our customers away and put us out of business, whether at 82 dBA or 95 dBA.</p>	<p>or activity.” (Final EIR/EIS, p. 15-62.) As explained in the Final EIR/EIS and in the consideration and assessment to this comment letter below, construction or operational activities would not result in the permanent loss or closure of well-established recreational facilities.</p> <p>Regarding noise levels, the analysis acknowledges that construction noise impacts are considered to be “significant and unavoidable” after mitigation, as stated in Chapter 23. This is based on an analysis that considers worst-case construction noise conditions. For example, six pieces of construction equipment operating simultaneously and continuously in one location. Such conditions would not necessarily occur on a routine basis. Using this worst case scenario approach assures that the impact also captures noise that is negligible relative to the other heavy equipment operations, such as barge traffic. The noise source levels including pile driving used in the noise analysis are based primarily on USDOT guidance documents, which is a standard source for levels to assess impacts. The levels assume direct line-of-sight to construction activity, which would not necessarily be true at larger distances where noise levels would attenuate to lower levels than the 50 foot reference distance used in Attachment #2 of the commenter’s letter. It should be noted that if the higher reference levels in this guidance were applied to the analysis, the analysis conclusions for construction noise would remain significant and unavoidable.</p> <p>As described in Section 23.3.1.1 of the Final EIR/EIS, geometric and ground effect attenuation were calculated based on methods specified in the FTA Transit Noise Impact Assessment. Water bodies and parking lot surfaces taken alone would be characterized as “hard” surfaces. However, the vast majority of the area affected by construction noise can reasonably be characterized as “soft” ground, and was used to characterize construction noise attenuation in the model. While in some isolated instances receptors may experience noise attenuation at a “hard” ground rate which is nearer to 6 dB per doubling of distance, noise source levels described in Chapter 23 represent a worst case condition that generally describes the higher end of noise levels a receptor may experience on an intermittent basis, depending on its proximity to a given work area. Noise would not attenuate from construction zones at a rate of 3 dB per doubling of distance, as this would be consistent with a noise traveling across “hard” ground from a line source such as highway traffic.</p> <p>A large majority of piles would be installed at distances of greater than a ½ mile from the marina, which would attenuate noise to levels corresponding to distances shown in Table 23-17 (i.e. 58 dBA or less under worst-case conditions). In general the large majority of construction at Intake #2 would occur at distances well over a ½ mile from the marina. Noise levels are expected to result in an overall increase in ambient levels. However, the suggestion that noise levels would be “at least 82 dBA at [the] marina” is not consistent with the analysis in Chapter 23.</p> <p>Worst-case conditions are generally anticipated to be intermittent. Noise mitigation plans are described in the environmental commitments in Appendix 3B, and</p>

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			<p>prescribed measures would be location-specific, depending on the nature and extent of the exceedance. As stated in Appendix 3B, DWR and contractors hired to construct any conveyance components of the project will implement a site-specific noise abatement plan to avoid or reduce potential construction-, maintenance-, and operation-related noise impacts. This section also includes environmental commitments to reduce noise levels where exceedances are anticipated to occur. Potential noise caused by construction activities would not result in the permanent loss of Clarksburg Marina. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
<p>Updegraff, Don and Kathleen (submitted by Michael Brodsky)</p>	<p>2</p>	<p>Don's father, Don Sr., built the marina in the 1960's and operated it while running the gas station across the street. Don Sr. was forced to sell the marina in the early 80's because of financial difficulties. We were able to purchase the marina back into the family in 2012. Don's brother, Dennis, and his wife Linda bought the Dinky Diner, a small food trailer that is parked on our property that overlooks the marina. The marina has been in business for over 50 years and we have managed it for the last 5 years. We have been married 21 years and continue to live in the house in Clarksburg that Don was born in. Don has lived there his whole life. We know the Delta and we know Delta recreation and how boaters react to changes. Believe us, your FEIR/S consultants are dead wrong when they say there will be no permanent loss of Delta recreational facilities. We will be driven out of business and will be gone forever and many Delta recreational facilities will experience the same fate.