

Chapter 3

Common Responses

This chapter provides the 17 Common Responses for the Delta Conveyance Project Environmental Impact Report (EIR). Common Responses are broad technical or policy discussions that cover a specified range of issues. The purpose of a Common Response is to inform the public about key issues related to the Delta Conveyance Project and address commonly raised topics, concerns, and themes found in public comments. The California Department of Water Resources (DWR) crafted Common Responses for similar comments received from multiple agencies, organizations, entities, or members of the public, or because multiple but related subtopics could be addressed by one topical Common Response. Each Common Response provides a list of contents to orient the reader to specific subtopics; a brief overview of the topics, issues, or themes addressed within the Common Response; the Common Response text covering those topics, issues, or themes; and a list of references cited, as needed. Table 3-1 summarizes the Common Response numbers, their titles, and the topics they cover.

Individual comment responses in Volume 2, Chapter 4, *Response to Comments Tables*, sometimes refer readers to Common Responses.

Table 3-1. Summary of Common Responses

Common Response Number	Common Response Title	Topics Addressed
1	CEQA Process, General Approach to Analysis, and Other Environmental Review Issues	• Responses to general, non-substantive comments in support or opposition to the project. • Purpose and definition of the California Environmental Quality Act (CEQA) existing conditions baseline. • Appropriate scope of the project objectives and the use of agency discretion regarding the project objectives. • Scope of the CEQA impact analyses contained in EIR resource chapters in light of the project description, scale, and geography. • Definition of, purpose of, and general approach to the cumulative impact analysis. • Project approval process and the use of findings and a statement of overriding considerations related to significant and unavoidable impacts. • Length and complexity of the EIR and the ways DWR improved readability for reviewers. • Use of best available science and tools. • Roles and responsibilities of the U.S. Army Corps of Engineers and the National Environmental Policy Act process.

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2	Public Outreach Activities	• CEQA public outreach requirements. • Engagement with interested parties prior to and after the release of the Draft EIR. • Draft EIR public meetings and public outreach activities, including a multilingual telephone line and email address for the public to call or email with questions and the project mailing list for notifications and updates about the project. • Duration of the public review and comment period and its extension to 142 days. • Public meetings for individuals to submit verbal comments for DWR's consideration, the reason for holding meetings virtually, their format, presence of Spanish and Chinese interpreters, transcription of verbal comments by a court reporter, and telephone call-in number. • Additional virtual meetings for Tribal representatives. • Availability of information, and information requests during the planning and CEQA processes for the EIR.
3	Alternatives Development and Description	• Requirements for identifying and analyzing a reasonable range and scope of alternatives to the project. • Approach to screening alternatives as presented in Appendix 3A, <i>Identification of Water Conveyance Alternatives</i>. • Explanations regarding commenter-suggested alternatives that were considered but eliminated from further review in the EIR, including infrastructure and operational types of alternatives found to not meet a majority of the basic project objectives or reduce significant environmental impacts of the project. • Adequacy and approach to describing the project and alternatives, including the level of detail presented for project components and comments suggesting that the description of the alternatives and their construction is deficient. • Explanation for why requests to relocate project facilities sites were not evaluated in the EIR. • Disclosure of refinements of project features following the publication of the Draft EIR and the public review process. • Additional explanation regarding project operations and refinements to operational criteria to address a number of comments, including comments that misunderstood the purpose and approach to operating the project. • Misconceptions about suggested impacts or alleged undisclosed impacts associated with operating the proposed north Delta intakes.

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4	No Project Alternative Description and Analysis	• CEQA requirements for describing the No Project Alternative. • Locations of the No Project Alternative description, timeframe, analyses, and potential impacts contained in the EIR. • Purpose of the No Project Alternative analysis under CEQA. • Description of the No Project Alternative and reasonable assumptions about the foreseeable future for use in analyzing the effects of the No Project Alternative. • Requests for comparisons between the No Project Alternative and other project alternatives. • Geographic scope of the No Project Alternative. • Impacts of the No Project Alternative. • Commenter preferences that DWR select the No Project Alternative over the alternatives available. • Effects of implementing the No Project Alternative.
5	Public Water Agencies Water Management Practices	• Foundational aspects of California's water supply, demands, and storage and delivery systems including California's hydrological variability and interconnection system of reservoirs, aqueducts, and water diversion facilities. • Diversification of water supply. • Evolution of water resource management. • Integrated regional water management. • Urban and agricultural water management planning. • Legislation and implementation actions. • Summary of the State Water Project (SWP) and the Central Valley Project (CVP) systems and each project's water delivery history and primary contracting agencies. • Alternative sources of water, such as recycled water, desalinated water, and stormwater. • Statewide water management efforts by three of the larger SWP participating public water agencies, including the Santa Clara Valley Water District, which is also a CVP contractor. • Comments suggesting that public water agencies are not doing enough or that they could be doing more to improve local water use efficiency or rely more on local water supplies. • The significant steps participating public water agencies are taking to increase local and regional supplies and manage future water demand within their service areas.

