

Table 4-1. Federal Agencies, Federal Elected Officials, and Tribal Governments

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94-1	The Shingle Springs Band of Miwok Indians (SSBMI) hereby requests a 90-day extension of time to submit written comments on the Draft Environmental Impact Report (DEIR) for the proposed Delta Conveyance Project. The current deadline for written comments is October 27, 2022. To ensure that the SSBMI and the affected public have adequate time to comment on the DEIR, we ask that the comment deadline be extended to January 25, 2023.	Please refer to Common Response 2, Public Outreach Activities, regarding the duration of the comment period and DWR's extension of the comment period.
94-2	The current comment period provides insufficient time for SSBMI [Shingle Springs Band of Miwok Indians] and the affected public to review and provide meaningful comments on the DEIR, which with its appendices is many hundreds of pages in length. A primary purpose of CEQA is to allow the public a meaningful opportunity to comment and provide input on projects threatening environmental and cultural resources, such as the Delta Conveyance Project. The SSBMI is currently reviewing and developing comments but cannot complete a sufficiently thorough review by the current October 27, 2022, deadline. We understand that multiple other members of the interested public have also requested extensions of the comment deadline due to the length and complexity of the DEIR and the importance of the issues.	Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the length and complexity of the EIR. Please also refer to response to comment 94-1 regarding the duration of the comment period and DWR's extension of the comment period.
94-3	In addition, it appears that the DEIR is not completely final as we [Shingle Springs Band of Miwok Indians] recently received notice via email on September 22, 2022 of a "change sheet" in which DWR is continuing to make changes to the DEIR even while the comment period runs. The public should not be required to comment on a document that is not yet final. At minimum, the comment period should be extended.	Please refer to response to comment 94-1 regarding the duration of the comment period and DWR's extension of the comment period. As stated on the Delta Conveyance Project EIR website and in the Change Sheet, the formatting and editorial issues identified in the Change Sheet and corrected files did not modify the Draft EIR impact analyses or conclusions. Therefore, nothing included in the Change Sheet represented a barrier to full, adequate, and meaningful review of the Draft EIR.

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94-4	Finally, the SSBMI [Shingle Springs Band of Miwok Indians] have not yet received a copy of Appendix 32C, the final (or most current) Tribal Cultural Resources Identification Report (TCRIR). While SSBMI has received and provided input on prior drafts of the TCRIR, it has not received the version referred to as Appendix 32C in the DEIR. SSBMI's ability to provide meaningful comments on the DEIR's analysis of tribal cultural resource impacts is materially impaired without receipt of Appendix 32C.	DWR responded to this request from the Shingle Springs Band of Miwok Indians and provided the July 2022 version of Appendix 32C, Tribal Cultural Resources Identification Report, to the Tribe on September 22, 2022, for review.
94-5	For all of these reasons [insufficient time for public to review and provide meaningful comments on the DEIR, addition of a "change sheet" for DEIR, and not receiving a copy of the final version of Appendix 32C, Tribal Cultural Resources ID Report], SSBMI [Shingle Springs Band of Miwok Indians] asks that the written comment deadline be extended 90-days to and including January 25, 2023.	Please also refer to response to comment 94-1 regarding the duration of the comment period and DWR's extension of the comment period.
94-6	[Attachment 1: Electronic copy of the 9/21/22 letter sent by Shingle Springs Band of Miwok Indians via First Class Mail that contains identical comment text to letter DCP 0094 that was received via email.]	The commenter provided this attachment electronically and via First Class Mail, and it is a copy of the same comment letter that was submitted to DWR via email. Please see responses 94-1 through 94-5 for responses to this comment letter.
108-1	The Western Area Power Administration (WAPA) has prepared the attached comments for the public comment period on the Draft Environmental Impact Report for the Delta Conveyance Project. Please include these in your consideration as the project goes forward with analysis. WAPA appreciates the opportunity to comment; if there are any concerns that you would like to discuss, please see contact information near the end of the attached letter. On July 27, 2022, the California Department of Water Resources (DWR) issued the Draft Environmental Impact Report (DEIR) for the proposed Delta Conveyance Project	This information describes general introductory text. It is not a comment on the contents of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.

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	(DCP). The DEIR was released for public review and comment, with comments accepted through October 27, 2022.	
108-2	The DEIR analyzes several alternatives and identifies the Bethany Reservoir Alternative as the Proposed Project. The Western Area Power Administration (WAPA) notes that all of the alternatives feature new infrastructure immediately east of and adjacent to WAPA's Tracy Substation, with the Bethany Complex, a significant feature of the Bethany Reservoir Alternative, being the most extensive of these improvements. In addition, each of the alternatives and the Proposed Project could also include the design and construction of several temporary and permanent crossings of the WAPA right-of-way (ROW) resulting from new roads, intakes, distribution and transmission lines, and other elements of one or more of the alternatives and the Proposed Project. The DEIR also states that there may be a need to relocate transmission and/or distribution lines in some locations.	The comment provides descriptive information about the Delta Conveyance Project and project alternative alignments. DWR has regular collaboration meetings with Western Area Power Administration's (WAPA) transmission line planning department regarding the Delta Conveyance Project. DWR has previously requested and been provided with WAPA's line clearance requirements and encroachment permit process. The Delta Conveyance Project will observe all applicable clearance requirements during construction and operations and follow WAPA's encroachment permit process when and if access to WAPA's transmission line easements is required. Also, based on meetings with WAPA, DWR has proposed slight modifications of the Bethany Complex footprint to accommodate future expansion of the Tracy substation. Please refer to the EIR Chapter 3, Description of the Proposed Project and Alternatives, section titled Alternative 5 - Bethany Reservoir Alignment, 6,000 cfs, Intakes B and C (Proposed Project), for a description of the Bethany Complex and the revised mapbook referenced in that section. None of the revisions described in the EIR resulted in a new significant environmental impact, substantial increase in the severity of an environmental impact, or required additional mitigation measures to which DWR was unwilling to commit.
108-3	WAPA appreciates the opportunity to comment on the DEIR for the DCP and respectfully submits the following comments for consideration.	This information describes general introductory text. It is not a comment on the contents of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
108-4	Comment 1. Competing Projected Land Use at Bethany Complex Site All of the alternatives locate a portion of their infrastructure on property currently owned by the Transmission Agency of Northern California (TANC), immediately east of and adjacent to the Tracy 500/230/69/13.8 kilovolt (kV) switchyard (substation), jointly owned by WAPA and TANC. The Bethany	Please see response to comment 108-2 regarding DWR's collaboration with WAPA and Bethany Complex revisions to accommodate WAPA's or Transmission Agency of Northern California's (TANC) utilization of substation property.

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	Complex in the Proposed Project alternative contains the most extensive amount of infrastructure in this area; however, all alternatives show some measure of new powerlines, switchyards, or substations in this area. These improvements would severely constrain, or entirely preclude, options to expand the Tracy substation. The existing jointly owned Tracy substation is currently space limited, with very few options to interconnect this large project as well as new and proposed renewable customers. WAPA's plan for supplying power to this project, other currently proposed projects, future renewable planned projects, and customer expansion requests requires WAPA to utilize TANC's proposed build out of their property for these future project interconnections. The use of the site as shown in the DEIR is not feasible from WAPA's perspective, as it will severely limit options for expansion of the substation. It is critical that DWR communicate with WAPA and TANC during design and construction phases, as well as consider feasibility of use of this site.	
108-5	Comment 2. Consent to Common Use Agreement Required for All WAPA ROW Crossings Tables 21-3 and 21-4 of the Draft EIR indicate that any temporary and permanent surface impacts of the Project crossing the WAPA ROW from intakes, access roads, and other aboveground infrastructure could range up to 0.371 miles of temporary impacts (maximum under alternative 5) and 6.194 miles of permanent impacts (maximum under alternative 2c), depending on the alternative ultimately selected. In areas where the DCP enters WAPA ROWs, all DCP efforts must abide	As discussed in Chapter 21, Public Services and Utilities, DWR will continue to consult with WAPA during the design phase regarding any proposed uses within WAPA's right of way to avoid service interruptions. DWR has previously requested and been provided with WAPA's line clearance requirements and encroachment permit process. DWR will observe all clearance requirements during construction and operations and follow WAPA's encroachment permit process when and if access to WAPA's transmission line easements is required.

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	by WAPA's General Guidelines for the Use of Electric Transmission Line Rights-of-Way that can be found on our website at: https://www.wapa.gov/regions/SN/Operations/Pages/right-of-way.aspx .	
108-6	Further, DWR would also need to obtain a Consent to Common Use Agreement from WAPA for any temporary or permanent Project crossings of the WAPA ROW. This agreement will likely include, but may not be limited to, the following conditions: Access to the WAPA facilities for inspection and maintenance, including access for heavy equipment, shall always be required during DCP transmission facilities planning, construction and operation. All WAPA ROW access roads must always be available for emergency and routine operations and maintenance (O&M) activities. WAPA will require the development of a Compensation Agreement for the time needed for on-site representation of WAPA's interests. Equipment with booms and arms, including but not limited to, backhoes, front-end loaders, cranes, light standards, or other equipment, shall maintain a minimum clearance area of fifteen feet from the overhead power lines. Unless expressly authorized in the agreement, no temporary or permanent above ground structures shall be placed within the area of common use. A minimum offset radius of thirty feet from the center of each tower shall be maintained in order to maintain adequate support and access to WAPA's structures and foundations.	DWR will consult with WAPA during the design phase and is committed to maintaining the safety standards and conditions outlined in WAPA's "Consent to Common Use Agreement for temporary or permanent crossings of WAPA's right of way." DWR will work with WAPA to ensure continued access to WAPA facilities during project construction. Plans for tunnel crossings will be provided for review during the design phase and prior to construction. DWR will observe all clearance requirements and comply with all relevant and applicable safety codes and OSHA requirements including those associated with electrical power lines (National Electric Safety Code and/or California General Order 95 requirements) and post appropriate signage. Dust will be minimized through the implementation of a dust control plan (Environmental Commitment EC-11), as discussed in Chapter 23, Air Quality and Greenhouse Gases. No aspect of project construction including earthwork or dewatering will interfere with or affect the stability of WAPA transmission tower footings. Excavations will stay 100 feet from WAPA transmission tower footings.

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	If there are spoils from the project, these may not impinge upon WAPA's right-of-way easements or obstruct access to towers. Typically, the WAPA easement agreement restricts the landowner from piling or placing materials within the easement area. This restriction is needed to ensure ground to conductor clearance of not less than 35 feet for 69-kV circuits. In addition, 30 feet of unobstructed maintenance access is required around towers. In general, plans for all tunnel crossings, spoil areas, and any other use of WAPA's rights-of- way or easements shall be reviewed and approved by WAPA during the design phase and prior to construction. WAPA requires an entity working in or around WAPA electrical power lines to abide and comply with the National Electric Safety Code and Occupational Safety and Health Administration (OSHA) standards. Equipment within a WAPA easement area shall not exceed fourteen (14) feet in height when the transmission line is energized. During construction activities, DCP must prevent or minimize the proliferation of dust from contaminating and building up on insulators of nearby WAPA transmission lines. Owner shall be required to post signs in the area of common use, "Caution - Overhead High Voltage Transmission Lines". Any metal monument signs, fences, and gates placed in the area of common use by owner shall be grounded in accordance with applicable safety codes. Owner's grounded items shall not	

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	be bonded to WAPA's towers or tower grounding system. At all locations where Project transmission or distribution lines deliver power to the DCP cross the WAPA ROW, they shall be required to cross under the WAPA conductors. Further, these crossings shall be required to satisfy National Electricity Safety Code and/or California General Order 95 requirements (whichever is more restrictive) for the WAPA line under its maximum sag conditions. All temporary earthwork within or adjacent to the WAPA ROW shall be required to be designed and implemented in a manner that results in drainage away from WAPA transmission tower footings. No cut or fill or cofferdam construction and/or dewatering activities will be authorized that could affect the stability of the WAPA transmission tower footings consistent with all applicable government codes. Excavations will not be authorized within 100 feet of WAPA transmission tower footings.	
108-7	Comment 3. DWR and DCP Responsibilities Associated with WAPA Tower Relocations The DEIR on page 21-39, lines 10-11 states that "At some locations, electrical distribution and transmission lines would require relocation to maintain utility service." If the alternative ultimately selected for construction requires WAPA tower or pole relocations, WAPA will require that DWR and the DCP agencies be responsible for the following:	DWR has regular collaboration meetings with WAPA's transmission line planning department regarding the Delta Conveyance Project. This coordination will continue as design develops. Should relocations/acquisitions be necessary, DWR will negotiate these terms, including compensation considerations, with WAPA before final design.

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	Providing acquisition costs of all additional and/or replacement ROW easements and legal descriptions that may be needed for relocation of the existing WAPA towers, with rights fully equivalent in all respects to the current rights. Incurring all costs for the planning, design, and construction, and commissioning of any new transmission towers that will be needed to maintain WAPA service levels as lines are relocated to new ROW. Fully funding all environmental studies, permit applications, and all other regulatory compliance requirements needed for relocating any portion of the WAPA ROW. Fully compensating for all lost revenues resulting from outages needed for relocation, replacement interconnection, and for all associated litigation costs. Providing reimbursement for costs incurred for decommissioning, demolition, and/or disposal of replaced towers.	
108-8	Comment 4. Communication throughout the Environmental Process WAPA [Western Area Power Administration] requests active and regular communication throughout the environmental process, particularly if a facet of the project will require a decision or action on WAPA's part. Coordination with WAPA throughout the environmental process is appropriate and necessary to ensure that any action taken by WAPA to construct, remove, replace, install, acquire land, acquire easements, perform environmental reviews, etc. associated	Please see response to comment 108-2 regarding DWR's collaboration with WAPA and the Bethany Complex revisions to accommodate WAPA's or TANC's utilization of substation property.

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	with the WAPA transmission system in support of the DCP project is covered under the DCP environmental documents and project description (including required mitigation).	
108-9	Please add the following emails to all mailing lists for the DCP: jamiller@wapa.gov, danson@wapa.gov, prowatzke@wapa.gov, ekelly@wapa.gov, and saare@wapa.gov.	All persons, organizations, or agencies that comment on the Draft EIR will be included on the project notification list, including these individuals.
108-10	If you have any questions regarding these comments, please contact LaTisha Saare at 916-847- 3608, or via email at saare@wapa.gov.	This is not a comment on the contents of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
161-1	Thank you. Good morning. My name is [speaker name]. And I am the Tribal Historic Preservation Director with United Auburn Indian Community of the Auburn Rancheria.	This information states the name and occupation of the commenter. It is not a comment on the contents of the EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
161-2	The UAIC [United Auburn Indian Community] is in strong opposition to the Delta Conveyance Project. We are in support of water solutions for the State of California, but the current proposed project will create irreparable harm to the Delta as a [T]ribal cultural landscape and [T]ribal associated resources. In good faith effort, we [United Auburn Indian Community] have extensively consulted with DWR on the Delta Conveyance Project since February 2001. And in each consultation meeting, UAIC has made their position against the project known to DWR and explained the devastating effects that this project would pose on our cultural and ecological resources. The Delta and Delta ecology is tied to the UAIC and other area [T]ribes through cultural stories, important places and people, cultural materials, and regional pre-colonial and post-colonial history.	Chapter 32, Tribal Cultural Resources, in the section titled Consultation and Engagement with Tribes, describes DWR's good-faith effort to foster meaningful consultation that recognizes Tribal expertise in the identification and consideration of Tribal cultural resources. In the same section, DWR also recognized that Tribal participation in consultation does not imply that the consulting Tribes endorse the project. Please also see the Chapter 32, Tribal Cultural Resources, section titled Summary Comparison of Alternatives, which states that DWR recognizes, and has heard during consultation, that Tribes oppose the Delta Conveyance Project due to the potential unmitigable impacts on the Tribal cultural landscape and the many resources that make this place foundational to Tribes. DWR appreciates the investments made by consulting Tribes to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32. Chapter 32, Impact TCR-1, considers multiple variables (described as

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		character-defining features) as part of the Delta Tribal Cultural Landscape (Delta TCL), including those identified in the table titled Tribal Views on Delta TCL Character-Defining Features. For example, terrestrial and aquatic plant and animal species habitats are identified as part of both the Delta's ecosystem and character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. Please refer Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources and the consideration of Tribal perspectives in DWR's decision on whether to approve the project. Please also refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the approval of projects with significant and unavoidable impacts.
161-3	The State of California's deliberate actions through this proposed Delta Conveyance Project despite Governor Newsom's acknowledgment of California's historic and continued genocide of California Native Americans and state actions towards conservation, such as the 30-by-30 conservation strategy and racial equality, are in direct opposition to this project. UAIC views the Delta Conveyance Project as a continuation of California state driven policy of cultural and ecological genocide of California Native American people.	DWR recognizes and affirms Executive Order N-15-19, which apologized on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment, and neglect California inflicted on Tribes. Please refer to Common Response 16, Tribal Cultural Resources, regarding how DWR's efforts to identify and analyze impacts on Tribal cultural resources were consistent with current State policies regarding indigenous people in California. Please see Chapter 32, Tribal Cultural Resources, and Common Response 16, Tribal Cultural Resources, regarding the extensive consultation process and DWR's good-faith efforts to minimize project impacts on Tribal cultural resources.
161-4	The DEIR has several critical shortcomings. We also request that DWR extend the DEIR comment period for at least 90 days, 90 days because of the weightiness of these issues.	Please refer to Common Response 2, Public Outreach Activities, regarding the duration of the comment period and DWR's extension of the comment period.