</p> <p>At Clarksburg Marina, we pride ourselves on the relaxing and wonderful experience the Delta offers. The area offers fantastic fishing opportunities, gorgeous river vistas, fabulous recreational boating as well as local merchants and wine tasting. These amenities can only exist if the Delta remains a peaceful and serene location, but construction of the tunnels will turn the Delta, and in particular the six mile long intake construction zone, into a war zone. This six mile long stretch of river contains several well-established recreational facilities which will all experience permanent loss due to construction. Our customers fish off of our dock and we know the fisherman who use this area well. They will desert this entire 6 mile stretch of river. Nine or more years of construction at the intakes is permanent, and it is likely none of the businesses will return even after construction is complete because the whole area will be an industrial zone due to the intakes.</p>	<p>As stated in Chapter 15, Recreation, Section 15.3.2, the threshold of significance for "permanent displacement" under Impact REC-1 is whether construction or operational activities would result in the permanent loss or closure of such facility or activity. The post-construction location of the water conveyance facilities would not result in direct permanent displacement of well-established recreation facilities available for public access. The Final EIR/EIS looks at what is reasonably foreseeable direct, indirect, and cumulative impacts of the action alternatives. However, in this case, it is not reasonably foreseeable that Clarksburg Marina would be permanently displaced as a result of construction activities.</p> <p>Impact REC-2 acknowledges that a total of six recreation sites or areas are within the 1,200 to 1,400-foot indirect impact area associated with aboveground construction of the proposed water conveyance facilities and discloses potential impacts on well-established recreational opportunities and experiences in the study area due to access, noise, and visual setting disruptions. This buffer area was used in the analysis because analysis in Chapter 23, Noise, showed that at 1,200 feet, the estimated sound levels from construction as a function of distance based on calculated point-source attenuation over "soft" (i.e., acoustically absorptive) ground could expose noise-sensitive land uses to construction noise in excess of the daytime noise threshold. This would prove a significant indirect impact on recreational uses. As shown in Chapter 23, Table 23-59, at 1,500 feet, this noise exceedance no longer occurred. The effects that could occur at each potentially affected recreation site are discussed in Section 15.3.3.9. Potential indirect effects on recreation from construction activities include access, construction noise, and changes in the visual character of the area surrounding the recreation sites, as well as reduced wildlife-related recreational opportunities due to nearby noise effects. While numerous mitigation measures have been proposed to address these adverse effects on recreation (REC-2, BIO-75, AES-1a, AES-1b, AES-1c, AES-1d, AES-1e, AES-1f, AES-1g, AES-4a, AES-4b, AES-4c, AES-4d, TRANS-1a, TRANS-1b, TRANS-1c, NOI-1a, and NOI-1b), due to the length of time that construction would occur, the direct and indirect effects related to temporary disruption of existing recreational activities at facilities within the impact area would be significant and unavoidable. These temporary and intermittent impacts do not suggest, however, that the project would result in the permanent loss or closure of Clarksburg Marina, or that the associated recreational opportunities would be permanently lost.</p>

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			This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Updegraff, Don and Kathleen (submitted by Michael Brodsky)	3	<p>Please see Attachment One, which shows the Clarksburg Marina and all the horrible construction activity at our doorstep. One glance at this map should show any sensible person that this construction will ruin the legacy towns of Hood and Clarksburg.</p> <p>The FEIR/S states, “the impacts related to construction of the intakes would be less than significant.” FEIR/s. pp. 15-267: 31. My business closing and my town being emptied is anything but less than significant. This project will drive away my customers who rely on the relaxing get-away of the Delta. They will go to any of the other marinas in calmer waters and they won’t think twice. Building these tunnels here is going to be anything but less than significant.</p> <p>Please obey the law and recirculate the FEIR/S with an alternative to locate the intakes somewhere else where they will not destroy the most peaceful and beautiful section of the Delta.</p>	<p>See comments 1-2 above.</p> <p>As explained above, based on the significance criteria for Impact REC-1, the analysis correctly concludes that there is a less than significant impact regarding the permanent displacement of well-established recreation facilities (as in, no direct, physical permanent impact from the construction footprint). However, as disclosed in Impact REC-2 for Alternative 4A, the project could result in a long-term reduction of recreation opportunities and experiences, which is considered a significant unavoidable impact.