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6	Climate Resilience and Adaptation	• Comments concerning climate change and requirements of CEQA related to climate change. • Comments about future projections for temperature, precipitation, and extreme events like droughts and floods. • Potential impacts of climate change and sea level rise on the study area and its resources, and other aspects associated with the project's ability to offer adaptation and resilience for water delivery by SWP, and potentially CVP, to address anticipated climate change impacts. • The range of climate change analyses provided in the EIR. • The adequacy of the climate change analysis and how DWR has exceeded CEQA requirements by including a dedicated chapter on climate change (Chapter 30, <i>Climate Change</i>). • Climate change assumptions, scenarios, and timeframes, including the use of best available data and tools for modeling baseline and future conditions. • The appendices associated with numerous resource chapters that present additional supporting analyses in the 2040 and 2070 timeframes. • Future changes in temperatures, precipitation, and salinity, and the anticipated effects on water supply and reliability of water delivery. • How the project would enable adaptation to future changes in temperature and precipitation patterns and ensure water supply reliability in the face of increasing hydrological extremes.
7	Implementation Considerations	• Project costs, including costs to public water agencies, water users, and taxpayers, and funding sources. • Economic and financial feasibility of the project. • The socioeconomic analysis approach used in the EIR. • Financial effects of the project on local governments and special districts. • Community engagement during project implementation, including regulatory mitigation, the Community Benefits Program, and the Ombudsman Program. • DWR's commitment to equitable contracting. • Coordination with property owners during the processes of property acquisition and obtaining right-of-entry access.
8	Relationship to Other Plans, Projects, Policies, and Programs	• Lack of a formal certification of consistency, lack of a consistency analysis, or other alleged inconsistencies between the Delta Conveyance Project and the goals and objectives of the Delta Reform Act of 2009, including those associated with the act's coequal goals, with reducing reliance on the Delta in meeting future water

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		supply needs, and with applicable regulatory policies in the Delta Plan administered by the Delta Stewardship Council. • The relationship of the project to the <i>California Water Resilience Portfolio</i> and the <i>California Water Supply Strategy</i>. • The relationship between the project and the Sustainable Groundwater Management Act (SGMA), including groundwater sustainability plans for the groundwater basins in the Delta and neighboring areas, and topics under SGMA or comments alleging a lack of consideration of SGMA in the EIR. • The relationship of the project to the authorities and responsibilities of the State Water Resources Control Board to establish water quality control measures and flow requirements to protect beneficial uses in the Delta, manage water rights, and implement federal and state antidegradation policies. • The relationship of the project to DWR's ongoing efforts to coordinate with local governments and special districts to maintain and improve levees that protect the Delta and water quality monitoring programs.
9	Hydrologic Modeling and Approach	• CalSim 3 as the best available tool for hydrologic analysis. • CalSim 3 assumptions, uncertainties, and limitations, including information about the model timestep and validation. • Appropriate use of CalSim 3 simulation results. • Modeled representation of the CEQA baseline existing conditions, including consideration of extreme drought conditions and Temporary Urgency Change Petitions. • Modeled representation of the No Project Alternative at 2040, including climate change. • Modeled representation of the proposed project and project alternatives, including consideration of carriage water and shifting, upstream effects, and Term 91.
10	Surface Water Quality and Groundwater Resources	• Comments about the impact analyses for surface water quality. • Surface water quality thresholds of significance for making water quality impact determinations. • The validity of the hydrologic and hydrodynamic models (Delta Simulation Model II) used to support the water quality analyses, and the presentation of model results as monthly averages. • The presentation and use of modeling results to make impact determinations. • The approach taken for the analysis of cyanobacteria harmful algal blooms, including residence time and channel velocities.