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161-5	In the future we are willing to discuss and consult with DWR on tenable and future water solutions, but those must be based in traditional ecological knowledge that is integrated with sound science-based decisions.	Please see response to comment 161-2 regarding DWR's appreciation of Tribes' consultation on the project and DWR's commitment to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32, Tribal Cultural Resources. Please refer to Common Response 16, Tribal Cultural Resources, regarding continued Tribal engagement and consultation on the project. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the use of best available science in the preparation of the EIR. Please refer to Chapter 2, Purpose and Project Objectives, regarding the purpose of the project. Please also refer to Common Response 3, Alternatives Development and Description, regarding the development of the reasonable range of feasible alternatives evaluated in the EIR.
178-1	Great. Hello. My name is [speaker name]. I am the Vice Chair of Shingle Springs Band of Miwok Indians. And I'm also director TEK for Shingle Springs. My ancestral homeland spans seven California Counties, including Sac, El Dorado, Amador, Sutter, Yolo, Placer and Yuba Counties.	This information describes the background of the commenter. It is not a comment on the contents of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
178-2	Since the beginning of time, we [the Shingle Springs Band of Miwok Indians] have lived among the various waterways taking care of the land, the rivers, the streams, the plants, animals and our traditional resources. The proposed Delta Conveyance Project is a direct and eminent threat to our culture, history, traditions, natural resources and our way of life. We're strongly opposed to this project.	Chapter 32, Tribal Cultural Resources, identifies Tribal cultural resources, evaluates potential impacts that could result from construction, operation, and maintenance of the project, and provides mitigation measures to reduce the effects of potentially significant impacts where feasible. Please also see the Chapter 32 section titled Summary Comparison of Alternatives, which states that DWR recognizes, and has heard during consultation, that Tribes oppose the Delta Conveyance Project due to the potential unmitigable impacts on the Tribal cultural landscape and the many resources that make this place foundational to Tribes. Chapter 32, Impact TCR-1, considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those

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		identified in the table titled Tribal Views on Delta TCL Character-Defining Features. For example, terrestrial and aquatic plant and animal species habitats are identified as part of both the Delta's ecosystem and character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. As such, the impact analysis in Chapter 32 considers the various individual resources identified by Tribes, including those raised by the comment, and the values these resources contribute to the Delta Tribal Cultural Landscape. In Chapter 32, section titled Consultation and Engagement with Tribes, DWR recognized Tribal perspectives regarding the project. DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures, as described in Chapter 32. Please refer Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources and the consideration of Tribal perspectives in DWR's decision on whether to approve the project. Please also see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of opposition to the project.
178-3	We [the Shingle Springs Band of Miwok Indians] have submitted a letter to DWR and are also requesting an extension of the comment period on the DEIR. The current comment period provides insufficient time for us to review and provide meaningful comments on the DEIR. The appendixes alone are several hundreds of pages in length. The primary purpose of CEQA is to allow [T]ribes and the public a meaningful opportunity to comment and to provide input on	Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the length and complexity of the EIR. Please refer to Common Response 2, Public Outreach Activities, regarding the duration of the comment period and DWR's extension of the comment period.

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	projects threatening environmental and cultural resources such as the Delta Conveyance Project.	
178-4	We're [the Shingle Springs Band of Miwok Indians] currently reviewing and developing comments but cannot complete as sufficiently thorough review by current October 27th deadline. We understand that other [T]ribes and multiple other members of the interested public have also requested extensions of the comment deadline due to the length and complexity of the DEIR and the importance of the issues.	Please refer to response to comment 178-3 regarding the duration of the comment period and DWR's extension of the comment period.
178-5	It appears that the DEIR is not completely finalized. We [the Shingle Springs Band of Miwok Indians] recently received notice of a change sheet, in which DWR is continuing to make changes to the DEIR, even while the comment period runs. We should not be required to comment on a document that is not yet final. At a minimum, the comment period should be extended.	Please refer to response to comment 178-3 regarding the duration of the comment period and DWR's extension of the comment period. The Change Sheet addressed formatting and editorial issues identified in Draft EIR after publication and corrected files did not modify the Draft EIR impact analyses or conclusions. Therefore, nothing included in the Change Sheet represented a barrier to full, adequate, and meaningful review of the Draft EIR.
179-1	Good afternoon. My name is [speaker name], and I'm the Cultural Regulatory Specialist in the Tribal Historic Preservation Department with United Auburn Indian Community of the Auburn Rancheria.	This information describes the background of the commenter. It is not a comment on the contents of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
179-2	UAIC [United Auburn Indian Community of the Auburn Rancheria] is in strong opposition to the Delta Conveyance Project. But to be clear, we are in support of water solutions for the State of California. But we maintain that the position that the proposed Delta Conveyance Project will have irreparable impacts to the Delta as a Tribal cultural landscape and that it does not outweigh the projected water solutions for the proposed project.	Chapter 32, Tribal Cultural Resources, identifies Tribal cultural resources, evaluates potential impacts that could result from construction, operation, and maintenance of the project, and provides mitigation measures to reduce the effects of potentially significant impacts where feasible. In Chapter 32, section titled Consultation and Engagement with Tribes, DWR recognized Tribal participation perspectives regarding the project. DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32. Please refer Common Response 16, Tribal Cultural Resources, regarding

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		Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources and the consideration of Tribal perspectives in DWR's decision on whether to approve the project. Comments regarding the approval of projects with significant and unavoidable impacts are addressed in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues.
179-3	Since February of 2021 UAIC [United Auburn Indian Community of the Auburn Rancheria] has extensively consulted in good faith effort with the Department of Water Resources on this project. In each consultation meeting, UAIC made their position against the project known to DWR staff and explain the devastating effects that this project would pose on [T]ribal-cultural and ecological resources, [T]ribal-cultural items and places of [T]ribal-cultural significance.	Chapter 32, Tribal Cultural Resources, in the section titled Consultation and Engagement with Tribes, describes DWR's good-faith effort to foster meaningful consultation that recognizes Tribal expertise in the identification and consideration of Tribal cultural resources. In the same section DWR also recognized that Tribal participation in consultation does not imply that the consulting Tribes endorse the project. DWR appreciates the investments made by consulting Tribes to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. Please see response to comment 179-2 regarding the consideration of Tribal cultural resources and DWR's commitment to continuing close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32. Please also refer to Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources.
179-4	The Delta and the Delta ecology is tied to UAIC [United Auburn Indian Community of the Auburn Rancheria] as well as other [T]ribes through cultural stories, important places and people, cultural materials and sites and regional California Native Americans precolonial and postcolonial history. UAIC views the Delta Conveyance Project as a continuation of California State driven policies and history of cultural and ecological genocide of California Native American peoples. The Draft EIR has several critical shortcomings and it does not adequately convey the cultural significance of the region nor the devastating	DWR recognizes and affirms Executive Order N-15-19, which apologized on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment, and neglect California inflicted on Tribes. Please refer to Common Response 16, Tribal Cultural Resources, regarding how DWR's efforts to identify and analyze impacts on Tribal cultural resources were consistent with current State policies regarding indigenous people in California. Please see response to comment 179-3 regarding DWR's good-faith effort to foster meaningful consultation.

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	effects of this project.	Please see Common Response 16, Tribal Cultural Resources, for further discussion of DWR's consideration of Tribal perspectives on the cultural importance of the Delta and Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources.
179-5	UAIC [United Auburn Indian Community of the Auburn Rancheria] requests that the Draft EIR comment period be extended for at least 90 days because of the weightiness of these issues.	Please refer to Common Response 2, Public Outreach Activities, regarding the duration of the comment period and DWR's extension of the comment period.
179-6	In the future, UAIC [United Auburn Indian Community of the Auburn Rancheria] willing to continue this with discussions and consultation with DWR on tenable and future water-based solutions in the State of California, based on traditional ecological knowledge, short for TEK, and that is also integrated with sound science-based solutions.	Please see response to comment 179-2 regarding DWR's appreciation of Tribes' consultation on the project and DWR's commitment to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32. Please refer to Common Response 16, Tribal Cultural Resources, regarding continued Tribal engagement and consultation on the project. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the use of best available science in the preparation of the EIR. Please refer to Chapter 2, Purpose and Project Objectives, regarding the purpose of the project. Please refer to Common Response 3, Alternatives Development and Description, regarding the development of the reasonable range of feasible alternatives evaluated in the EIR.
181-1	Hi. My name is [speaker name]. I'm a [T]ribal council member from the California Valley Miwok Tribe also known as Sheep Ranch Rancheria. I'm an assistant research specialist for my [T]ribe.	This information describes the background of the commenter. It is not a comment on the contents of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
181-2	I've been monitoring the Delta Conveyance Project since the beginning, and our [T]ribe [California Valley Miwok Tribe] is in opposition of the project. We definitely don't want to see this	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of opposition to the project.

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	project come through.	Please also refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project.
181-3	There's a lot the cultural resources that are endangered along those waterways. Our [California Valley Miwok Tribe] [T]ribal footprint goes from Mount Diablo all the way to Calaveras County. And along those waterways, we have mutual relations with different [T]ribes that are along that way. We're [California Valley Miwok Tribe] concerned with all the plant life, animal life that is going to be -- could be devastated by this project going through and also could become extinct. A lot of the village sites are along the ways, even though the drilling holes that we have been on the testing areas have gone outside of the -- the [T]ribal cultural village sites. They're still along the same pathways, so there are things along this Delta Conveyance Project that could be ruined if the project does go through.	Please see Chapter 19, Cultural Resources, and Chapter 32, Tribal Cultural Resources, which disclose the impacts on cultural resources and Tribal cultural resources, respectively, as a result of construction, operations, and maintenance of the project. As described in Chapter 19 and Chapter 32, although the analysis concludes that impacts would be significant and unavoidable, mitigation measures have been identified to avoid and reduce effects where feasible. Additionally, the EIR describes the environmental setting and study area for terrestrial and aquatic biological resources; analyzes impacts that could result from construction, operation, and maintenance of the Delta Conveyance Project; and provides mitigation measures to reduce the effects of potentially significant impacts described in Chapter 12, Fish and Aquatic Resources, and Chapter 13, Terrestrial Biological Resources. The findings of these chapters were that the environmental impacts of the project are less than significant after mitigation. The Environmental Impacts sections in both Chapter 12 and Chapter 13 have been revised to include descriptions of the importance of the plant and animal species to California Native American Tribes. Please also see Common Response 16, Tribal Cultural Resources, regarding Tribal consultation, the identification of Tribal cultural resources, and how DWR analyzed terrestrial and aquatic species habitats as character-defining features of the Delta Tribal Cultural Landscape. Chapter 32, Tribal Cultural Resources, in the section titled Consultation and Engagement with Tribes, describes DWR's good-faith effort to foster

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		meaningful consultation that recognizes Tribal expertise in the identification and consideration of Tribal cultural resources. In the same section, DWR also recognized that Tribal participation in consultation does not imply that the consulting Tribes endorse the project. DWR appreciates the investments made by consulting Tribes to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. DWR is committed to continuing consultation and engagement with Tribes as part of the project's mitigation measures, and DWR will continue to consult with affiliated Tribes regarding the implementation of mitigation measures to minimize and mitigate the project's potentially significant impacts.
181-4	Along with all of our [California Valley Miwok Tribe] cultural resources such as: Elderberries, Tule, Willows, the Black Oaks that are -- sorry -- the Black Walnuts. There's a lot of plant life that possibly could be ruined with the water being taken, and the Delta Conveyance Project going through. We are cultural practitioners. We still do fishing, we still do gathering, all along these waterways. And our [T]ribe really does not want this project to go through.	DWR understands and recognizes that certain plant species are key species for Tribes and DWR has consulted with Tribes and considered the impacts on plant communities as character-defining features of the Delta as a Tribal Cultural Landscape. Please see Chapter 32, Tribal Cultural Resources, regarding DWR's consultation and engagement with Tribes on the project, the definition of Tribal cultural resources under the California Environmental Quality Act, and those resources identified as Tribal cultural resources for the Delta Conveyance Project. Chapter 32, Impact TCR-1 considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in the table titled Tribal Views on Delta TCL Character-Defining Features. For example, terrestrial and aquatic plant and animal species habitats are identified as part of both the Delta's ecosystem and character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. As such, the impact analysis in Chapter 32 considers the various individual resources identified by Tribes, including those raised by the comment, and the values these resources contribute to the Delta Tribal Cultural Landscape.

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		Additionally, Chapter 13, Terrestrial Biological Resources, evaluates potential impacts from construction, operations, and maintenance of the project on sensitive natural communities, plants, and wildlife. These natural communities may support plants and animals that are important to Tribes, including species mentioned by the commenter. As described in Chapter 13, where potential effects on sensitive natural communities, plants, and wildlife were identified, mitigation measures were provided to reduce such impacts to a less-than-significant level. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of opposition to the project. Please also refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project.
181-5	Since the beginning of time, our [T]ribe [California Valley Miwok Tribe] has always utilized the waterways. We've always lived along the waterways and currently the resources that are still available are becoming far and few between, and a lot of the invasive plants are taking over the native plants that were there. And it's our concern that if this project goes through, things could possibly be eradicated from this day forward, we will not be able to have access along with the fish life. There's already a minimal amount of water for the salmon to be running through, the Delta Smelt is already on [the] endangered species list and our [T]ribe is just really is [sic] in opposition of this project.	Chapter 32, Tribal Cultural Resources, Impact TCR-1 considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in the table titled Tribal Views on Delta TCL Character-Defining Features, which includes waterways. Additionally, please see the response to comment 181-4 regarding the terrestrial biological resources analysis and EIR Appendix 3F, Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources, regarding restoration of native plant communities and control of invasive plant species within the restoration areas. Please refer to Chapter 12, Fish and Aquatic Resources, regarding an in-depth analysis of the project alternatives and the potential impacts on fish species, including salmon and delta smelt, which were determined to be less than significant with mitigation.
239-1	Okay. Thank you. This should take me three or four minutes. Hello. My name is [speaker name]. And I am the Tribal Historic Preservation Director with United Auburn Indian Community	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of opposition to the project. Please also refer to Common

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	[UAIC] of the Auburn Rancheria. The UAIC is in strong opposition to Delta Conveyance Project.	Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project.
239-2	We [United Auburn Indian Community of the Auburn Rancheria, or UAIC] are in support of water solutions for the State of California, but we maintain the position that the proposed Delta Conveyance Project irreparable impacts to the Delta as Tribal cultural landscape with its associated Tribal cultural resources do not outweigh the projected water solutions of the Delta Conveyance Project. In a good faith effort, we have extensively consulted with the Department of Water Resources on the Delta Conveyance Project since February 2021. In each consultation meeting, we have made our position against the project known to DWR staff, and explain the devastating effects that this project would pose on Tribal cultural ecological resources, Tribal cultural items and places of Tribal cultural significance. The Delta and Delta ecology is tied to the UAIC and Delta Tribes through cultural stories, important places and people, cultural materials and regional California Native American precolonial and postcolonial histories.	Chapter 32, Tribal Cultural Resources, in the section titled Consultation and Engagement with Tribes, describes DWR's good-faith effort to foster meaningful consultation that recognizes Tribal expertise in the identification and consideration of Tribal cultural resources. In the same section DWR also recognized that Tribal participation in consultation does not imply that the consulting Tribes endorse the project. DWR appreciates the investments made by consulting Tribes to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32. Chapter 32, Impact TCR-1, considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in the table titled Tribal Views on Delta TCL Character-Defining Features. For example, terrestrial and aquatic plant and animal species habitats are identified as part of both the Delta's ecosystem and character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. Please refer to Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources. In addition, comments regarding the approval of projects with significant and unavoidable impacts are addressed in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues.

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239-3	The state of California actions through this conveyance project despite Governor Newsom's acknowledgment of California's historic and continued genocide of California's Native Americans and racial equality seems in direct opposition to this project as well. We applaud the State's action towards conservation, such as the 30-by-30 conservation strategy; but, unfortunately, we [United Auburn Indian Community of the Auburn Rancheria] find that this particular project is we view it as really a continuation of California's State driven policy of cultural and ecological genocide of the California's Native American people.	DWR recognizes and affirms Executive Order N-15-19, which apologized on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment, and neglect California inflicted on Tribes. Please refer to Common Response 16, Tribal Cultural Resources, regarding how DWR's efforts to identify and analyze impacts on Tribal cultural resources was consistent with current State policies regarding indigenous people in California.
239-4	From our [United Auburn Indian Community of the Auburn Rancheria] perspective, the DEIR has several critical shortcomings, and our written comments that we will later submit -- we will make more extensive comments and we would also like to note that we will be further commenting on the Tribal Cultural Resources Management Plan and the Archaeological Resources Management Plan when those documents and the Draft Final and final versions are made available to us.	DWR appreciates the investments made by consulting Tribes to review and comment on the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
239-5	For this meeting, we [United Auburn Indian Community of the Auburn Rancheria] would like to especially note that while the DEIR states that the Tribal cultural resources overlap with chapters on surface water, water supplies, flood protection, groundwater, water quality, fish and aquatic resources, terrestrial biological resources and aesthetics and visual resources, no impact analysis occurs. The DEIR states this, but really doesn't acknowledge how incomplete the lack of analysis makes the current document nor specifically how this oversight will be addressed.	Please refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal cultural resources in other resource chapters. In addition, text has been added to the following chapters in the Final EIR acknowledging the overlap between Chapter 32, Tribal Cultural Resources, and other resource chapters: Chapter 5, Surface Water; Chapter 6, Water Supply; Chapter 8, Groundwater; Chapter 9, Water Quality; Chapter 12, Fish and Aquatic Resources; Chapter 13, Terrestrial Biological Resources; Chapter 18, Aesthetics and Visual Resources; Chapter 19, Cultural Resources; and Chapter 23, Air Quality and Greenhouse Gases. None of the revisions to these chapters described here resulted in a new significant environmental impact or substantial increase in the severity of an environmental impact or required additional mitigation measures to which

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		DWR was unwilling to commit. The analysis contained within Chapter 32, however, takes a holistic view of those resources that could contribute to Tribal cultural resources and includes information from various chapters to support the impact analysis. The analysis of Tribal cultural resources was informed by the resource analyses contained in other chapters of the EIR as reflected in the discussion of impact mechanisms in the Chapter 32 section titled Impact Mechanisms for Tribal Cultural Resources.
239-6	We [United Auburn Indian Community of the Auburn Rancheria] are disappointed with the generalized mitigation measures that really don't reflect the extraordinary nature of the TCR landscape, and we find that No Project Alternative flushed out – is flushed out in a way that would really make it a useful presentation.	Please see Common Response 4, No Project Alternative and Description of Analysis, for actions described in the No Project Alternative and the analysis contained in each chapter of the EIR. As described in Chapter 32, Tribal Cultural Resources, DWR has identified a suite of mitigation measures to mitigate impacts on the Delta TCL at various scales in recognition of the complexity of the Tribal cultural landscape. Mitigation Measure TCR-1a seeks to avoid impacts on a localized scale by seeking design modifications or protective measures that would avoid impacts on individual character-defining features, and Mitigation Measure TCR-1b requires DWR to prepare an overarching Tribal cultural resources management that will include procedures for preparing resource-specific treatment plans in each situation where impacts cannot be avoided. Landscape-scale mitigation is achieved through Mitigation Measure TCR-1c which includes DWR support for Tribal stewardship activities through funding and access opportunities, to be defined in coordination with affiliated Tribes, that allow Tribes to restore land and develop conservation projects. Additionally, Mitigation Measure TCR-1d commits to incorporation of Tribal knowledge, including Tribal Ecological Knowledge, into the preparation and implementation of the Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources (Appendix 3F) and other measures for mitigating impacts on terrestrial biological resources, fish and aquatic resources, and cultural resources.