</p> <p>The temporary and intermittent noise and visual disruptions identified in the Final EIR/EIS from construction activities do not suggest that the project would result in the permanent loss or closure of Clarksburg Marina. The commenter’s assertion otherwise is speculative.</p> <p>Chapter 16, Socioeconomics, discusses the economic impacts of construction in Impact ECON-5. While access will be maintained to all existing recreational facilities, including marinas, throughout construction, it is anticipated that construction of water conveyance structures would result in a lower-quality recreational experience despite implementation of environmental commitments, during construction. No impact conclusion is drawn under the CEQA analysis because CEQA is not about analysis of economic impacts per se (Pub. Res. Code §21080(e)(2)), but the Final EIR/EIS does look at economic impacts insofar as they cause reasonably foreseeable physical impacts. Please also see Master Response 24.</p> <p>The Final EIR/EIS also includes and analyzes different alternative configurations (East alignments, West alignment, and through Delta/separate corridors) analyzing noise and recreation impacts on Hood and Clarksburg.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Updegraff, Don and Kathleen (submitted by Michael Brodsky)	ATT 1	Clarksburg Construction Intake Construction Zone Map	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Updegraff, Don and Kathleen (submitted by Michael Brodsky)	ATT 2	CalTrans Construction Noise Table	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Updegraff, Don and Kathleen (submitted by Michael Brodsky)	ATT 3	Barge Operation Sound Level Data	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive

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Wenske, Carl (submitted by Michael Brodsky)	1	<p>Bullfrog Marina is located on Middle River at Railroad Slough and it will be within the construction zone once construction begins. FEIR/S, figure M15-4, sheet 5 of 8. Bullfrog Marina will face river passage blockage due to the mid-river geological exploration zone located adjacent to the marina on middle river, continuous noise, heavy barge traffic and congestion from anchored barges on Middle River and adjacent slough—which will result in river closures and extensive areas of 5 mph zones, effects of blasting, truck traffic, and visual disturbance. Our Marina will not be able to survive the lengthy construction and we will have to close our business. Bullfrog Marina is a well-established Delta recreational facility, therefore re-circulation of the FEIR/S is required because the FEIR/S concludes that there will be no adverse impact resulting in permanent loss of well-established Delta recreation facilities. This is incorrect.</p>	<p>new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p> <p>The Final EIR/EIS analyzes impacts to recreational facilities in Chapter 15, Recreation, and specifically analyzes potential impacts to Bullfrog Marina. Among other thresholds of significance, the EIR/EIS explains that an impact is considered significant for purposes of CEQA if an alternative would locate facilities that would “result in the permanent displacement of well-established recreational facilities. For purposes of this analysis, the permanent displacement of a well-established recreation facility is defined as circumstances in which construction or operational activities would result in the permanent loss or closure of such facility or activity.” (Final EIR/EIS, p. 15-62.) As explained in the Final EIR/EIS and in the responses to this comment letter below, construction or operational activities would not result in the permanent loss or closure of well-established recreational facilities.</p> <p>Regarding noise levels, the analysis acknowledges that construction noise impacts are considered to be “Significant and unavoidable” after mitigation, as stated in Chapter 23. This is based on an analysis that considers worst-case construction noise conditions. For example, six pieces of construction equipment operating simultaneously and continuously in one location. Such conditions would not necessarily occur on a routine basis. The noise source levels including pile driving used in the noise analysis are based primarily on USDOT guidance documents, which is a standard source for levels to assess impacts. The noise source levels including pile driving used in the noise analysis are based primarily on USDOT guidance documents, which is a standard source for levels to assess impacts. It should be noted that if the higher reference levels in this guidance were applied to the analysis, the analysis conclusions for construction noise would remain significant and unavoidable.