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		• Comments about the impact analyses for groundwater quality. • DWR's selection of the groundwater modeling tools, including DeltaGW, C2VSim-FG, and IVFM, and how the tools were used to assess the project's potential impacts on groundwater resources disclosed in the EIR. • Suitability of the DeltaGW Model for impact analysis. • Simulation of local conditions and site-specific impacts using the DeltaGW Model. • Spatial and temporal scales of analysis. • Analysis of groundwater quality, construction, and sea level rise.
11	Terrestrial Biological Resources and Compensatory Mitigation Plan	• General comments on natural communities, terrestrial species, and wetland resources. • Methods and approach for evaluation of impacts, including the adequacy of baseline conditions, use of habitat models and habitat acres, and species occurrence data. • Adequacy of the analysis based on the best available science and avoidance and minimization measures, including deferred mitigation, wildlife and habitat connectivity analysis and mitigation. • Comments on the Compensatory Mitigation Plan (CMP) and its purpose, which is to identify compensatory mitigation options to address impacts on habitat for special-status plants, wildlife species, and natural communities (including wetlands and other waters or "aquatic resources"). • The CMP's level of specificity to meet the requirements of CEQA, the National Environmental Policy Act, and other laws; potential additional environmental review; locations of mitigation sites; and level of design detail. • Mitigation ratios developed in coordination with the California Departments of Fish and Wildlife, the U.S. Fish and Wildlife Service, and other agencies since the publication of the Draft EIR. • The mitigation efficacy and adaptive management, including potential land encumbrances at mitigation sites, efficacy of compensatory mitigation actions, and accessibility for giant garter snake to colonize mitigation sites. • Performance standards and monitoring. • Long-term assurances regarding financial commitments to long-term monitoring, management, and protection of compensatory mitigation sites. • The timeline for implementation, including the detailed restoration design work and management planning. • Revisions to the CMP since the Draft EIR.

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12	Agricultural Resources	• Factors driving crop choices in the region. • Planned use of land reclamation to return some of the farmland within the construction footprint back to productive agricultural use postconstruction where possible. • Resources available in the EIR (i.e., mapbooks) that depict the location of the project's temporary and permanent impacts on agricultural land. • Project compliance with existing water quality standards as they pertain specifically to salinity of irrigation water for agricultural operators within the study area. • Factors that will be considered during implementation of the mitigation measures identified in Chapter 15, <i>Agricultural Resources</i>, to help ensure that agricultural lands within the Delta counties are protected to offset the direct conversion of farmland within the Delta during construction of the project. • Considerations to be made if DWR implements an optional approach of funding farm improvements pursuant to Mitigation Measure AG-1: <i>Preserve Agricultural Land</i>.
13	Recreation and Recreational Opportunities	• Potential impacts on specific recreation uses and specific recreation opportunities that could result from the construction, operation, and maintenance of the project. • Analysis of recreation resources in the EIR, including survey methods used for both site observations and interviews.
14	Transportation	• Project compliance with Senate Bill 743. • Methodology and approach to impact analysis, including vehicle miles traveled, thresholds of significance for vehicle miles traveled, and roadway and segment intersection level of service analysis. • Road rehabilitation and clarifications made in Chapter 3, <i>Description of the Proposed Project and Alternatives</i>, to identify the roads to be assessed and rehabilitated.
15	Air Quality and Greenhouse Gases	• Project compliance with air quality regulations, including information regarding air district rules and permits related to construction and operation. • Disclosure of supporting air quality documentation. • Technical methods for the estimation of criteria pollutants, including the model version used in the analysis, Tier 4 off-road equipment emissions factors, association of horsepower-specific emission factors. • Summary of criteria pollutant changes to the Final EIR. • Technical methods for the estimation of greenhouse gas (GHG) emissions from electricity use, including the

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		model version for the GHG analysis, eGRID emission factors, and transmission and distribution losses. • Summary of GHG emissions changes to the Final EIR. • Consideration of lifecycle and embodied GHG emissions and concerns that the technical methods used to quantify criteria pollutants and GHGs mischaracterize emissions and associated impacts. • Feasibility or effectiveness of air quality environmental commitments and mitigation. • CEQA requirements for analyzing lifecycle, including embodied GHG emissions. • Commenter preferences for control strategies to reduce criteria pollutant and GHG emissions.
16	Tribal Cultural Resources	• DWR consistency with state policies. • The adequacy of DWR's efforts to engage California Native American Tribes, including the guiding principles for Tribal consultation, substantial consultation efforts and engagement, and consideration of Tribal perspectives on the identification of Tribal cultural resources and the cultural importance of ecological resources. • The methods that DWR employed to identify Tribal cultural resources, including the identification of the boundary for the Sacramento–San Joaquin Delta Tribal Cultural Landscape. • How DWR evaluated potentially significant impacts on Tribal cultural resources, including recognition of significant and unavoidable impacts and consideration of individual resources. • The adequacy of mitigation measures and continuing consultation and engagement with Tribes regarding their implementation. • How Tribal cultural resources were considered in other resource chapters beyond Chapter 32, <i>Tribal Cultural Resources</i>.
17	Public Trust	• Overview of public trust law. • Public trust considerations associated with the proposed project. • DWR's duty to take the public trust into account in considering whether to approve the proposed project or a project alternative. • The relationship between public trust considerations and the State Water Resources Control Board's 2010 Flow Criteria Report. • The relationship between public trust considerations and CEQA requirements. • The need to reconsider existing water quality objectives or DWR's existing water rights.