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		DWR is committed to continuing consultation and engagement with Tribes regarding the implementation of the mitigation measures to minimize and mitigate the project's potentially significant impacts.
239-7	I would like to thank DWR for extending the comment period. This is very helpful as the number of documents and the extent of comments that the Tribes must read and comprehend and make further comments on is overwhelming, especially as Tribes are not compensated for their knowledge or input in a meaningful way. Still the Delta is so critical to Tribal identity, the UAIC [United Auburn Indian Community of the Auburn Rancheria] is willing to continue consultation with DWR on tenable and future water solutions. From our perspective, these must be based in traditional ecological knowledge that is integrated with sound science-based decisions. Thank you very much for the meeting, and thank you for allowing me this time.	DWR appreciates the investments made by consulting Tribes to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. Additionally, DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32, Tribal Cultural Resources. Please refer to Common Response 16, Tribal Cultural Resources, regarding continued Tribal engagement and consultation on the project. . Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the use of best available science. Please also refer to Common Response 1 regarding the length and complexity of the EIR. Please refer to Chapter 2, Purpose and Project Objectives, regarding the purpose of the project. Please refer to Common Response 3, Alternatives Development and Description, regarding the development of the reasonable range of feasible alternatives evaluated in the EIR.
239-8	And UAIC [United Auburn Indian Community of the Auburn Rancheria] thirds [the request for a second Tribal representatives meeting]. [Moderator], this is [speaker name]. This [holding of a second Tribal representatives meeting] was suggested earlier as well. And apologies, I don't remember who suggested that.	Please refer to Common Response 2, Public Outreach Activities, regarding the Tribal representatives meetings held during the public review period for the Draft EIR. This comment was received during a Tribal representatives meeting held on October 12, 2022, for Tribal leadership, Tribal government representatives, and Tribal communities to provide verbal comments on the Draft EIR. Please note that per requests such as this, DWR held a second Tribal representatives meeting on December 7, 2022.

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240-1	All right. My name is [speaker name] and I am the Tribal Historic Preservation Officer for the Winnemem Wintu Tribe, and I want to thank DWR, [Moderator], [DWR staff] and all the others for holding this session and taking comments from the Tribes. For our Tribe, we will be submitting written comments, so my comments today will be more in, you know, nature and probably will have more things to add in our written comments. So mine will be fairly brief today. I do want to thank DWR for acknowledging that the Delta in its entirety is a Tribal cultural resource, and we understand that – well, I know that during our Tribal consultation, we were really pushing for the salmon to be declared a Tribal cultural resources and we will, again, make that assertion in our written comments and write more information to back that up. And so we appreciate that DWR, you know, recognized the importance of salmon to the Winnemem Wintu Tribe both for subsistence in the past and spiritually as one of our sacred animals. And we appreciate that Director Karla Nemeth acknowledged that in her letter to us. So, I – but like I said, again, we are still maintaining that the salmon itself is a TCR and we would like that being addressed as part of our written comment. And to bolster that a little bit, right now Winnemem Wintu Tribe is co-managing a project to on some emergency measures to – for the benefit of the Sacramento River Winter Run Chinook salmon. And, hopefully, we'll have a written co-management agreement soon. So, we really feel that, at least other agencies, they have been	Based on extensive consultation with Tribes, DWR understands and recognizes that salmon are a key species for Tribes. DWR included salmon and other native fish species habitats as character-defining features of the Delta Tribal Cultural Landscape (Delta TCL) and has considered the impacts of the project on the Delta TCL, including its character-defining features. Please see Chapter 32, Tribal Cultural Resources, regarding DWR's consultation and engagement with Tribes on the project, the definition of Tribal cultural resources, and those resources identified as Tribal cultural resources. Chapter 32, Impact TCR-1, considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in the table titled Tribal Views on Delta TCL Character-Defining Features. For example, terrestrial and aquatic plant and animal species and their habitats, including that of salmon, are identified as part of both the Delta's ecosystem and character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. As such, the impact analysis in Chapter 32 considers the various resources identified by Tribes, including salmon, and the values these resources contribute to the Tribal Cultural Landscape. Please refer to Common Response 16, Tribal Cultural Resources, for a discussion regarding DWR's consideration of individual Tribal cultural resources and the process for evaluating individual resources.

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	understanding the importance of salmon to the Tribe and for acknowledging it by working in a co-management manner with the Tribe and looking towards future actions that will benefit the Winter Run, and actually all the runs of salmon coming through the Delta. And that's why we [the Winnemem Wintu Tribe] will continue to push for salmon as a TCR in this particular EIR process.	
240-2	Let's see. Okay. And in a real general sense, we [the Winnemem Wintu Tribe] really feel that that the Delta Tunnel, the DCP, is really just a continuation of the unsustainable paradigm of water distribution in the State of California.	Please see Chapter 1, Introduction, for a description of the State Water Project and background information regarding how water supply has been developed and managed in California. Please refer to Chapter 2, Purpose and Project Objectives, as well as Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the purpose of the project.
240-3	We [the Winnemem Wintu Tribe] can see that the water going down south of the Delta will benefit commercial and industrial farming and farming practices which has little -- little benefit to the population in general. Actually, no benefit to Tribes, and basically just making some companies and some individuals pretty darned rich. And raising these export crops, even things like employment, is questionable as far as the benefit of this water going down south. So, we, the Tribe [the Winnemem Wintu Tribe], really feels like instead of doing a project like the Delta Conveyance Project, the State really needs to look at how they are distributing water and look at it in terms of that we just need to change that paradigm. It's long overdue, even if the tunnel is built and water is -- is transported down south, it's not really going to change how much water the State receives. And we're not really -- the project is really not conserving water in any way as far as the Tribe [the Winnemem Wintu Tribe] is concerned.	Please also refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of opposition to the project. The project's fundamental purpose in proposing to develop new diversion and conveyance facilities in the Delta is to restore and protect the reliability of State Water Project water deliveries south of the Delta, consistent with the State's Water Resilience Portfolio in a cost-effective manner. Please refer to Chapter 2, Purpose and Project Objectives, as well as Common Response 1 regarding the purpose and objectives of the project. Please see Chapter 1, Introduction, for a description of the State Water Project and background information regarding how water supply has been developed and managed in California. As described in Chapter 1,

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	So anyway -- and so the Tribe is really advocating for the No Action Alternative on this project. We feel that it would do more harm than good to build the tunnel, and it would be much more beneficial for the State and everybody really. And everyone in the State of California needs to think about other ways of relating to water. You know, the metropolitan areas, urban areas. The type of the water usage in those areas is extremely wasteful. There is very little, we think, that scenario has changed. Of course, there's this commercial and industrial farming going on in the Valley and particularly the San Joaquin Valley and it adds very little benefit for the State in general.	approximately 70% of the contracted State Water Project water supply goes to municipal and industrial water users and 30% to agricultural users. The Delta Conveyance Project would be a part of the State Water Project, and Common Response 5, Public Water Agencies Water Management Practices, describes existing efforts and future actions to be undertaken by State Water Project users to ensure California's water resources are being used efficiently and sustainably. Please refer to Appendix 3A, Identification of Water Conveyance Alternatives, and Common Response 3, Alternatives Development and Description, regarding the alternatives screening process and the range and scope of alternatives considered in the EIR. Please refer to Common Response 4, No Project Alternative Description and Analysis, regarding reasonably foreseeable actions that are considered part of the No Project Alternative and commenter preference for the No Project Alternative.
240-4	The caretaking of our mountains and watersheds and higher elevations, that philosophy that is being implemented now, as far as how those catchment areas are managed really needs to be changed, too. We do so much up there, up in these higher regions in our area, the High Sierras that is not conducive at to the storage of water, the natural storage of water. I mean, things like reintroduction of beaver into the Highlands that, in itself, is one action that actually could be implemented in a very short period, and beavers are known to create changes, noticeable changes, substantive changes, in a very short amount of time. And we know that there was a large population of beavers in the State of California before the trappers came in and brought disease, by the way.	DWR appreciates the investments made by consulting Tribes to review and comment on the Draft EIR. Please see response to comment 240-3 regarding the purpose of the project, the alternatives screening process, and the range and scope of alternatives considered in the EIR. Please also refer to response to comment 240-3 regarding reasonably foreseeable actions that are considered part of the No Project Alternative and commenter preference for the No Project Alternative.

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	And the estimate that we heard from the BOR actually was that if beavers were in the same range as they were at the time of contact, they would be storing as much water as what BOR proposed in raising the Shasta Dam, super significant. And plus, it would have all the other benefits of improving the forest and meadows and protection of wildfire -- protection of wildfire. So those are the kinds of things that we think, you know, that DWR should be turning their attention to rather than such a huge, expensive and intrusive project as the Delta Tunnel. So that's all our comments for now. Thank you, again, everybody, for this opportunity. And we will be submitting our own written comments later.	
241-1	All right. My name is [speaker name]. I am the THPO [Tribal Historic Preservation Officer] and Cultural Resources Director for Buena Vista Rancheria. I am also here hosting [name] and [name] from Shingle Springs here to join us on this call. Our comments will be sent in a government-to-government consultation letter but I would like to cite some brief overviews that have been mentioned by my colleagues and fellow cultural resource protectors.	This information describes the background of the individual commenter and clarification on the submittal of the comment letter. It is not a comment on the contents of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
241-2	Buena Vista [Rancheria] is firmly opposed to the Delta Conveyance Project. We feel that such a project doesn't really address underlying issues of conservation and resource protection for the entire State of California. We've seen throughout your area of potential effect and the area of the project that this project extends far beyond the Central Valley and touches resources throughout the State of California.	DWR recognizes that the Tribes perceive that project effects would extend beyond the study area due to the interconnectedness of waterways. As described in Chapter 32, Tribal Cultural Resources, in the section titled Study Area, no construction would occur outside of the Delta counties, and the proposed project and alternatives would not change operational criteria associated with upstream reservoirs. Some indirect operational changes could occur because of the interconnectedness of the waterways, but modeling analysis has indicated that these changes would be negligible (see Chapter 5, Surface Water). Because changes to reservoir storage and

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		river flows would be minimal, they would not have the potential to affect resources upstream from the Delta and those areas are not included in the study area. Additionally, there would be no physical alterations and minimal variations in surface water flows south of the Delta in SWP and CVP service areas. Therefore, the study area does not include the potential for physical impacts in areas upstream of the Delta region or the south-of-Delta SWP and CVP service areas. Please also refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of opposition to the project. Please see Common Response 1 for a discussion of the study areas evaluated in the EIR. Please also see Common Response 3, Alternatives Development and Description, regarding Delta Conveyance Project's operations, which do not include changes to State Water Project or Central Valley Project operations upstream of the proposed north Delta intakes.
241-3	Like my predecessor [name] said, the Tribal cultural resources chapter does not address what Tribal cultural resources actually are. His particular citation of salmon, [Rancheria] absolutely supports as a labeling of a Tribal cultural resources. Other cultural resources such as water, other biological and plant life, as well as the landscape, is not mentioned in its entirety in Chapter 32 or throughout the entire Draft EIR. Such a connection really does not do justice to consultation that Buena Vista [Rancheria] had done with the Department of Water Resources or any other Tribes that has [sic] commented. These cultural resources, the tules, the water, the salmon, the willows, even the spaces are Tribal cultural resources deserve to be acknowledged and evaluated. Restricting them to only Chapter 32 and not connecting to other chapters throughout	Please see Chapter 32, Tribal Cultural Resources, regarding DWR's consultation and engagement with Tribes on the project, the definition of Tribal cultural resources, and those resources identified as Tribal cultural resources. Please see Common Response 16, Tribal Cultural Resources, regarding DWR's consideration of individual Tribal cultural resources, as well as the documentation in the record regarding DWR's evaluation of Tribal cultural resources. Chapter 32, Impact TCR-1, considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in the table titled Tribal Views on Delta TCL Character-Defining Features. For example, terrestrial and aquatic plant and animal species and their habitats are identified as part of both the Delta's ecosystem and character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. As such, the

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	the Draft EIR, does a disservice and does not truly evaluate the impact of such a large project.	impact analysis in Chapter 32 considers the various individual resources identified by Tribes and the values these resources contribute to the Tribal Cultural Landscape. Please also refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal cultural resources in other resource chapters. In addition, text has been added to the following chapters in the Final EIR acknowledging the overlap between Chapter 32, Tribal Cultural Resources, and other resource chapters: Chapter 5, Surface Water; Chapter 6, Water Supply; Chapter 8, Groundwater; Chapter 9, Water Quality; Chapter 12, Fish and Aquatic Resources; Chapter 13, Terrestrial Biological Resources; Chapter 18, Aesthetics and Visual Resources; Chapter 19, Cultural Resources; and Chapter 23, Air Quality and Greenhouse Gases. None of the revisions to these chapters described here resulted in a new significant environmental impact or substantial increase in the severity of an environmental impact or required additional mitigation measures to which DWR was unwilling to commit.
241-4	BVR, Buena Vista Rancheria, also wants to cite that the No Project Alternative, while we are actually seeing it finally being analyzed in Draft EIR, it does not actually encompass what will be resulting from a No Project Alternative.	Please see Common Response 4, No Project Alternative Description and Analysis, regarding the CEQA requirements for describing and evaluating a No Project Alternative in an EIR and how the No Project Alternative for the Delta Conveyance Project meets those requirements. Please see Appendix 3C, Defining Existing Conditions, No Project Alternative, and Cumulative Impact Conditions, which describes the No Project Alternative.
241-5	If the amount of money that has been spent so far on this Draft EIR through all of the consultations, through all of the work that has been done to get to this point, work spent on other conservation and other project alternatives instead of boring a hole through a Tribal cultural landscape and routing thousands of gallons southward was split towards conservation efforts other forms of water management, we would not have to address the issues or the need for this project at all.	Please refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project. Please see Chapter 2, Purpose and Project Objectives, for a description of the need for the Delta Conveyance Project in protecting water supply reliability of State Water Project (SWP) water deliveries and, potentially, Central Valley Project (CVP) water deliveries south of the Sacramento–San Joaquin Delta, consistent with the State's Water Resilience Portfolio. Furthermore, Common Response 3, Alternatives Development and Description, includes a description of why demand

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	Buena Vista [Rancheria] does not see any need for this project, nor does it see the reasons why the Department of Water Resources and all the beneficiaries of this project receiving the water from Northern California, why haven't they addressed conservation in the South? Why haven't they sought alternatives?	management actions, including the conservation alternative the commenter mentions, are infeasible in achieving the majority of the basic objectives of the project. Please refer to Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, regarding the role of regional water suppliers to implement regional water-use conservation and efficiency strategies. In addition, the Delta Conveyance Project would be a part of the State Water Project, and Common Response 5, Public Water Agencies Water Management Practices, describes existing efforts and future actions to be undertaken by State Water Project users to ensure California's water resources are being used efficiently and sustainably.
241-6	Why haven't we been brought to the table even prior to this project coming up?	Please see the Chapter 32, Tribal Cultural Resources, section titled Consultation and Engagement with Tribes, regarding DWR's Tribal outreach and engagement efforts prior to the release of the Notice of Preparation. Please also refer to Common Response 16, Tribal Cultural Resources, regarding Tribal engagement and consultation.
241-7	And this is just the latest iteration of this project. Buena Vista [Rancheria] would like to continue to consult as well as oppose this project to ensure the Tribal cultural resources are protected all the way into the end of this project and beyond. We recommend a further delay of the Draft EIR, and support the expansion of Tribal cultural resources. Thank you.	DWR is committed to continuing consultation with the Buena Vista Rancheria of Me-Wuk Indians. The Chapter 32, Tribal Cultural Resources, section titled Consultation and Engagement with Tribes describes DWR's good-faith effort to foster meaningful consultation that recognizes Tribal expertise in the identification and consideration of Tribal cultural resources. In the same section DWR also recognized that Tribal participation in consultation does not imply that the consulting Tribes endorse the project. DWR is committed to continuing consultation and engagement with Tribes regarding the implementation of the mitigation measures to minimize and mitigate the project's significant impacts. Please also see Common Response 16, Tribal Cultural Resources, regarding the Tribal cultural resources analysis and Tribal consultation efforts aimed