</p> <p>Regarding noise from blasting, the use of blasting will not be used for intake or tunnel shaft sites. The “excavation sites” referenced in Chapter 23 for the blasting discussion are intended to refer to aggregate mining sites where blasting is routinely used in the mining process. This would be done primarily in borrow/spoil and mining areas where aggregate resources are needed for construction. Blasting is also not a routine aspect of geotechnical exploration referenced in Attachment #1. Geotechnical studies generally involve acquisition of geologic core samples for lab analysis. Such exploration requires use of an auger drill rig or an equivalent type of equipment, which would generate noise but at a distance over a mile away from such activities would not result in noise levels significantly above ambient levels at the marina location.</p> <p>Regarding truck noise, Bacon Island Road is not a major truck haul route for the project. Truck routes are indicated in the yellow noise contours in Appendix 23A. Trucks would generally be used within construction work areas, and trucks would use the temporary access roads on Bacon Island and Mandeville Island to drive between tunnel shaft work areas and barge unloading facilities. Noise from truck traffic would be intermittent but is not expected to be a constant source of noise at the marina or the nearby vicinity of the river.</p>

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			<p>Tunnel shaft sites would be dug using standard construction excavation equipment, which would produce noise levels as shown in noise contours in Appendix 23A. This equipment would produce an intermittent increase in noise levels at the marina location, but would not have the high impulsive characteristics of pile driving noise. Pile drivers would be used to construct barge unloading facilities surrounding the area at greater distances (shown as a separate category of noise contours in Appendix 23A). In the case of the marina, the nearby tunnel shaft site and temporary access road would be constructed in a shorter time frame during beginning phases of tunnel construction.</p> <p>The worst-case conditions discussed in the noise analysis are anticipated to be intermittent. However, environmental commitments by DWR include mitigation planning to develop mitigation options for areas where exceedances are expected to occur. Potential noise caused by construction activities would not result in the permanent loss of Bullfrog Marina. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Wenske, Carl (submitted by Michael Brodsky)	2	<p>Bullfrog Marina relies on fuel sales to stay in business. Bullfrog Marina is convenient to boaters because there is no long 5 mph zone to traverse before accessing our fuel dock. Construction will occur and negatively impacting the entire river vicinity of bullfrog (see FEIR/S, figure M15-4, sheet 5 of 8, brown dotted lines indicating construction zone engulfs Bullfrog and engulfing it). Several barge docks will be constructed in our vicinity and barges will be ubiquitous in our area. This will result in numerous and long 5 MPH zones slowing, and intermittently blocking, access to our Marina. Business will drastically decline because of blocked access. It will be much more convenient for boaters to buy fuel elsewhere and they will do so. We cannot survive on diminished fuel sales. In addition we will lose any mooring revenue because our docks will be exposed to truck noise, blasting noise, pile-driving noise and other construction- related noise and vibration. See Attachment One (photograph of Bullfrog with annotated construction activities). Our marina is only about 800 feet from the new road that will be built for construction across the river. Noise at the vicinity of the new road will easily reach a continuous 98 dBA. Sound attenuates at about 6 dBA for every doubling of distance. At the very least we will be exposed to continuous 74 dBA for eleven years, punctuated by 98 dBA from dump trucks passing right next to the marina. 100+ dBA blasts at our location are also possible, depending on the locations at which explosives are used. Permissible exposure time to 100 dBA without hearing loss is 15 minutes. See http://dangerousdecibels.org/education/information-center/decibel-exposure-time-guidelines. This violates every applicable county and other noise standard. This is a very quiet undeveloped rural area. See Attachment One. The ambient noise level is 35</p>	<p>As discussed in Chapter 15, Recreation, Bullfrog Marina is anticipated to be indirectly affected for up to 11 years. Recreation at the Bullfrog Landing Marina on Middle River could be affected by noise and visual disturbance as a result of constructing the water conveyance across Bacon Island. This would include impacts from constructing a temporary access road on the island as well as a temporary safe haven work area. Anglers on the river between the marina and the construction area would also experience noise and visual disturbances during construction. While numerous mitigation measures have been proposed to address these adverse effects on recreation (REC-2, BIO-75, AES-1a, AES-1b, AES-1c, AES-1d, AES-1e, AES-1f, AES-1g, AES-4a, AES-4b, AES-4c, AES-4d, TRANS-1a, TRANS-1b, TRANS-1c, NOI-1a, and NOI-1b), due to the length of time that construction would occur, the direct and indirect effects related to temporary disruption of existing recreational activities at facilities within the impact area would be significant and unavoidable. These temporary and intermittent impacts do not suggest, however, that the project would result in the permanent loss or closure of Bullfrog Marina, or that the associated recreational opportunities would be permanently lost.