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		at identification, impacts, and mitigation for Tribal cultural resources. Please refer to Common Response 2, Public Outreach Activities, regarding the duration of the comment period and DWR's extension of the comment period.
241-8	Buena Vista [Rancheria] also seconds that request [holding a second Tribal representatives meeting].	This comment was received during a Tribal representatives meeting held on October 12, 2022, for Tribal leadership, Tribal government representatives, and Tribal communities to provide verbal comments on the Draft EIR. Please note that per requests such as this, DWR held a second Tribal representatives meeting on December 7, 2022.
242-1	Okay. Good afternoon. My name is [speaker name]. I am the Vice Chair and TEK Director of Shingle Springs Band of Miwok Indians. I want to state for the record, again, that we are in strong opposition to the Delta Conveyance Project as it is a direct threat to my Tribe, our history, culture, cultural resources, natural resources, sacred sites and our way of life. We are preparing comments on the Draft EIR, and we will submit them when they are completed. We thank DWR for the extension on the comment period. Thank you.	As noted in the section titled Summary Comparison of Alternatives in Chapter 32, Tribal Cultural Resources, DWR recognizes, and has heard during consultation, that the Delta holds great significance to consulting Tribes and that consulting Tribes oppose the Delta Conveyance Project due to the concern that there could be potential unmitigable impacts on the Delta Tribal Cultural Landscape and resources that make this place foundational to Tribes. Chapter 32, Tribal Cultural Resources, identifies Tribal cultural resources, evaluates potential impacts that could result from construction, operation, and maintenance of the project, and provides mitigation measures to reduce the effects of potentially significant impacts where feasible. Although the analysis in Chapter 32 concludes that impacts on Tribal cultural resources would be significant and unavoidable, mitigation measures have been identified to avoid or minimize impacts where feasible. For example, DWR would implement Mitigation Measure TCR-1a to incorporate preconstruction surveys and feasible avoidance or protection measures in the design, construction, operations, and maintenance activities to avoid or protect Tribal cultural resources. Where avoidance or protection is not feasible, DWR would implement other mitigation measures (Mitigation Measures TCR-1b, TCR-1c, and TCR-1d), as applicable. This would include mitigation by way of resource-specific

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		treatment in consultation with affiliated Tribes and the incorporation of Tribal knowledge, including Tribal Ecological Knowledge, into the preparation and implementation of the Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources (Appendix 3F) and other measures for mitigating impacts on terrestrial biological resources, fish and aquatic resources, and Tribal cultural resources. Please refer Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources and the consideration of Tribal perspectives in DWR's decision on whether to approve the project. DWR is committed to continuing consultation and engagement with Tribes as part of the project's mitigation measures and DWR will continue to consult with affiliated Tribes regarding the implementation of the mitigation measures to minimize and mitigate the project's potentially significant impacts. Please also see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of opposition to the project.
242-2	Hi. I just wanted to know and confirm or not, if there would be another one of these meetings so some of Tribes that weren't able to participate today would have another chance or not?	This comment was received during a Tribal representatives meeting held on October 12, 2022, for Tribal leadership, Tribal government representatives, and Tribal communities to provide verbal comments on the Draft EIR. Please note that per requests such as this, DWR held a second Tribal representatives meeting on December 7, 2022.
244-1	Okay. So I am actually in agreement with most, I mean, all of the comments. And this is kind of -- I'm doing this on the fly, so excuse me if I trip over some of my words. I was like that's what I was going to say, too. So I am just kind of say it as well. So I have, like, three points that I wanted to comment on. And the first one, taken -- this is taken from the Tribal resources chapter. It says, (As read): "The potential impacts on Tribal cultural resources" -- oh, wait. That's mine. They're spread out	Please refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal cultural resources in other resource chapters, as well as the consideration of impact analysis from other chapters when analyzing impacts on Tribal cultural resources in Chapter 32, Tribal Cultural Resources. In addition, text has been added to the following chapters in the Final EIR acknowledging the overlap between Chapter 32 and other resource chapters: Chapter 5, Surface Water; Chapter 6, Water Supply; Chapter 8, Groundwater; Chapter 9, Water Quality; Chapter 12, Fish and

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	over several chapters, so the TCR -- this is from the DEIR now. The TCR chapter states that, (As read): "Some aspects of the Tribal cultural resources overlap with other environmental resources, and analysis of Tribal cultural resources was therefore informed by resource analysis contained in the other chapters in this Draft EIR, including surface water, water supply, flood protection, groundwater, water quality, fish and aquatic resources, terrestrial biological resources, and aesthetics and visual resources." And then it goes on to say, (As read): "While other chapters have identified mitigation measures to address project effects on several of the natural resources that, also qualify as character-defining features of the Tribal cultural resources. These are aimed at satisfying certain regulatory requirements for ecological conservation rather than for the protection of cultural resources." So that is, to me, a huge problem when you've identified all these other areas that Tribal cultural resources should be analyzed and analyzed in Tribal cultural resources chapter, but they're not. So it's incomplete. The analysis of Tribal cultural resources in the Draft EIR is incomplete. It needs to be analyzed in all those other chapters that were identified.	Aquatic Resources; Chapter 13, Terrestrial Biological Resources; Chapter 18, Aesthetics and Visual Resources; Chapter 19, Cultural Resources; and Chapter 23, Air Quality and Greenhouse Gases. None of the revisions to these chapters described here resulted in a new significant environmental impact or substantial increase in the severity of an environmental impact or required additional mitigation measures to which DWR was unwilling to commit. The analysis contained within Chapter 32, however, takes a holistic view of those resources that could contribute to Tribal cultural resources and includes information from various chapters to support the impact analysis and conclusion that the project would result in a significant and unavoidable impact on the Delta Tribal Cultural Landscape.
244-2	The second point I wanted to make was that Tribal cultural resources mitigation measure D-1 [sic] on page 3248 [sic] it says, (As read): "To incorporate Tribal knowledge in the Compensatory Mitigation Plan." But it doesn't mention anything about compensating Tribes for their expertise and knowledge. That should be including field visits, any, like, travel time, any time and [their] expertise and knowledge. That should kind of be made clear that this is something that [T]ribes shouldn't just be providing for this mitigation plan. It's	DWR recognizes that Tribes consulting under CEQA or DWR's Tribal Engagement Policy have expertise and knowledge about the presence or character of potential Tribal cultural resources that may contribute to DWR's decision-making about the potential CEQA impacts of the project. While some of this knowledge has been shared with DWR through formal consultation, there may be times when either the depth of expertise or DWR's need for timely input may warrant compensation for Tribal subject matter expertise that facilitates the advancement of CEQA compliance, including implementation of the Compensatory Mitigation Plan (CMP). If

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	something that needs to be a paid-for service.	contractually feasible, DWR will compensate Tribal subject matter experts for these activities (for example, development of plans that support the CMP, Tribal monitoring during construction).
244-3	And then last comment I wanted to make is that indeed there is a massive amount of reading material for Tribes to not only read, but we need to comprehend it and comment on it. So, everything from the Tribal cultural resources chapter, we also have the Tribal cultural resources identification report, the Compensatory Mitigation Plan and the Tribal Cultural Resources Management Plan and the Archaeological Resources Management Plan. So that is a lot of material that we have to go through and it is quite overwhelming. So thank you for your time. That is my comment.	Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the length and complexity of the EIR. Please refer to Common Response 2, Public Outreach Activities, regarding the duration of the comment period and DWR's extension of the comment period.
246-1	Asking a question on behalf of Buena Vista Rancheria -- is there any way that we can have an explanation about the limit -- the limited scope of Tribal cultural resources and the chapter? That's something Buena Vista is kind of curious about to hear DWR speak and as well as a comment on the number of comments provided, not only here in public by multiple Tribes, but also the comment letters being provided. Will these changes and comments incorporate further discussion and change of the Draft EIR in the scope of the Tribal cultural resources?	Please see Chapter 32, Tribal Cultural Resources, regarding DWR's consultation and engagement with Tribes on the project, the definition of Tribal cultural resources, and those resources identified as Tribal cultural resources. Please see Common Response 16, Tribal Cultural Resources, regarding DWR's consideration of individual Tribal cultural resources, as well as the documentation in the record regarding DWR's evaluation of Tribal cultural resources. Chapter 32, Impact TCR-1 considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in Table titled Tribal Views on Delta TCL Character-Defining Features. For example, landscape features, archaeological sites and terrestrial and aquatic plant and animal species and their habitats, are identified as character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. As such, the impact analysis in Chapter 32 considers the various individual resources identified by Tribes and the values these resources contribute to the Delta Tribal Cultural Landscape.

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433-1	Thank you for the opportunity to comment on the proposed Delta Conveyance Project (DCP) Draft Environmental Impact Report. The DCP proposes important infrastructure for California that could provide an invaluable tool for managing water in the Central Valley. Reclamation stands behind comments we previously submitted for the Notice of Preparation. Given the coordinated nature of the Central Valley Project (CVP) and the State Water Project, Reclamation requests that the Department of Water Resources work closely with us to avoid negative impacts on CVP water and power operations from the DCP and any associated regulatory requirements.	DWR is committed to continuing coordination with other agencies. Appendix 1A, July 2020 Delta Conveyance Project Scoping Summary Report and Addenda, describes how DWR reviewed and considered comments submitted on the Notice of Preparation in the preparation of the EIR, including those submitted by Reclamation.
446-1	The Shingle Springs Band of Miwok Indians (Shingle Springs) strongly opposes the Delta Conveyance Project ("Project") due to the acknowledged significant adverse impact that the Project will have on the Delta and the Traditional Cultural Landscape (TCL) of the Delta, and archaeological and cultural resources within and near the TCL. Since time immemorial, the Delta has been the heart of traditional, cultural, ecological, and subsistence practices and values of the Shingle Springs' people and other tribal communities in the Delta region. The Delta is central to the identity of Shingle Springs and other tribal communities in and around the Delta region. Tribes continue to look to the Delta for livelihood, ecological knowledge, ceremony and spirituality, and heritage. Despite modifications that have occurred, the Delta continues to be sacred to Shingle Springs and its people.	Comments regarding the approval of projects with significant and unavoidable impacts are addressed in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues. Please also refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project. Chapter 32 identifies a cultural landscape as defined under Section 21074(b) of the Public Resources Code. CEQA does not define a "Traditional Cultural Landscape." In responding to comments, DWR will address comments on a Traditional Cultural Landscape or Traditional Cultural Property as comments on the Delta Tribal Cultural Landscape Tribal cultural resource described in Chapter 32. Chapter 32, Tribal Cultural Resources, acknowledges the importance of the Delta Tribal Cultural Landscape to Tribes. DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32.

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446-2	The primary focus of Shingle Springs' [Shingle Springs Band of Miwok Indians] comments (attached) [Attachment 2] are on Chapters 19 (Cultural Resources) and 32 (Tribal Cultural Resources) of the DEIR although Shingle Springs has significant concerns with the project's impacts on biological, ecological, and visual resources - all of which are critically important to Shingle Springs and integral to the TCL [Traditional Cultural Landscape]. Shingle Springs supports and incorporates by reference comments of other tribal communities and other non-governmental organizations that discuss and object to the ecological and biological resource damage that will be caused by the Project.	Responses to the detailed comments about cultural, Tribal cultural, biological, ecological, and visual resources provided by the commenter in this letter are addressed herein. Please refer to Volume 2, Chapter 2, Indices of Commenters and Index of Primary Forms, to locate the letter numbers of comments provided by other entities that are of interest. Responses to all comment letters are provided in Volume 2, Chapter 4, Response to Comments Tables.
446-3	The DEIR acknowledges, in part, the significant impact that the Project will have on the Delta and the TCL [Traditional Cultural Landscape]. Yet, the DEIR does not provide a full evaluation of the impacts that the Project's construction and operation will have on the TCL and the individual resources within the TCL. Nor does the DEIR provide any actual mitigation for impacts on the TCL and its resources. Proposed mitigation consists of vague plans with no real standards by which to measure effectiveness of the mitigation. The DEIR is deficient because of its failure to adequately describe the impacts to the TCL and the individual resources therein, and because of its failure to provide mitigation for these impacts. Other deficiencies include a failure to evaluate meaningful alternatives to the Project (rather than just different alignments of the Project), specifically, the failure to thoroughly and adequately evaluate the NO PROJECT alternative, and the designation of an arbitrarily small study area.	Please refer to Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources. Please also see Common Response 16 for a discussion regarding the consideration of individual resources in impact analysis. As described in Chapter 32, Tribal Cultural Resources, DWR has identified a suite of mitigation measures to mitigate impacts on the Delta Tribal Cultural Landscape (Delta TCL) at various scales. Mitigation Measure TCR-1a seeks to avoid impacts on a localized scale by seeking design modifications or protective measures that would avoid impacts on individual character-defining features, and Mitigation Measure TCR-1b requires DWR to prepare an overarching Tribal cultural resources management plan that will include procedures for preparing resource-specific treatment plans in each situation where impacts cannot be avoided. Landscape-scale mitigation is achieved through Mitigation Measure TCR-1c which includes DWR support for Tribal stewardship activities through funding and access opportunities, to be defined in coordination with affiliated Tribes, that allow Tribes to restore land and

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		develop conservation projects. Additionally, Mitigation Measure TCR-1d commits to incorporation of Tribal knowledge, including Tribal Ecological Knowledge, into the preparation and implementation of the Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources (Appendix 3F) and other measures for mitigating impacts on terrestrial biological resources, fish and aquatic resources, and cultural resources. DWR's commitment for Tribal input on the compensatory mitigation planning for the entire project, reflected in Mitigation Measure TCR-1d, further mitigates the Delta TCL at the landscape level through large scale species habitat protection and restoration. DWR is committed to continuing consultation and engagement with Tribes as part of the project's mitigation measures and DWR will continue to consult with affiliated Tribes regarding the implementation of the mitigation measures to minimize and mitigate the project's potentially significant impacts. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, for a discussion of the study areas evaluated in the EIR. Please see Common Response 3, Alternatives Development and Description, regarding the development of the reasonable range of feasible alternatives evaluated in the EIR and Common Response 4, No Project Alternative Description and Analysis, regarding the CEQA requirements for describing and evaluating a No Project Alternative in an EIR and how the No Project Alternative for the Delta Conveyance Project meets those requirements.
446-4	In summary, the DEIR in its current form is unlawfully deficient. Shingle Springs [Shingle Springs Band of Miwok Indians] recommends that the DEIR be withdrawn and revised and, more importantly, that DWR withdraw its proposed Project that will be so devastating to the history, culture, and very	Please see responses to comments 446-1 and 446-3 regarding the analysis and impacts discussed in the EIR, and discussion and consideration given to Tribal cultural resources. Please refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project. Please also see

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	existence of Shingle Springs and its people.	Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding CEQA recirculation requirements.
446-5	[Attachment 1: Copy of 12/16/2022 letter mailed from Shingle Springs Band of Miwok Indians to DWR Re: DEIR Chapter 32 TCR and TCRIR Draft Comment Letter; body of the letter is identical to the 12/15/22 electronic submission on the first 3 pages of this pdf.]	The commenter provided this attachment for reference purposes in support of their comments. Those comments are addressed in responses to comments 446-1 through 446-4. DWR has reviewed all comments and will consider all comments in its decision-making process.
446-6	[ATT 2:] Overview of Shingle Springs' Position The Shingle Springs Band of Miwok Indians (Shingle Springs) strongly opposes the Delta Conveyance Project ("Project") due to the acknowledged significant adverse impact that the Project will have on the Delta and the Traditional Cultural Landscape (TCL) of the Delta, and archaeological and cultural resources within and near the TCL. Since time immemorial, the Delta has been the heart of traditional, cultural, ecological, and subsistence practices and values of the Shingle Springs' people and other tribal communities in the Delta region. The Delta is central to the identity of Shingle Springs and other tribal communities in and around the Delta region. Tribes continue to look to the Delta for livelihood, ecological knowledge, ceremony and spirituality, and heritage. Despite modifications that have occurred, the Delta continues to be sacred to Shingle Springs and its people.	This comment is identical to 446-1. Please refer to response to comment 446-1 for the response to this comment.
446-7	[ATT 2:] The primary focus of Shingle Springs' [Shingle Springs Band of Miwok Indians] comments below [Comments 8-33] are on Chapters 19 (Cultural Resources) and 32 (Tribal Cultural Resources) of the DEIR although Shingle Springs also has significant concerns with the project's impacts on biological, ecological, and visual resources – all of which are critically	This comment is identical to 446-2. Please refer to response to comment 446-2 for the response to this comment.

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	important to Shingle Springs and integral to the TCL [Traditional Cultural Landscape]. Shingle Springs supports and incorporates by reference comments of other tribal communities and other non-governmental organizations that discuss and object to the ecological and biological resource damage that will be caused by the Project.	
446-8	[ATT 2:] The DEIR acknowledges, in part, the significant impact that the Project will have on the Delta and the TCL [Traditional Cultural Landscape]. Yet, the DEIR does not provide a full evaluation of the impacts that the Project's construction and operation will have on the TCL and the individual resources within the TCL. Nor does the DEIR provide any actual mitigation for impacts to the TCL and its resources. Proposed mitigation consists of vague plans with no real standards by which to measure effectiveness of the mitigation. The DEIR is deficient because of its failure to adequately describe the impacts to the TCL and the individual resources therein, and because of its failure to provide mitigation for these impacts. Other deficiencies include a failure to evaluate meaningful alternatives to the Project (rather than just different alignments of the Project), specifically, the failure to thoroughly and adequately evaluate the NO PROJECT alternative, and the designation of an arbitrarily small study area.	This comment is identical to 446-3. Please refer to response to comment 446-3 for the response to this comment.
446-9	[ATT 2:] In summary, the DEIR in its current form is unlawfully deficient. Shingle Springs [Shingle Springs Band of Miwok Indians] recommends that the DEIR be withdrawn and revised and, more importantly, that DWR withdraw its proposed Project that will be so devastating to the history, culture, and very existence of Shingle Springs and its people.	This comment is identical to 446-4. Please refer to response to comment 446-3 for the response to this comment.