</p> <p>The commenter’s statement that “noise at the vicinity of the new road will easily reach a continuous 98 dBA” is not consistent with the analysis in Chapter 23. The level for dump truck in the Caltrans guidance document references a range of 82 to 98 dBA (at 50 feet). A level as high as 98 dBA would be an extreme case for a dump truck operation, and in our judgment the level would routinely be nearer to the lower end of this range in line with FHWA guidelines. However, it is acknowledged that sudden disruptions and impulsive noises may occur on an intermittent basis. While noise from dump trucks would be audible from the temporary access road across the river, noise from truck passbys would be intermittent and may not necessarily reach a level of 74</p>

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		<p>dBa. FEIR/S, p. 23-8. The noise from construction will be shocking, disorienting, frightening, and extraordinarily offensive.</p> <p>The FEI/R's noise contours showing 60 dBA at Bullfrog Marina are incorrect. FEIR/S, Appendix 23A. The noise mitigation plan to deploy sound shields cannot work at our location. You cannot place floating noise barriers on the water surrounding our marina and blocking access. Nor is it feasible to surround the entire construction area with noise barriers to protect us because we are within that very same construction zone</p>	<p>dBA for a truck passby at the marina location as suggested by the commenter (USDOT source levels would indicate a maximum level of 64 dBA at a distance of 800 feet for a single passby).</p> <p>Noise mitigation plans are described in the environmental commitments in Appendix 3B, and prescribed measures would be location-specific, depending on the nature and extent of the exceedance. As stated in Appendix 3B: DWR and contractors hired to construct any conveyance components of the project will implement a site-specific noise abatement plan to avoid or reduce potential construction-, maintenance-, and operation-related noise impacts. This section also includes environmental commitments to reduce noise levels where exceedances are anticipated to occur. As the commenter suggests the use of noise shielding or barriers may not be feasible in all situations.</p> <p>Impulsive noise from blasting events or pile driving are not expected to cause ambient noise increases in the area of the marina. Noise levels during construction are expected to be well below hearing loss thresholds. However, noise from barges and truck traffic would intermittently be noticeable above existing ambient levels. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Wenske, Carl (submitted by Michael Brodsky)	3	<p>Bullfrog Marina has been in business for 78 years. I have managed the Marina for 12 years. Bullfrog Marina sells more fuel than any other marina on the Delta, therefore we get a lot of boaters visiting our docks to buy fuel. I know many of them by name and many are friends. I talk with them at length about their boating experience. I am very familiar with the habits, needs, and wants of the recreational boating community in the Delta. Whoever wrote the section of your FEIR/S that deals with the impacts of the project on recreational boating does not understand the Delta and does not understand Delta boating.</p> <p>Many boaters trailer their boats or dry-stack store them. They have many choices of where to boat in California. There are over one hundred recreational boating lakes in California. See http://www.totalescape.com/active/water/lakelist.html. Although acknowledging extreme annoyance to boaters from construction activity, the authors of the FEIR/S apparently did not stop to consider why boaters would continue to come to the Delta and Bullfrog when there are numerous other choices that will not expose them to massive, burdensome, and oppressive construction activities. The FEIR/S states that “[d]uring construction it is possible that marina users would be disturbed by noise and visual disruptions related to the temporary access road construction activities, which could last up to 11 years, resulting in a long-term adverse effect” FEIR/S, pp. 15-263:15–18. However, the FEIR/S concluded we would weather the storm and stay in business. On what basis? In fact, at least half of boating activity in</p>	<p>The temporary and intermittent noise and visual disruptions identified in the Final EIR/EIS from construction activities do not suggest that the project would result in the permanent loss or closure of Bullfrog Marina. The commenter's assertion otherwise is speculative. Chapter 16, Socioeconomics, discusses the economic impacts of construction in Impact ECON-5. While access will be maintained to all existing recreational facilities, including marinas, throughout construction, it is anticipated that construction of water conveyance structures would result in a lower-quality recreational experience despite implementation of environmental commitments, during construction. No impact conclusion is drawn under the CEQA analysis because CEQA is not about analysis of economic impacts per se (Pub. Res. Code §21080(e)(2)), but the Final EIR/EIS does look at economic impacts insofar as they cause reasonably foreseeable physical impacts. Please also see Master Response 24.