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446-10	[ATT 2:] Overview of CEQA Requirements for DEIR An EIR must describe the proposed project and its environmental setting, state the objectives sought to be achieved, identify and analyze the significant effects on the environment, state how those impacts can be mitigated or avoided, and identify and analyze alternatives to the project. <i>Communities for a Better Environment v. City of Richmond</i>, 184 Cal. App. 4th 70, 79 (2010). The EIR's function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account. Id. at 80. When preparing an EIR, CEQA requires the public agency to consider feasible alternatives to the project which would lessen any significant environmental impact. <i>Save the Hill Group v. City of Livermore</i>, 76 Cal. App. 5th 1092 (2022). An EIR which does not produce adequate information regarding alternatives cannot achieve the dual purpose served by the EIR, which is to enable the reviewing agency to make an informed decision and to make the decisionmaker's reasoning accessible to the public. Id. at 1108-09.	This comment provides statements about the commentor's understanding of CEQA and related case law. It is not a comment on the proposed project or the contents of the EIR. DWR has reviewed all comments and will consider all comments in its decision-making process. Please refer to Common Response 3, Alternatives Development and Description, regarding the development of the reasonable range of feasible alternatives evaluated in the EIR. Please also see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding CEQA requirements for mitigation and the adequacy of mitigation measures included in the EIR for impacts identified as potentially significant.

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	The formulation of mitigation measures should not be deferred until some future time. City of Richmond, 184 Cal. App. 4th at 92. An EIR is inadequate if “the success or failure of mitigation efforts may largely depend on management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR.” Id., quoting San Joaquin Raptor Rescue Center v. County of Merced, 149 Cal. App. 4th 645 (2007). “A study conducted after approval of a project will inevitably have a diminished influence on decision making.” Id. Deferred selection of mitigation is permissible only in limited circumstances where “practical considerations prohibit devising such measures early in the planning process” and the “agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval.” Id. at 94. In summary, the time to analyze the impacts of the Project and to formulate mitigation measures to minimize or avoid those impacts is during the EIR process, not after. Id. at 95. See also San Joaquin Raptor, 149 Cal. App. 4th at 683-84 (overturning EIR where development of mitigation measures was deferred to future management plan); Endangered Habitat League, Inc. v. County of Orange, 131 Cal. App. 4th 777, 794 (2005) (deferral of mitigation to later time without corresponding standards to follow is improper).	

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	Under CEQA, if the agency decides to approve the project despite its significant adverse impacts, the agency must issue findings which specifically state how the agency has responded to the significant impacts identified in the EIR. <i>Save the Hills Group v. City of Livermore</i>, 76 Cal. App. 5th 1092, 1114 (2022). One such finding is that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. <i>Id.</i> An agency's conclusion that mitigation measures will be effective must be supported by substantial evidence in the record. <i>Id.</i>	
446-11	[ATT 2:] Study Area/Area of Potential Effects The study area relating to cultural/archaeological (Ch. 19) and tribal cultural resources (Ch. 32) is too small and excludes many affected tribal communities who have interests in the Delta TCL [Traditional Cultural Landscape]. The study area improperly excludes areas upstream of the Delta or the south-of-Delta SWP and CVP services areas. DEIR, p. 32-8. The study area for affected resources should extend to all areas where there could be operational impacts, which include upstream areas such as the Klamath-Trinity watershed. The DEIR, at p. 32-8, asserts that the project would not change operational criteria associated with upstream reservoirs but there will be operational changes that affect waterways outside of the arbitrarily limited study area. The study area relating to impacts to Cultural Resources (Ch. 19) and Tribal Cultural Resources (Ch. 32) must be expanded.	DWR recognizes that the Tribes perceive that project effects would extend beyond the study area due to the interconnectedness of waterways and the changes to spiritual associations when flows are altered. As described in Chapter 32, Tribal Cultural Resources, section titled Study Area, no construction would occur outside of the Delta counties, and the proposed project and alternatives would not change operational criteria associated with upstream reservoirs. Some indirect operational changes could occur because of the interconnectedness of the waterways, but modeling analysis has indicated that these changes would be negligible (see Chapter 5, Surface Water). Because changes to reservoir storage and river flows would be minimal, they would not have the potential to affect resources upstream from the Delta and those areas are not included in the study area. Additionally, there would be no physical alterations and minimal variations in surface water flows south of the Delta in SWP and CVP service areas. Therefore, the study area does not include the potential for physical impacts in areas upstream of the Delta region or the south-of-Delta SWP and CVP service areas. Please see Common Response 9, Hydrologic Modeling and Approach, for further discussion of the hydrologic modeling of the proposed project and project alternatives. In particular, the section titled Upstream Effects

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		discusses how CalSim 3 simulations informed DWR's consideration of Delta Conveyance Project effects upstream from the proposed North Delta Diversion. EIR Appendix 5A, Section B, SWP and CVP Operational Assumptions and Modeling Guidelines subsection acknowledges that dead pool situations for both SWP and CVP reservoirs do occur albeit infrequently. Proposed project operations do not conflict with the operational criteria for Shasta, Trinity, or Folsom Reservoirs or any water storage facilities associated with the San Joaquin River and its tributaries. All the existing reservoir operation criteria will be met with the same frequency as conditions without the proposed project.
446-12	[ATT 2:] Alternatives Analysis The alternatives analysis in the DEIR is wholly inadequate as it essentially only analyzes a Project alternative (with varying alignments and capacities) and a no-Project alternative, which severely lacks thorough analysis. There is no assessment or consideration of whether the Project goals and objectives could be achieved through means other than the Delta Conveyance Project. The presentation of nothing more than alternative alignments of the Project presents a false choice to the decision-maker and the public. The DEIR should consider and evaluate whether there are means of achieving some or all of the Project goals and objectives through means other than the proposed tunnel project which will cause significant and unmitigated impacts to the Delta.	Please refer to Common Response 3, Alternatives Development and Description, regarding the development of the reasonable range of feasible alternatives evaluated in the EIR, which explains that various alternatives were not carried forward for more detailed analysis in the EIR because they do not address risks to State Water Project supplies in the Delta from climate change, sea level rise, and earthquakes. Please refer Appendix 3A, Identification of Water Conveyance Alternatives, which provides an alternatives screening analysis addressing how alternatives considered were screened from further consideration in the Draft EIR. Please also see Common Response 4, No Project Alternative Description and Analysis, regarding the CEQA requirements for describing and evaluating a No Project Alternative in an EIR and how the No Project Alternative for the Delta Conveyance Project meets those requirements.
446-13	[ATT 2:] Notably, the DEIR admits that all the present action alternatives would result in significant and unavoidable project impacts to known archaeological resources and to the TCL [Traditional Cultural Landscape], even after implementation of identified mitigation measures. DEIR, p. 19-3; p. 32-45. This is	Comments regarding the approval of projects with significant and unavoidable impacts are addressed in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues. Common Response 1 further describes meeting CEQA requirements for mitigating potentially significant environmental impacts through the

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	unacceptable. Given the insufficient surveys and resource identification efforts to date, there are likely many more archaeological and cultural resources in the area that will also suffer impacts.	implementation of feasible mitigation measures, where appropriate, to avoid, reduce, minimize, or otherwise mitigate potentially significant impacts. Although the analyses in Chapter 19, Cultural Resources, and Chapter 32, Tribal Cultural Resources, conclude that impacts on cultural resources and Tribal cultural resources, respectively, would be significant and unavoidable, mitigation measures have been identified to avoid or minimize impacts where feasible. For example, DWR would implement Mitigation Measure TCR-1a to incorporate preconstruction surveys and feasible avoidance or protection measures in the design, construction, operations, and maintenance activities to avoid or protect Tribal cultural resources. Where avoidance or protection is not feasible, DWR would implement other mitigation measures (Mitigation Measures TCR-1b, TCR-1c, and TCR-1d), as applicable. DWR is committed to continuing consultation and engagement with Tribes as part of the project's mitigation measures and DWR will continue to consult with affiliated Tribes regarding the implementation of the mitigation measures to minimize and mitigate the project's potentially significant impacts. Please refer to Common Response 16, Tribal Cultural Resources, regarding the adequacy of the mitigation measures and the consideration of Tribal perspectives in DWR's decision on whether to approve the project.
446-14	[ATT 2:] Identification of TCL and Unacceptable Unmitigated Impacts to TCL Shingle Springs [Shingle Springs Band of Miwok Indians] supports the identification and designation of the Delta Traditional Cultural Landscape (TCL). The area is of critical importance to the traditional, cultural, and spiritual values of Shingle Springs and its people and it must be protected.	Chapter 32, Tribal Cultural Resources, acknowledges the importance of the Delta Tribal Cultural Landscape (Delta TCL) to Tribes. Please see response to comment- 446-3 for a thorough discussion of the suite of mitigation measures proposed for mitigation of impacts on the Delta TCL at various scales. Please also see Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources, and regarding the adequacy of the mitigation measures.

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	Shingle Springs remains strongly opposed to the Project due to the un-mitigated impacts that will occur to the TCL, as DWR admits in the DEIR. For example, the DEIR states at p. 32-4 and at ES-118: “While no single project component, on its own, results in a significant impact on the Delta TCL, the project as a whole would materially impair character-defining features and result in a substantial adverse change to the significance of the Delta TCL.” At p. 32-43, the DEIR states: “Because the project would materially impair character-defining features of the Delta TCL, and project commitments and mitigation measures would not fully avoid or reduce such impacts, the impact on the Delta TCL would be significant.” See also ES-118 (“the project would result in a significant impact on the Delta TCL.”) The DEIR admits that the Delta TCL will remain significantly impacted even with implementation of the proposed mitigation measures. “Project impacts would remain significant and unavoidable for all project alternatives after implementation of Mitigation Measures TCR-1, TCR-2, and TCR-3, and TCR-4 because complete avoidance or protection is unlikely and operations and maintenance of the intakes and tunnels may still materially impair the Tribal experience of the spiritual qualities of the Delta TCL even with the efforts to repair or restore the Tribal experience.” DEIR, p. 32-45.	

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446-15	[ATT 2:] Due to the significant impact that the Project would cause to the Delta TCL [Traditional Cultural Landscape], and because of the related impacts to individual cultural, biological, and ecological resources within the Delta, Shingle Springs strongly opposes this Project and urges that it not be approved.	Please refer to response to comment 446-13 regarding the approval of projects with significant and unavoidable impacts. Please also see the Chapter 32, Tribal Cultural Resources, section titled Summary Comparison of Alternatives, which states that DWR recognizes, and has heard during consultation, that Tribes oppose the Delta Conveyance Project due to the potential unmitigable impacts on the Tribal cultural landscape and the many resources that make this place foundation to Tribes. Please also refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project.
446-16	[ATT 2:] Identification and Evaluation of Individual Archaeological and Tribal Cultural Resources The DEIR improperly contends that archaeological resources dating after 1500 AD cannot be deemed to be tribal archaeological resources. See DEIR, p. 19-9. The DEIR defines "Native American archaeological resource" as those only dating from prior to 1500 AD. Shingle Springs objects to this definition as it discounts the possibility of identifying Native American archaeological resources dating from after 1500 AD.	The analysis contained in Chapter 19, Cultural Resources, of the EIR and Appendix 19B, Archaeological Sensitivity Analysis Report (Confidential), does not support the assertion that the EIR limits the ability for archaeological resources dating after 1500 AD to be associated with Native American Tribal significance. Rather, the statement quoted is meant to suggest that archaeological resources dating from 1500 AD and earlier would only be associated with Tribal heritage, and not with any other cultural groups. DWR recognizes, and the EIR acknowledges, the Delta's importance to Tribes from time immemorial through to the present day. The section in Chapter 32, Tribal Cultural Resources, titled Sacramento–San Joaquin Delta Tribal Cultural Landscape describes the Delta Tribal Cultural Landscape, which was evaluated as a cultural (sometimes called ethnographic) landscape, which relies on the continued recognition of culturally important processes in addition to historical trends.
446-17	[ATT 2:] Page 19-2 of the DEIR reports that between 18 to 22 archaeological resources would be affected by the eastern alignment alternatives. Table 19-0 reports that between 13 to 31 archaeological resources would suffer significant and unavoidable impacts from project alternatives. It is important to recognize that this reports on only the "known"	The Delta Conveyance EIR has been prepared in compliance with CEQA and evaluates the full range of potential impacts on cultural resources that may result from construction, operation, and maintenance of the proposed project and its alternatives. DWR's analysis meets the CEQA requirement to make a good-faith effort at full disclosure and base the analyses on up-to-date and accurate information.

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	archaeological resources. Given the incomplete survey and identification efforts to date, there are certainly additional resources that will be impacted. Comprehensive survey and identification efforts must be made before making a decision on whether or not to approve the project. As one example, in Chapter 19, Mitigation Measure CUL-2, describes a post-project approval survey of “inaccessible properties” to assess eligibility, determine if properties will be adversely affected, and to then assess and develop mitigation. DEIR, p. 19-51. While this measure relates specifically to built environment resources, the problem of failing to identify resources in advance of project approval also applies in the context of archaeological and cultural resources.	Appendix 19B, Archaeological Sensitivity Analysis Report (Confidential), of the EIR includes a summary of previously recorded archaeological resources, historical map research, shipwreck research, review of ethnographic literature, buried site sensitivity assessment, and Native American Tribal consultation conducted for the project. Very limited archaeological pedestrian surveys and no subsurface archaeological surveys or testing/evaluation were conducted as part of the identification effort because of property access limitations. Please see Chapter 19, Cultural Resources, section titled Impacts and Mitigation Approaches, which includes Mitigation Measure CUL-3a: Prepare and Implement an Archaeological Resources Management Plan (ARMP). The ARMP will include procedures for archaeological resources phased identification, archaeological treatment, post-review discovery, and archaeological monitoring. CEQA recognizes that unknown archaeological resources may be discovered during project construction (Pub. Resources Code § 21083.2(ii) and 15064.5(f)), which DWR has addressed through the inclusion of the post-review discovery and archaeological monitoring components of the ARMP. In addition to the commitment to preconstruction identification of archaeological resources, and as described in Chapter 32, Tribal Cultural Resources, DWR would implement Mitigation Measure TCR-1a to incorporate preconstruction surveys and feasible avoidance or protection measures in the design, construction, operations, and maintenance activities to avoid or protect Tribal cultural resources. Where avoidance or protection is not feasible, DWR would implement other mitigation measures (Mitigation Measures TCR-1b, TCR-1c, and TCR-1d), as applicable. This would include mitigation by way of resource-specific treatment in consultation with affiliated Tribes and the incorporation of Tribal knowledge, including Tribal Ecological Knowledge, into the preparation and implementation of the Compensatory Mitigation Plan for Special-Status

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		Species and Aquatic Resources (Appendix 3F) and other measures for mitigating impacts on terrestrial biological resources, fish and aquatic resources, and cultural resources (including both archaeological and historic built resources, either of which may be affiliated with Tribal cultural heritage).
446-18	Shingle Springs [Shingle Springs Band of Miwok Indians] objects to this procedure of approving the project first and then determining whether resources will be affected. A principal purpose of CEQA is to assess project impacts before a decision is made. But throughout this DEIR, it is clear that DWR intends to make a decision before identifying and evaluating resource impacts. This is improper and unlawful.	. As described in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, the scope of analysis provides sufficient detail to inform decision makers, the public, and other interested parties of the potentially significant environmental impacts associated with construction and operation of the Delta Conveyance Project. Please also see Common Response 1 regarding the scope of analysis and the level of detail needed in an EIR to inform decision makers of the type of impacts and severity and magnitude of impacts. Please also refer Chapter 4, Framework for the Environmental Analysis, which discusses CEQA Guidelines Section 15151 and the degree of specificity, sufficiency, and what is reasonably feasible. In addition, the EIR was prepared to support the various public agency permit approvals and other discretionary decisions that would be needed and the Delta Conveyance Project would only proceed with construction of these project elements after the project is approved, the EIR is certified, the final design is completed, and the applicable permits have been obtained. Please see the Chapter 1, Introduction, table titled Summary of Potential Agencies and Review, Approval, or Other Responsibilities, in Addition to Those under CEQA, which summarizes potential responsible agencies and their potential review, approval, or other responsibilities. As identified in Chapter 3, Description of the Proposed Project and Alternatives, DWR will not make a decision on the project until after addressing public comments on the Draft EIR, certifying the Final EIR, and making all necessary findings, including preparing a statement of overriding considerations.

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		DWR will consider the whole record before it, including this EIR and all other relevant information in the administrative record, in weighing the costs and benefits of the project before deciding whether to approve the proposed project or one of the project alternatives. This approach complies fully with CEQA.
446-19	[ATT 2:] The DEIR also fails to adequately evaluate the eligibility of identified archaeological resources. Section 19.1.3 of the DEIR identifies 34 archaeological resources but only 3 have been evaluated for eligibility on the CRHR or NRHP. No explanation or justification is provided for failing to evaluate the other 31 identified resources for eligibility. This failure to evaluate the eligibility of the resources deprives the public of important information.	Please refer to comment 446-17 regarding the investigations that were performed in light of the very limited feasibility for conducting archaeological pedestrian surveys due to property access limitations.
446-20	[ATT 2:] The DEIR reports at page 32-2 that the “construction and operation of the water conveyance facilities associated with the project alternatives has the potential to cause a substantial adverse change to the significance of one known Tribal cultural resource [which is the Delta TCL [Traditional Cultural Landscape]].” Later, at page 32-4, DWR states that the “precise nature of the impact on individual Tribal cultural resources is not currently known because DWR has not identified any individual Tribal cultural resources at this time.” While Shingle Springs [Shingle Springs Band of Miwok Indians] agrees that the Project will significantly impair the Delta TCL, Shingle Springs strongly disagrees with the conclusion that there are no other individual Tribal cultural resources or that no other Tribal cultural resources will be impaired by the Project. To date, DWR has failed to conduct a sufficient analysis to reach the conclusion that no other Tribal cultural resources exist or will be impaired. Shingle Springs supports and calls for	Please see Chapter 32, Tribal Cultural Resources, regarding DWR’s consultation and engagement with Tribes on the project, the definition of Tribal cultural resources, and those resources identified as Tribal cultural resources. Please see Common Response 16, Tribal Cultural Resources, regarding DWR’s consideration of individual Tribal cultural resources, the process for evaluating individual resources, as well as the documentation in the record regarding DWR’s evaluation of Tribal cultural resources. Chapter 32, Impact TCR-1, considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in the table titled Tribal Views on Delta TCL Character-Defining Features. For example, terrestrial and aquatic plant and animal species and their habitats are identified as part of both the Delta’s ecosystem and character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. As such, the impact analysis in Chapter 32 considers the various individual resources identified by Tribes and the values these resources contribute to the Tribal cultural landscape.

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	comprehensive ground surveys of the affected area, in consultation with interested tribes, to ensure adequate documentation and information of Tribal cultural resources in the Project area. This survey and identification effort should occur before a final decision on the Project.	Please also see response to comment 446-17 regarding DWR's commitment to preconstruction identification of archaeological and Tribal cultural resources.
446-21	[ATT 2:] Where individual tribes did identify individual cultural resources within the Project area, DWR improperly minimized the unique importance of the individual resources. Shingle Springs [Shingle Springs Band of Miwok Indians] agrees with the designation of the Delta TCL [Traditional Cultural Landscape] as an independent Tribal Cultural Resource, but does not agree with DWR's summary dismissal of the significance of individual resources. In Chapter 32 of the DEIR, DWR repeatedly minimizes the importance of individual tribal cultural resources by stating that they are meaningful only in the context of the Delta as a whole. This is incorrect analysis. A resource can, at the same time, be important to the context of the Delta as a whole and also be significant on its own. As just one example, Stone Lake is a landscape feature that contributes to the Delta TCL [Traditional Cultural Landscape] but is also independently significant. There are other village sites, fishing sites, mound structures, and other traditional cultural places that have been identified in confidential reports which are independently significant. DWR has minimized the importance of these individual sites by simply asserting that they are only important in the context of the TCL as a whole. DWR compounds this error by failing to mitigate the landscape scale impacts to the TCL, as discussed in more detail below [See comments 22 and 23].	Please see response to comment 446-20 regarding the consideration of individual Tribal cultural resources. Please also see Common Response 16, Tribal Cultural Resources, for a discussion of the identification of the Delta Tribal Cultural Landscape (Delta TCL) based on extensive consultation with Tribes that impressed upon DWR the interrelated and interconnected relationships between individual resources that are best understood as a holistic landscape.

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	DWR must properly evaluate the significance of individual resources separate and apart from their relationship to the Delta TCL. DWR's rejection of the significance of the components that make the Delta culturally important allows DWR to minimize the impact of the Project on the TCL and its resources. The failure to adequately identify and report on the significance of individual tribal cultural resources within the Delta and Delta TCL prior to making a final decision on the Project fails to provide the public with adequate information about the Project and its potential impacts, in violation of CEQA.	
446-22	[ATT 2:] Failure to Mitigate Impacts to the TCL Although DWR properly identified and designated the Delta TCL [Traditional Cultural Landscape], the DWR has wholly failed to propose any actual meaningful mitigation to address impacts to the TCL. Instead, DWR has proposed development of future plans and written reports with no actual mitigation of impacts to the TCL nor any meaningful standards or criteria by which to gauge whether mitigation could be effective. DWR's deferral of development of mitigation (which will be addressed in future plans) to a later date is unlawful under CEQA, as is its failure to provide mitigation with any standards or criteria to gauge success once those plans are developed. In addition, DWR's proposed mitigation focuses primarily on individual cultural resources, while failing to mitigate landscape scale impacts on the TCL itself, which will result from the development and operation of the Project.	Please see response to comment 446-3 for a thorough discussion of the suite of mitigation measures proposed for mitigation of impacts on the Delta Tribal Cultural Landscape (Delta TCL) at various scales and response to comment 446-13 regarding the adequacy of mitigation for the significant impacts on the Delta TCL. Please also refer to Common Response 16, Tribal Cultural Resources, regarding the adequacy of the mitigation measures.
446-23	In the DEIR, DWR acknowledges that the "project as a whole would materially impair character-defining features and result in a substantial adverse change to the significance of the Delta TCL [Traditional Cultural Landscape]." DEIR, ES-118. To be	Please see response to comment 446-3 for a thorough discussion of the suite of mitigation measures proposed for mitigation of impacts on the Delta Tribal Cultural Landscape (Delta TCL) at various scales, including a discussion of landscape-scale mitigation achieved through Mitigation

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	material, “an effect of the project must cause a change in the physical, ceremonial, or spiritual aspect of the character-defining feature that contributed to its importance or the essence of why it was considered a character-defining feature.” DEIR, p. 32-2. DWR concludes that “the project would result in a significant impact on the Delta TCL.” Id. However, all mitigation measures focus on impacts to individual resources, rather than to the TCL as a whole. The impacts to the TCL remain wholly unmitigated. There is no landscape-scale mitigation in the DEIR. While DWR claims to recognize the interconnected nature of various biological and cultural features, and the eligibility of the entire landscape as a whole, the mitigation measures focus solely on avoiding or mitigating impacts to the individual features – not to the eligible TCL as a whole. Denial of the project is the most appropriate landscape-scale mitigation of impacts to the TCL as a whole.	Measure TCR-1c, which would support Tribal stewardship activities allowing Tribes to restore land and develop conservation projects. In addition, Mitigation Measure TCR-1d commits to incorporation of Tribal knowledge into restoration planning for mitigating impacts on terrestrial biological resources, fish and aquatic resources, and cultural resources, which further mitigates impacts on the Delta TCL at the landscape level through large-scale species habitat protection and restoration. While project denial is not mitigation, the No Project Alternative is evaluated in the EIR and will be considered by DWR when it reaches a decision on the proposed project. Please also see response to comment 446-13 regarding the adequacy of mitigation for the significant impacts on the Delta TCL. Please also refer to Common Response 16, Tribal Cultural Resources, regarding the adequacy of the mitigation measures.
446-24	[ATT 2:] Avoidance as Mitigation. DWR identifies “avoidance” as a possible mitigation measure. DEIR, p. 32-45. But when DWR speaks of avoidance, it is talking not about the Delta TCL [Traditional Cultural Landscape], but rather to avoidance of individual resources. There is no possible way to implement avoidance in the context of the Delta TCL as a whole because all Project alternatives are designed to cut through the heart of the Delta TCL affecting the cultural and ecological resources that contribute to the TCL. DWR admits that avoidance to individual resources will only occur if “feasible” or “to the greatest extent possible, while still practicably meeting the purpose of the facility.” DEIR, pp. 32-	Please see response to comment 446-3 for a thorough discussion of the suite of mitigation measures proposed for mitigation of impacts on the Delta Tribal Cultural Landscape (Delta TCL) at various scales and response to comment 446-13 regarding the adequacy of mitigation for the significant impacts on the Delta TCL. Please also refer to Common Response 16, Tribal Cultural Resources, regarding the adequacy of the mitigation measures. DWR acknowledges that the proposed mitigation will not reduce the impact to a less-than-significant level and that DWR has not identified any potentially feasible mitigation measures that are capable of avoiding or substantially lessening the impact, which is why the impact remains significant and unavoidable.

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	45, 32-46. In other words, if a resource cannot be avoided, it will be removed or destroyed if such removal or destruction is necessary for the project to continue. Shingle Springs [Shingle Springs Band of Miwok Indians] disputes that avoidance of individual resources provides mitigation to the Delta TCL as a whole. For example, moving the Project alignment ten feet away from a sacred resource may avoid the resource in a literal sense but it will still impact the cultural, spiritual, ecological, and aesthetic values of the resource. None of the Project alternatives will avoid the Delta TCL; rather, they will go through the heart of it. In summary, the avoidance mitigation described in the DEIR Chapter 32 is not realistic or viable and it does not mitigate impacts to the Delta TCL.	
446-25	[ATT 2:] Future Development of Plans as Mitigation Mitigation Measure TCR-1b calls for development of a Tribal Cultural Resources Management Plan (TCRMP) to “guide continued consultation, refinement of resource identification, and procedures for developing resource-specific treatment to be conducted prior to and during construction activities.” DEIR, p. 32-46. While Shingle Springs [Shingle Springs Band of Miwok Indians] does not oppose, in general, development of a TCRMP or Archaeological Resource Management Plan (ARMP), Shingle Springs does dispute that the mere development of these plans (long after the project is approved) constitutes mitigation of impacts to the Delta TCL [Traditional Cultural Landscape]. These plans will focus on mitigation for individual cultural resources that are now known and that are discovered after the project is approved. But development of these plans will	Please see response to comment 446-3 for a thorough discussion of the suite of mitigation measures proposed for mitigation of impacts on the Delta Tribal Cultural Landscape (Delta TCL) at various scales and response to comment 446-13 regarding the adequacy of mitigation for the significant impacts on the Delta TCL. Please also refer to Common Response 16, Tribal Cultural Resources, regarding the adequacy of the mitigation measures.

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	not mitigate the landscape scale impacts that are caused to the Delta TCL from the development of the project itself. Tribal consultation and provisions for tribal monitoring must be included in these plans. There is no detail in the DEIR about what standards and criteria will be used to make decisions about treatment of cultural resources that are discovered. At DEIR, p. 32-47, it is stated that: “Where Native American archaeological resources cannot be avoided through implementation of Mitigation Measure TCR-1a, other treatment measures will be applied as defined in the TCRMP. This is unlawful deferral of mitigation. A reader of the DEIR at this time has no idea what actual mitigation (i.e., “treatment measures”) will be applied because those treatment measures will not be developed for at least two years after the EIR is certified (and the project likely approved). See DEIR, p. 32-46. Nor is there any identification of standards or criteria that will govern the development or implementation of such treatment measures. Deferral of mitigation to the future development of plans without criteria or standards to evaluate the success of mitigation is unlawful. <i>Communities for a Better Environment v. City of Richmond</i>, 184 Cal. App. 4th 70, 92 (2010) (EIR is inadequate if “the success or failure of mitigation efforts may largely depend on management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR”); <i>San Joaquin Raptor</i>, 149 Cal. App. 4th at 683-84 (overturning EIR where development of mitigation measures was deferred to future management plan); <i>Endangered Habitat League, Inc. v. County of Orange</i>, 131 Cal.	Please also refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, which describes that CEQA Guidelines Section 15126.4(a)(1)(B) allows the preparation of future plans, studies, or surveys as mitigation measures, as long as they have performance standards describing what the lead agency will do to minimize the effects of the project. As described in the Common Response 1 section that discusses analysis of project as a whole, some of the mitigation measures include development and implementation of plans or future surveys. In these instances, the mitigation measures include performance standards as required by CEQA.

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	App. 4th 777, 794 (2005) (deferral of mitigation to later time without corresponding standards to follow is improper).	
446-26	[ATT 2:] Identification of “Substitute” Lands and Resources Mitigation Measure TCR-1c provides a list of measures that DWR will take when a individual resource is going to be materially impaired by construction activities. While Shingle Springs [Shingle Springs Band of Miwok Indians] supports the inclusion of affected tribes in ground surveys and monitoring if the project goes forward, many other measures identified in TCR-1c lack sufficient detail for the public to determine whether they are viable or whether they will provide any mitigation at all. For example, TCR-1c calls for unspecified funding to “restore” unspecified lands; calls for access to these unspecified “restored areas”; and supports access for tribes to conduct ceremonial practices on other unspecified lands. Shingle Springs takes offense at the idea that impacts to the Delta TCL can be mitigated by providing substitute lands or areas for the affected tribal communities to practice their ceremonies and traditions. In addition, there are no standards or criteria in place to determine how to evaluate how access to these unspecified “restored areas” would mitigate impacts to the TCL [Traditional Cultural Landscape]. Such standards and criteria must be developed in advance in consultation with affected tribal communities, and before any decision is made on whether to approve the Project.	Please see response to comment 446-3 for a thorough discussion of the suite of mitigation measures proposed for mitigation of impacts on the Delta Tribal Cultural Landscape (Delta TCL) at various scales and response to comment 446-13 regarding the adequacy of mitigation for the significant impacts on the Delta TCL. Please also refer to Common Response 16, Tribal Cultural Resources, regarding the adequacy of the mitigation measures.
446-27	[ATT 2:] Incorporation of Tribal Knowledge Mitigation Measure TCR-1d calls for incorporation of tribal knowledge into compensatory mitigation planning. While this certainly should be done, it is not mitigation for impacts to the	The Chapter 32, Tribal Cultural Resources, section titled Consultation and Engagement with Tribes describes DWR’s good-faith effort to foster meaningful consultation that recognizes Tribal expertise in the identification and consideration of Tribal cultural resources. Please also see Common Response 16, Tribal Cultural Resources, regarding Tribal

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	Delta TCL [Traditional Cultural Landscape]. Throughout this planning and evaluation process, tribal communities have informed DWR that the proposed Project (in any of the alignments) will severely impact the Delta TCL. To date, DWR has not formulated any viable plan to mitigate the landscape scale impact to the Delta TCL.	consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources. DWR appreciates the investments made by consulting Tribes to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32. Please also refer to Common Response 16 regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project. Please also see response to comment 446-3 for a thorough discussion of the suite of mitigation measures proposed for mitigation of impacts on the Delta Tribal Cultural Landscape (Delta TCL) at various scales.
446-28	[ATT 2:] The Impacts to the Delta TCL Remain Un-Mitigated In summary, at this time, the mitigation measures identified in the DEIR as related to Tribal Cultural Resources are deficient because they are focused on mitigation of impacts to individual resources (as opposed to the Delta TCL [Traditional Cultural Landscape] as a whole), because the measures call for the future creation of mitigation plans without any clear standards or criteria to guide or govern the plans, and because the measures inappropriately call for restoration and access to unspecified lands and resources as a substitute for the impacted areas of the Delta TCL. Due to the lack of viable mitigation to address the impacts on the Delta TCL, Shingle Springs [Shingle Springs Band of Miwok Indians] strongly opposes the Project and urges that it not be approved.	Please see response to comment 446-3 for a thorough discussion of the suite of mitigation measures proposed for mitigation of impacts on the Delta Tribal Cultural Landscape (Delta TCL) at various scales and response to comment 446-13 regarding the adequacy of mitigation for the significant impacts on the Delta TCL. Please also refer to Common Response 16, Tribal Cultural Resources, regarding the adequacy of the mitigation measures. As identified in Chapter 3, Description of the Proposed Project and Alternatives, DWR will not make a decision on the project until after addressing public comments on the Draft EIR, certifying the Final EIR, and making all necessary findings, including preparing a statement of overriding considerations. Please also refer to Common Response 16 regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project.

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446-29	[ATT 2:] Failure to Mitigate Impacts to Archaeological Resources The mitigation measures identified in Chapter 19, related to mitigation of archaeological resources, also improperly rely on development of treatment plans subsequent to the decision of whether to approve the project. It is impossible to evaluate the true impacts of the project and the true value of mitigation where the resource identification efforts and treatment plan development occurs after the project is approved. This is improper and unlawful deferral of mitigation. For example, the mitigation measures in Chapter 19 call for development of built environment and archeological treatment plans. But those plans are not currently available and thus no comments can be made on them in advance of project approval. It is not apparent what role, if any, that affected Indian tribal communities will have in the preparation of these plans and the development of actual mitigation measures. Once the project is approved, the ability of the public to ensure effective mitigation is carried out lessens dramatically. The time to determine what resources are affected, and what mitigation measures are available and feasible, is now – not after the project is approved. Mitigation Measure CUL-3b in Chapter 19 requires “Cultural Resources Sensitivity Training.” While Shingle Springs [Shingle Springs Band of Miwok Indians] agrees that this training is appropriate, it is not really a mitigation measure. Rather, it is training that should be required for all workers as a fundamental part of the project.	Please refer to comment 446-17 regarding the suite of mitigation proposed for the project’s significant impact on archaeological resources. In addition, as described in Chapter 32, Tribal Cultural Resources, Mitigation Measure TCR-1b, development of project implementation documents and plans will be prepared in consultation with culturally affiliated Tribes. DWR is committed to continuing Tribal consultation throughout construction of the project to provide culturally affiliated Tribes the opportunity to review and comment on future, yet to be developed, documents developed for construction and mitigation of the project, as applicable. At a minimum, DWR will facilitate quarterly meetings with culturally affiliated Tribes to provide project updates and discuss opportunities for Tribal participation in aspects of project construction and mitigation measure implementation. The purpose of these meetings will be to clearly identify coordination opportunities and roles for culturally affiliated Tribes to participate in implementation of the project. For example, as described in Chapter 19, DWR will coordinate with the Native American Tribes that participated in consultation on the project to ascertain whether they have standard procedures that may be applicable or other input on the content of the Archaeological Resources Management Plan (ARMP). The Tribes will be afforded an opportunity to review and comment on the draft ARMP.