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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		<p>the entire Delta will be eliminated because of the massive tunnel construction project, which will take at least 11 years. With half the boaters gone doesn't it make sense that half the marinas will be forced to close? It does and they will. Last summer, when word of an algae outbreak in the Delta got out, our business declined precipitously—boaters obviously went elsewhere. When boaters see and hear the tunnel construction, they will not come back to boat again. These people have a choice of where they spend their boating weekends. Once construction begins and word gets out that the "Delta is closed for construction," or "you can't go a mile without hitting a barge zone," these boaters will simply choose to boat somewhere else, such as any one of the many lakes in California.</p>	
Wenske, Carl (submitted by Michael Brodsky)	4	<p>The entire area around Discovery Bay and Bullfrog Marina will be disrupted by construction activities, including significant areas of new 5 mph zones to accommodate barge loading, unloading, and barge anchorage. Blasting, pile-driving, tunnel muck dumps and their smell will all be ubiquitous throughout the Discovery Bay / Bullfrog Marina area. Wakeboarding and waterskiing will become dangerous and no longer feasible in this area. See Attachment Two (construction map of Discovery Bay area).</p> <p>Our small business and many other local businesses will be forced to close. For example, Union Point Bar and Grille, just south of us, will not survive the loss of business. Cruiser Haven Marina has no fuel sales and survives on mooring fees, but the attraction of that marina is peace and quiet. Live-aboards and others will simply move their boats somewhere else, forcing Cruiser Haven to close as well. These will all be permanent losses of a well-established recreation sites.</p> <p>The FEIR/S does not address impacts on numerous well-established informal recreational sites in the Delta. For example "Ski Beach," just south of us, has been a well-established informal gathering place for boaters for many years. See https://www.youtube.com/watch?v=zVWu3BHMGRY.</p> <p>Because you have failed to identify significant adverse environmental impacts, we request that you identify and address these impact in a re-circulated FEIR/S.</p>	<p>See comments 1-3, above.</p> <p>As discussed in Impact TRANS-4, the potential for construction of Alternative 4A to disrupt marine traffic would be less than significant. All barge routes and unloading facilities will be selected to maximize continuous waterway access and a minimum waterway width greater than 100 feet. Moreover, Mitigation Measure TRANS-1a (implement site-specific construction traffic management plan), would be implemented to reduce effects identified under Impact TRANS-1, and would reduce any potential disruptions as it includes stipulations to notify the commercial and leisure boating community of proposed barge operations in the waterways.</p> <p>Chapter 16 examines economic impacts to restaurants and marinas within the Delta.</p> <p>While each informal recreational site (e.g. ski beach) was not examined, the overall impacts to Delta recreation are discussed in the Recreation chapter, chapter 15.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Wenske, Carl (submitted by Michael Brodsky)	ATT 1	Attachment One photograph of Bullfrog with annotated construction activities	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Wenske, Carl (submitted by	ATT 2	Attachment Two construction map of Discovery Bay area	This attachment does not raise any issues not already addressed in the above consideration to the comment letter. The attachment does not raise any substantive

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Michael Brodsky)			new environmental information or analysis that was not previously addressed in the Final EIR/EIS.

While in the process of finalizing the Environmental Impact Report documents to be certified by the California Department of Water Resources, a letter dated July 13, 2017 from California Water Research, Deirdre Des Jardins, *RE: Comments on BDCP / WaterFix Final EIR/EIS regarding failure to disclose or analyze reservoir operations criteria* was received too late for inclusion in the preceding comment tables with a detailed listing of the issues raised. However, this letter has been reviewed by DWR in its entirety. All the issues raised in the July 13, 2017 California Water Research Letter have been previously raised and addressed either in other comment considerations listed in the preceding tables; in master responses and specific responses to comments contained in the Final EIR/EIS; or through the testimony and transcripts related to SWRCB CPOD hearing that have been reviewed considered and incorporated into the administrative record for the preparation of the Final EIR/EIS.