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446-30	[ATT 2:] Failure to Adequately Involve Tribes and Tribal Knowledge in Monitoring and Mitigation Mitigation Measure CUL-3a, in Chapter 19, refers to archaeological monitoring and development of protocols for field investigations. DEIR, p. 19-57. Again, Shingle Springs [Shingle Springs Band of Miwok Indians] believes that comprehensive field investigations should occur prior to a decision being made on the project. In addition, these measures as drafted do not provide any role for tribal monitoring or involvement in the development or implementation of the investigation protocols. DWR must affirmatively provide for tribal monitoring with appropriate compensation, tribal participation in field investigations, including Traditional Ecological Knowledge expertise, with appropriate compensation, and tribal consultation in the development and implementation of mitigation measures.	As described in Chapter 32, Tribal Cultural Resources, Mitigation Measure TCR-1b, DWR is committed to allowing culturally affiliated Tribes the opportunity to monitor project construction. DWR recognizes that Tribes consulting under CEQA or DWR's Tribal Engagement Policy have expertise and knowledge about the presence or character of potential Tribal cultural resources that may contribute to DWR's decision-making about the potential CEQA impacts of the project. While some of this knowledge has been shared with DWR through formal consultation, there may be times when either the depth of expertise or DWR's need for timely input may warrant compensation for Tribal subject matter expertise that facilitates the advancement of CEQA compliance, including implementation of the Compensatory Mitigation Plan (CMP). If contractually feasible, DWR will compensate Tribal subject matter experts for these activities (for example, development of plans that support the CMP, Tribal monitoring during construction). Please also refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, for a discussion regarding future studies to be conducted, which explains that the inclusion and disclosure of future studies or surveys, or additional design, in the EIR does not mean the project was not analyzed as a whole or that there is a deficiency in the impact analysis. As described in Common Response 1, in many CEQA documents, final project design is not 100% complete. As disclosed in the EIR, project design will continue should DWR approve the proposed project or project alternative. It is reasonable that DWR, as the lead agency, would be required to perform additional studies and that those studies are described appropriately either as part of the project (e.g., geotechnical studies) or as mitigation measures (e.g., wildlife surveys).

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446-31	[ATT 2:] Impacts to Fish, Wildlife, and Water DWR has heard from Shingle Springs [Shingle Springs Band of Miwok Indians] and others regarding the interconnectedness of the ecological, biological, and cultural resources. All of these resources constitute traditional resources of importance to Shingle Springs and its people. These ecological and biological resources are independently significant and are also character-defining resources of the Delta TCL [Traditional Cultural Landscape]. Impacts to fish, wildlife, and water within the Delta are impacts to the traditional and cultural values of Shingle Springs and its people. Impacts to fish, wildlife, and water would materially impair Shingle Springs' ability to physically, spiritually, and ceremonially experience character-defining features of the Delta. The DEIR, in its current form, fails to adequately incorporate the impacts to ecological, biological, and water resources into the discussion of Tribal cultural resources. In general, there is insufficient discussion of the relationship of the individual resources (of all kinds) to the TCL as a whole. Shingle Springs shares and joins in the comments of other Project opponents taking the position that the Project should not go forward due to the extensive impacts that will result to fish, wildlife, and water resources.	Based on extensive consultation with Tribes, DWR understands and recognizes that various biological and cultural resources are important to Tribes. DWR included native species habitats as character-defining features of the Delta Tribal Cultural Landscape (Delta TCL) and has considered the impacts of the project on the Delta TCL, including its character-defining features. Please see Chapter 32, Tribal Cultural Resources, regarding DWR's consultation and engagement with Tribes on the project, the definition of Tribal cultural resources, and those resources identified as Tribal cultural resources. Chapter 32, Impact TCR-1, considers multiple variables (described as character-defining features) as part of the Delta TCL, including those identified in the table titled Tribal Views on Delta TCL Character-Defining Features. For example, terrestrial and aquatic plant and animal species and their habitats are identified as part of both the Delta's ecosystem and character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. As such, the impact analysis in Chapter 32 considers the various resources identified by Tribes and the values these resources contribute to the Tribal cultural landscape. The analysis contained within Chapter 32 takes a holistic view of those resources that could contribute to Tribal cultural resources and includes information from various chapters to support the impact analysis. The analysis of Tribal cultural resources was informed by the resource analyses contained in other chapters of the EIR as reflected in the discussion of impact mechanisms in the Chapter 32 section titled Impact Mechanisms for Tribal Cultural Resources. In addition, please refer to information included in the Final EIR in other resource chapters (e.g., Chapter 12, Fish and Aquatic Resources) as they may relate to Tribal cultural resources. Text has been added to the following chapters in the Final EIR acknowledging the overlap between Chapter 32, Tribal Cultural Resources, and other resource chapters: Chapter 5, Surface Water; Chapter 6, Water Supply; Chapter 8,

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		Groundwater; Chapter 9, Water Quality; Chapter 12, Fish and Aquatic Resources; Chapter 13, Terrestrial Biological Resources; Chapter 18, Aesthetics and Visual Resources; Chapter 19, Cultural Resources; and Chapter 23, Air Quality and Greenhouse Gases. None of the revisions to these chapters described here resulted in a new significant environmental impact or substantial increase in the severity of an environmental impact or required additional mitigation measures to which DWR was unwilling to commit. Please also refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal cultural resources in other resource chapters and how DWR analyzed terrestrial and aquatic species habitats as character-defining features of the Delta TCL. Please also see Common Response 16 regarding DWR's consideration of individual Tribal cultural resources, the process for evaluating individual resources, as well as the documentation in the record regarding DWR's evaluation of Tribal cultural resources.
446-32	[ATT 2:] Inadequate Assessment of Operational Impacts The DEIR incorrectly asserts that Project alternatives would not change operational criteria associated with upstream reservoirs. See, e.g., p. 1-29 (asserting that the proposed project alternatives do not include any changes to water operations upstream of the Delta). But the very purpose of the Project is to make significant operational changes to water flows in the Delta. Millions of gallons of water removed from the Sacramento River will obviously no longer flow through the river. Instead, this water will be transported via the Project. The DEIR also wrongly asserts that operations of the CVP Trinity River Division and in the Klamath-Trinity Basin will not be affected. For example, the SWP-CVP OCAP Biological Opinion is considering effects on endangered species.	The analysis contained in the EIR is not consistent with the commenter's assertions regarding operational criteria changes and upstream effects. Please refer to Chapter 3, Description of the Proposed Project and Alternatives, regarding operational criteria, real-time operational decision-making, and adaptive management. Please also refer to Common Response 3, Alternatives Development and Description, regarding Delta Conveyance Project's operations, which do not include changes to State Water Project or Central Valley Project operations upstream of the proposed north Delta intakes. Finally, please refer to Common Response 1 for a description of the scope of the upstream screening assessment and Common Response 9, Hydrologic Modeling and Approach, regarding modeled representation of upstream effects and operations criteria. Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding DWR's

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		commitment to not alter operational criteria of upstream reservoirs or the Trinity River. It is important to note that the Delta Conveyance Project is a State Water Project (SWP) project, not a Central Valley Project (CVP) project. The SWP does not divert water upstream of the Feather River and has no operational decision-making authority over the CVP. Chapter 32, Tribal Cultural Resources, section titled Study Area, describes that the proposed project and alternatives would not change operational criteria associated with upstream reservoirs. Additionally, as described in Chapter 5, Surface Water, storage at SWP and CVP north-of-Delta reservoirs under the project alternatives are similar to existing conditions for all time periods examined (i.e., end-of-May, end-of-June, end-of-August, and end-of-September periods). For Trinity Lake, Shasta Lake, Lake Oroville, and Folsom Lake, storage changes are extremely minimal, and the changes that do occur are generally minor increases. The minor increases occur because of lower releases for exports (because of diversions at the proposed north Delta intakes) and carriage water savings. Chapter 5 also provides the simulated changes in river conditions that demonstrate that long-term average monthly flows under project operations would be similar to existing conditions.
446-33	[ATT 2:] Inadequate Assessment of Environmental Justice Impacts to Tribes The impacts to the Delta TCL [Traditional Cultural Landscape] and its component resources, which DWR acknowledges will remain as significant impacts even after mitigation, also result in environmental justice impacts to affected tribal communities. Once again, tribal communities are faced to bear the brunt of impacts to the culture, history, and traditions from a project that will benefit primarily non-tribal communities. The Project creates significant injustice to tribal communities and their way of life.	Chapter 29, Environmental Justice, of the EIR uses NEPA methodology to address state directives on determining project effects on environmental justice communities (see the Chapter 29 section titled Methods for Analysis for a description of the methods used to conduct the environmental justice analysis). Although Tribal cultural resources cannot be analyzed with the methods applied to environmental justice analysis (please refer to the Chapter 29, section titled Resource Topics with CEQA Impact Conclusions), Native American populations are included in the Chapter 29 analysis as an environmental justice (minority and low-income) community in the study area (please refer to Chapter 29, section titled Identification of Environmental Justice Populations in the Study Area). Therefore, effects identified in Chapter 29 from the proposed project and its alternatives on

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		environmental justice communities apply to Native American populations in the study area. Additionally, the EIR thoroughly analyzes project impacts on Tribal cultural resources in Chapter 32, Tribal Cultural Resources.
485-1	Please review and incorporate the attached letter's comment and revisions for the Draft Environmental Impact Report (DEIR). Thank you for collaborating with Buena Vista Rancheria [of Me-Wuk Indians] on this important landscape and its protection. The Tribe also wishes to schedule a follow up consultation meeting to review the comments made in this letter and ensure they are addressed and incorporated in project documents.	This information is general introductory text. It is not a comment on the contents of the EIR. Responses to the comments provided in the commenter's attached comment letter are provided herein. DWR appreciates the investments made by consulting Tribes to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project.
485-2	Buena Vista Rancheria of Me-Wuk Indians (Hereafter "the Tribe") thanks you for the opportunity to consult with your agency regarding the Delta Conveyance Project (DCP) Draft Environmental Impact Report (EIR). Buena Vista Rancheria has been involved in the Delta Conveyance Project from the beginning, by attending Tribal Engagement Meetings, participating in the CEQA process, and by participating, thus far, in multiple consultations meeting [sic] with DWR.	. DWR appreciates the investments made by consulting Tribes in consulting with DWR on the Delta Conveyance Project. DWR has reviewed all comments and will consider all comments in its decision-making process. DWR is committed to continuing consultation and engagement with the Buena Vista Rancheria of Me-Wuk Indians throughout finalization of the EIR and beyond the CEQA review of the Delta Conveyance Project.
485-3	The Tribe [Buena Vista Rancheria of Me-Wuk Indians] writes to request cancellation of the DCP and/or the recall and revision of the Draft EIR to address the multiple concerns listed in the comments and concerns outlined below. Buena Vista Rancheria [of Me-Wuk Indians] would like to express that the Delta, as a landscape and ecosystem, is considered a culturally significant landscape and is comprised of numerous resources. A healthy Delta supports several plant and animal species that are significant to Tribal culture. The Tribe opposes the Delta Conveyance Project due to the significance of the land, the potential impacts to the Delta and the Tribal Cultural Landscape, and the many resources that	DWR recognizes, and the EIR acknowledges, the Delta's importance to Tribes. Chapter 32, Tribal Cultural Resources, section titled Sacramento–San Joaquin Delta Tribal Cultural Landscape, describes the Delta Tribal Cultural Landscape, which was evaluated as a cultural (sometimes called ethnographic) landscape, which relies on the continued recognition of culturally important processes in addition to historical trends. The Chapter 32 section titled Consultation and Engagement with Tribes describes DWR's good-faith effort to foster meaningful consultation that recognizes Tribal expertise in the identification and consideration of Tribal cultural resources. In the same section DWR also recognized that Tribal participation in consultation does not imply that the consulting Tribes endorse the project. Please also see Common Response 16, Tribal Cultural

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	make this place foundational to all tribes and communities. The Tribe chose to continue with consultation to express the importance of the Delta and to ensure respect for the Tribal Cultural Resources. Even with this expanded report, the mitigation efforts and construction designs cannot alleviate impacts to the Delta ecosystem, waterways, and Tribal Cultural Landscape and the many Tribal cultural resources and therefore, the DCP should not be constructed at all. Our primary concern is the negative alteration and substantial change to the Delta that would result from the Delta Conveyance Project. The consistent issues in the DCP Draft EIR include: 1. The Draft EIR does not provide any alternatives then the project to address water supply and water management stresses. 2. There is insufficient and inconsistent analysis to claim that the impacts on the various environmental factors would be less than significant. Uneven comparisons in the various studies and analyses are conducted in multiple chapters. 3. Minimal, not enough, or inadequate mitigation measures for resources through the project's Area of Potential Effect. 4. No Project Alternative sections do not provide a clear result and often frame the project as the sole answer to water issues. 5. Missing, unknown, or deeply hidden information, data, or maps. Data sets provided through the Draft EIR disguise or obscure the impacts in future conditions and the actual	Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources. DWR appreciates the investments made by consulting Tribes to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32. Please also refer Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project. The comment assertions numbered 1 through 6 do not reflect the analysis contained in the EIR. Please refer to Common Response 3, Alternatives Development and Description, for information regarding the reasonable range of feasible alternatives developed for the EIR, and as described in Common Response 3, the EIR satisfies CEQA requirements and provides a reasonable range of alternatives that meet the basic project objectives. The Delta Conveyance Project would be a part of the State Water Project, and Common Response 5, Public Water Agencies Water Management Practices, describes existing efforts and future actions to be undertaken by State Water Project users to ensure California's water resources are being used efficiently and sustainably. Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the analysis contained in the EIR that evaluates a wide range of potential environmental impacts on multiple resources using quantitative and qualitative evaluations and provides substantial evidence for supporting impact determinations. Also described in Common Response 1, impact determinations are made by qualitatively or quantitatively comparing alternatives to baseline conditions in Chapters 5 through 32 of the EIR. In

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	impacts of the project's operation. 6. Chapters are siloed and do not discuss with each other the connected impacts, effects, or mitigation measures. The Tribe requests if DWR and the beneficiaries of the DCP do not stop the project and seek alternatives, at minimum incorporate the following changes [Comment 5 through Comment 64] or address these issues in the Draft EIR and subsequently change the Project's impacts[.]	addition, please see Common Response 1 regarding CEQA requirements for mitigation and the adequacy of mitigation measures included in the EIR for impacts identified as potentially significant, as well as the number of mitigation measures included in the EIR. Common Response 1 describes meeting CEQA requirements for mitigating potentially significant environmental impacts through the implementation of feasible mitigation measures, where appropriate, to avoid, reduce, minimize, or otherwise mitigate potentially significant impacts. The No Project Alternative discussions provided in resource chapters are intended to address the potential effects that could occur in the absence of implementing the proposed project or alternatives associated with other water infrastructure projects that would be needed if the Delta Conveyance Project is not implemented. These discussions are not intended to promote or imply that the project would address all of the water supply management issues needed in California. As described in Chapter 1, Introduction, and throughout the EIR chapters, in addition to the SWP and CVP, other resources, facilities, and practices—such as groundwater storage, conservation, desalination, recycling, and reuse—are being used to help meet growing water demands for urban, agricultural, and environmental uses. While these other resources, facilities, and practices are independent from the project, these elements also contribute to the overall water needs of the state, as described in the California Water Resilience Portfolio (California Natural Resources Agency et al. 2020). As indicated in Draft EIR Chapter 2, Purpose and Project Objectives, the project objectives are intended to address sea level rise and climate change resiliency for water supply exports and to provide operational flexibility to improve Delta aquatic ecosystems. The No Project Alternative is presented to recognize that other water supply management projects would be

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		developed without the Delta Conveyance Project. Please refer to Common Response 4, No Project Alternative Description and Analysis, for a discussion of CEQA requirements regarding the description of the No Project Alternative. As required by CEQA, the No Project Alternative includes projects and programs that could occur in the absence of the Delta Conveyance Project and the associated environmental impacts that are reasonably foreseeable results of not approving the project. Please refer to Common Response 1 regarding the length and complexity of the document and provision of information included in tables, graphs, and exceedance plots for clarity. As described in Common Response 1 and Chapter 4, Framework for the Environmental Analysis, the EIR is logically organized by resource topics, and elements in individual chapters are organized by an overarching analytical framework. The EIR discusses or cross references impacts associated with different resources, where appropriate. For example, Chapter 32, Tribal Cultural Resources, Impact TCR-1 considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in the table titled Tribal Views on Delta TCL Character-Defining Features. For example, terrestrial and aquatic plant and animal species habitats are identified as part of both the Delta's ecosystem and character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. As such, the impact analysis in Chapter 32 considers the various individual resources identified by Tribes, including those raised by the comment, and the values these resources contribute to the Delta Tribal Cultural Landscape. Additionally, Chapter 13, Terrestrial Biological Resources, evaluates potential impacts from construction, operations, and maintenance of the project on sensitive

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		natural communities, plants, and wildlife. These natural communities may support plants and animals that are important to Tribes. As described in Chapter 13, where potential effects on sensitive natural communities, plants, and wildlife were identified, mitigation measures were provided to reduce such impacts to a less-than-significant level. Please refer to responses to comments 485-4 through 485-65 regarding the other referenced comments and requested changes.
485-4	Chapter 3 Description of the Proposed Project and Alternatives Ch 3. 3.4.1.2 pg. 24 lines 28-34 includes a description of sediment drying when it is captured and removed from the water at the north Delta intakes. It is estimated that each drying lagoon would fill once every 4 to 8 days and contain ~1,800 cubic yards of sediment. What is the impact of removing this amount of sediment from the Sacramento River, the Delta, and San Francisco Estuary? Sediment is an important factor in wetland and wildlife habitat and is also a contribute to deposition and the building of wetlands and river bars. As sea level rises and land continues to subside in the delta, sediment is crucial to the sustainability of these ecosystems. The project does not sufficiently describe the local environmental uses for the sediment such as use for climate resiliency including using the sediment in the Delta and Bay restore wetland ecosystems and build up land to create more resiliency to sea level rise.	The Delta Conveyance Project Engineering Project Report technical memorandum titled Intakes River Sediment Analysis—North Delta Intakes (Delta Conveyance Design and Construction Authority 2022a), Section 6, Sediment Capture and Disposal, reports the modeled quantities of sediment expected to be diverted and captured at each intake. It was assumed sediment would be dried and disposed of at an off-site disposal facility. Chapter 3, Description of the Proposed Project and Alternatives, section titled Sedimentation Basins and Drying Lagoons, has been revised to clarify the expected amounts and frequency of sediment to be collected and removed. Environmental re-use was not considered in the analysis. Chapter 12, Fish and Aquatic Resources, in the analysis of impacts on Delta smelt, estimates that the proposed project and alternatives would result in a 2.7%–4% reduction in Delta sediment loads, which would not have a significant impact on Delta smelt, or other downstream habitat. Appendix 3B, Environmental Commitments and Best Management Practices, provides detail on aspects of the proposed environmental commitments. Environmental commitments are those actions that are incorporated into the engineering or design of the project alternative and are intended to avoid, reduce, or minimize environmental impacts. Environmental Commitment EC-15 is a multistep process to assess and minimize potential negative effects on turbidity and therefore delta smelt habitat. If the monitoring and modeling estimates of the second step indicate exceedance of performance criteria attributable to operations, the

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		third step of the proposed process will be initiated, which will involve development and implementation of a sediment reintroduction plan. The plan will be prepared to meet required permitting standards from the Central Valley Water Board and USACE and approved by NMFS, USFWS, and CDFW.
485-5	Ch 3.4.4 Insufficient analysis of the chemical composition of the Reusable Tunnel Material to determine presence or absence of hazardous materials and specifications of treatment prior to any discharge under a NPDES permit. Chapter 3.4.4.1 page 3-33 lines 3-7 state, "The contractor(s) would conduct chemical characterization of RTM and associated decant liquid prior to reuse or discharge...". When are these tests scheduled to take place? These tests need to be conducted in advance to plan for NPDES permit requirements and SWPPP requirements for treatment prior to discharge. What is the long-term impact of discharging RTM leachate to delta waters over the course of the construction phase and life of the project? Routine sampling of RTM, RTM leachate and RTM stormwater should be conducted to ensure proper treatment is in place prior to discharge to maintain compliance with Water Quality Standards for NPDES and SWPPP permits.	Please refer to Chapter 3, Description of the Proposed Project and Alternatives, and Chapter 9, Water Quality, Impact WQ-1, regarding management of RTM and the treatment, potential beneficial reuse, and disposal of construction-related wastewater and stormwater. RTM removed from the tunnel would be placed in basins with impermeable linings, where the RTM would be tested for hazardous materials and initially dried prior to storage or reuse. The water drained from the RTM would be collected and treated prior to reuse. If the RTM is determined to include hazardous or toxic constituents, the material will be hauled to a licensed off-site disposal facility. As described under Impact WQ-1, impacts on water quality resulting from construction of the project would be less than significant. All stormwater runoff, non-stormwater drainage flows, and dewatering water generated at construction sites, including tunnel launch sites where RTM processing and storage would occur, would be handled in accordance with all applicable federal, state, and local laws, regulations, and programs, as described in Chapter 9. Wastewater, dewatering flows, and stormwater would be collected, tested, treated, and stored on-site for reuse; excess treated water would be discharged in compliance with construction NPDES permits issued to DWR by the Central Valley Regional Water Quality Control Board. See also the Chapter 9 table titled Environmental Commitments That Address Construction-Related Water Quality Effects, and Appendix 3B, Environmental Commitments and Best Management Practices, for descriptions of the environmental commitments and best management practices that would be implemented to protect water quality and aquatic resources. In addition, preparation and implementation

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		of SWPPP(s) will occur prior to and during construction as described in Environmental Commitment EC-4b.
485-6	Ch3.4.4.1 line 40-41. This seed mix cannot be a general California native plant seed mix and must be specifically plants native to the Sacramento and San Joaquin Delta region.	Please refer to Appendix 3B, Environmental Commitments and Best Management Practices. Environmental Commitment EC-4a specifies the use of local native and indigenous vegetation for erosion control and revegetation.
485-7	Ch. 3.16.7 table 3-14 states, that intake pumping criteria is based on flows passing the intakes at the freeport gauge. This gauge is not listed in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. How are project operators going to ensure that the data collected from Freeport gauge to inform operations of the intake will meet river flow requirements downstream at the Sacramento River at Rio Vista as outline in Table 3 of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary?	The newly proposed north Delta diversions bypass flow criteria (informed by flow measured at Freeport gage) would be in addition to key existing Delta criteria, including Sacramento River flow requirements at Rio Vista. As stated in Chapter 3, Description of the Proposed Project and Alternatives, operations of the existing facilities will be governed by all applicable existing and future regulatory requirements (including the Rio Vista Minimum Instream Flow Criteria) and the operations of the proposed north Delta intakes would remain consistent with these existing requirements, including the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.
485-8	Chapter 5 Surface Water Page 5-12 lines 11-13 state, "For this document, the 2020 level hydrology was used for the existing conditions simulation and all the project alternatives. The No Project Alternative uses the 2040 level hydrology in the CalSim 3 simulations." Page5-15 also states, "The No Project Alternative is evaluated under 2040 conditions when compared to existing conditions...", while "all project alternatives are evaluated under 2020 conditions when compared [compared] to existing conditions." These evaluations are not comparable. The simulation periods should be consistent and comparable throughout the document. If you are going to assess impacts for the project alternatives against existing conditions, the no project alternative also needs to be assessed against existing conditions. By analyzing the no project alternative against	The No Project Alternative analyzed in the Final EIR resource chapters includes descriptions of conditions at approximately 2040, which is when the project is expected to be operational. More information about why the 2040 No Project Alternative was used to analyze effects of not implementing one of the project alternatives can be found in Common Response 4, No Project Alternative Description and Analysis. Please also see Common Response 4 regarding the CEQA requirements for describing and evaluating a No Project Alternative in an EIR and the comparisons that are made in the EIR between existing conditions, project alternatives, and No Project Alternative. Common Response 4 also provides information on how the Delta Conveyance Project alternatives are assessed under future conditions in multiple locations throughout the document, including Chapter 30, Climate Change, and Appendix 4A, Consideration of 2070 Conditions. Please also refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues,

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	future conditions in 2040 the analysis is unequal by nature and does not yield comparable results. The analysis for the no project alternative must also be assessed against existing conditions. The Tribe [Buena Vista Rancheria of Me-Wuk Indians] recommends the project alternatives also be assessed in against modeled future conditions.	regarding the CEQA environmental baseline.
485-9	Page 5-13 lines 1-11 states, that emergency drought operations were not considered in the CalSim 3 model due to complexity of decisions that could not be reasonable incorporated into the module rules. Is there no documentation available regarding drought emergency operations that could be considered? Drought operations data must be compiled and incorporated into the plan, especially given that drought conditions are becoming a new normal.	Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding best available science and Common Response 9, Hydrologic Modeling and Approach, regarding the assumptions used in the modeling for Chapter 5, Surface Water, and Chapter 6, Water Supply, including those related to drought conditions. Additionally, as described in Common Response 3, Alternatives Development and Description, the proposed north Delta intakes would only be permitted to operate with regulatory protections of existing standards and as prescribed by the federal and state environmental permitting process including operations during drought conditions. The occasional need for Temporary Urgency Change Petitions to address operations during dry conditions is not a component of the Delta Conveyance Project. It is a separate State Water Board process to address extreme conditions. Please refer to Common Response 3 for a discussion of the relationship of the TUCP process to the Delta Conveyance Project. The Delta Conveyance Project Preliminary Proposed Operations Criteria table in Chapter 3, Description of the Proposed Project and Alternatives, describes the criteria under which the north Delta diversions would operate and identifies specific flows the Sacramento River must meet before the diversions can occur.
485-10	Pages 5-17, 5-18 claims, SWP and CVP reservoir storage averages for all years simulated under no project alternative generally decrease when compared to existing conditions for all time periods examined (end of May, end of June, end of Aug [August], end of Sept [September]), but also claim that "long term average monthly flows will increase between December	This comment is beyond the scope of the EIR. DWR is not proposing changes to flood control operations of upstream reservoirs as a part of the project.

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	and April..." and, "these increases are due to altered inflow patterns as a result of climate change, with mor [more] precipitation falling as rain, rather than flow [snow], and more extreme winter precipitation events." DWR also states, "higher inflows during this period cannot usually be captured in upstream reservoirs because of the need to maintain flood control space." If reservoir storage averages are decreasing over time, then one could conclude that there will be more storage available for capturing stormwater surface flows regardless of flood management operations (flood control maximum capacity rules) in place. Rules governing flood control measures in reservoirs need to change to consider climate change and allow for increasing storage capacity during winter and spring as more precipitation will fall as rain and snow melt is anticipated to occur earlier in the early [sic].	
485-11	Insufficient analysis of changes in water supply to Bethany Reservoir. Bethany reservoir is the proposed project and was not included in the analysis for changes in reservoir storage. Bethany reservoir would be utilized to receive inflow from [a] new tunnel carrying water from the north delta intakes. What is Bethany Reservoir's capacity to store excess stormwater flows that are drawn from the new Sacramento River intakes? Or would "excess water" be diverted from Sacramento River and put to direct use via SWP/CVP deliveries?	Bethany Reservoir serves several purposes including serving as a forebay for the South Bay Pumping Plant (the start of the South Bay Aqueduct of the State Water Project), an afterbay for Banks Pumping Plant, a conveyance facility for the California Aqueduct, and a recreational facility. The reservoir does not serve as a storage reservoir and was therefore not included as part of the analysis that was conducted for other storage reservoirs (i.e., Shasta and Oroville). Excess flow to Bethany Reservoir would either be stored or conveyed downstream of the Bethany Reservoir Pumping Pant. Chapter 3, Description of the Proposed Project and Alternatives, section titled Integration of North Delta Intakes with South Delta Facilities, describes how excess flows would be managed to improve the flexibility of SWP operations. The section titled Bethany Complex in Chapter 3 provides a discussion of operations at the Bethany Reservoir and Bethany Complex.

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		See also Common Response 3, Alternatives Development and Description, which provides a discussion about excess flows.
485-12	Page 5-25 lines 16-18 states that reverse flows in the Sacramento River of 0.80 miles or greater is considered a strong reverse flow. What criteria was used to come to 0.80 miles as the threshold for significance for impacts to reverse flows in the Sacramento River? Why are reverse flows greater than 0.8 miles deemed as "stronger" and what are the impacts of an increase of "smaller" reverse flows over a long period of time?	Sacramento County Water Authority (SCWA) is required to implement controlled shutdowns of Freeport Regional Water Project (FRWP) when certain reverse flow conditions occur on the Sacramento River. SCWA is required to implement a controlled shutdown of FRWP if effluent being discharged from Sacramento Regional Wastewater Treatment Plant moves 0.9 miles upstream of their outfall. Diversions at FRWP may only restart when the reverse flow event recedes to a point 0.7 miles upstream of the Sacramento Regional Wastewater Treatment Plant outfall in the Sacramento River. Figures are included in Chapter 5, Surface Water, of the Final EIR, demonstrating the limited duration and frequency of reverse flows on the Sacramento River, as well as the extent (measured in miles) of reverse flows when they occur. The total number of reverse flow events were analyzed using DSM2, and for each event the total flow and distance was analyzed. As shown in the Chapter 5 figure titled Frequency of Reverse Flow Distances, there is no increase in frequency of stronger reverse flow events between existing conditions and project alternatives. For example, this figure identifies that there is no change in the frequency and duration of reverse flow events at a distance of 0.8 miles from the Sacramento Regional Wastewater Treatment Plant outfall.
485-13	Chapter 6 Water Supply Page 6-13 lines 22-30 describes how fish screens will be used to prevent fish from entering the facility. It is stated that smaller fish pass through a secondary system of screens and into holding tanks, where a subsample is counted and recorded. What information is being collected on the fish in the holding tanks and are ratios of dead to live fish being recorded? It is also stated that very small fish typically pass the screens and are exported from the Delta. Approximately what size of fish can pass the screens and into the pumps? Are the number of fish bypassing the system being recorded or	The information provided in Chapter 6, Water Supply, that is referenced in this comment describes the John E. Skinner Fish Protective Facility (Skinner Fish Facility). As described in Chapter 6, the Skinner Fish Facility is an existing structure that is currently in operation about 2 miles upstream of the Banks Pumping Plant. For information about the fish screens that will be used for the Delta Conveyance Project, which would be located on the Sacramento River and incorporate state-of-the art positive barrier fish screens as well as new operating criteria, please see Chapter 3, Description of the Proposed Project and Alternatives. For information concerning potential impacts on

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	monitored? More information is needed for the reader to understand the impacts of the fish screens to fish populations.	fish with respect to the north Delta intakes, including issues related to the fish screens, please see Chapter 12, Fish and Aquatic Resources.
485-14	Chapter 7 Flood Protection Page 7-7 lines 24-26 describes the construction of channels and levees as an act of local land reclamation. The use of the word reclamation suggests that the land is being brought back to the way it was or returning the land to its rightful use. This word has been misused several times in the DEIR. Construction of channels and levees is an act of altering the landscape to serve human purposes. This is not an act of reclamation, and the use of the word is misleading.	The commenter notes that the word "reclamation" is used incorrectly in the context of this sentence. Per the 2021 Delta Stewardship Council reference titled "Delta Adapts: Creating a Climate Resilient Future" that was provided in the preceding portion of the paragraph, the existing conditions summary of the Delta and Suisun Marsh within Chapter 2 of the reference specifically states, "Beginning in the 1800s, levee systems were constructed to reclaim land for agricultural purposes and control the flow of water through the Delta." The term reclamation is used in Chapter 7, Flood Protection, in the same context as it was used in the reference.
485-15	Page 7-16 lines 10-11 states, "In addition to flood protection, Delta levees also benefit habitats and ecosystems and offer 10 significant recreational opportunities (Delta Stewardship Council 2020:21)". Although it may be true that levees serve habitat and ecosystems to some extent, it should also be noted that levees and other human manipulations of the Delta environment have caused significant harm to the Delta and the ecosystems within it. Presenting this sentence in this way provides a disingenuous view of the effects of levees and development in the Delta.	This comment describes the characterization of levees in Chapter 7, Flood Protection. DWR recognizes that the Tribal view of the levees and development in the Delta may be different than described. Chapter 32, Tribal Cultural Resources, provides an overview of the landscape features and resources present in the Delta before levees were constructed.
485-16	Chapter 8 Groundwater Page 8-10 line 10-31 is the groundwater quality section of the chapter, and it cites sources that are out-of-date. Some of the cited studies are from as early as 2004. Accurate and up to date information is essential to creating a baseline understanding of water quality in the region.	Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding best available science in the EIR. The Groundwater Quality section referenced in the comment used the best available information to generally characterize groundwater quality in the study area.
485-17	Chapter 8 Groundwater Page 8-19 line 34-38 states that a "reduction in groundwater levels is considered substantial if more than 20 feet of	The text cited in this comment is the threshold of significance for reduction in groundwater levels affecting supply wells. As described in Chapter 8, Groundwater, Impact GW-3, if construction dewatering affected local supply wells, Mitigation Measure GW-1 would be implemented.

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	groundwater decline occurs at a supply well in the Delta region". A drop in groundwater of 20 feet may not make the wells run dry, but it could impact the quality of groundwater pumped by supply wells. Additionally, if water drops below the screening level of the supply well, the well is more likely to pull sediment, which can cause major problems to well infrastructure. These impacts should be considered and mitigated if significant.	Groundwater declines due to project operations would be within the range typically seen as a result of hydrologic fluctuations, and the impact would be less than significant. As described under Impact GW-1, piezometers would be installed outside the slurry wall and/or sheet pile walls to allow monitoring of potential groundwater level impacts affecting neighboring supply wells during construction for adaptive management of dewatering activities.
485-18	Page 8-20 lines 22-29 describes Impact GW-7: Degradation of Groundwater Quality, and only discusses the migration of groundwater contaminant plumes as a potential impact to water quality of major supply wells. Is the migration of contaminant plumes the only indicator being considered as an impact to groundwater quality? Other indicators of groundwater quality degradation should be considered, such as an increase of total dissolved solids in groundwater samples, land subsidence, and saltwater intrusion. Direct contamination is not the only threat to groundwater quality.	The Groundwater Quality section under Environmental Setting in Chapter 8, Groundwater, summarizes the primary groundwater quality concerns for basins in and around the Delta. Groundwater quality is assessed under Impact GW-7. Areas of groundwater concern near the study area are identified in the figure titled Location of Identified Groundwater Plumes in the Study Area. Analysis shows that changes in groundwater elevation near the areas of concern would be limited to 1 to 2 feet and is unlikely to cause a change in groundwater flow paths. Water quality is further covered under Chapter 9, Water Quality. The water quality analysis considered 17 different potential water quality impacts, all of which were found to be less than significant under all alternatives. In addition, Common Response 10, Surface Water Quality and Groundwater Resources, identifies and addresses common mechanisms for impacts on groundwater quality, including plume migration, salinity intrusion, and sea level rise, and includes discussion of the linkages between groundwater elevations (as measured in the DeltaGW model), hydraulic gradient, and advective flow of constituents such as salt. DWR fully evaluates the construction-related groundwater impacts of the Delta Conveyance Project in the EIR. Common Response 10 provides additional clarifying information regarding the methodology and information used to adequately and appropriately evaluate construction-

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		related impacts described in Chapter 8. As described in Common Response 10 and Chapter 8 (in the section titled Methods for Analysis), the Delta Conveyance Project construction-related impacts are evaluated using existing groundwater conditions and hydrogeology, standard design and construction methods (Delta Conveyance Design and Construction Authority 2022b, 2022c), and anticipated changes in groundwater elevations, storage, and quality during construction. As described in Common Response 10, cutoff walls would be designed to applicable standards depending on the unique site-specific conditions and the location of the facility being constructed. Cutoff walls are designed and used to minimize the need for dewatering and the movement of groundwater outside of the cutoff walls. Given this, and the other information provided in Common Response 10, construction would not result in substantial changes to groundwater levels or groundwater water quality. Furthermore, the analysis in Impact GW-1 and Impact GW-2 shows that under construction groundwater levels would generally be maintained at the level of existing conditions during the use of cutoff walls or dewatering. As the proposed project and project alternatives would not result in a substantial change in groundwater levels, they would also not result in a substantial change in groundwater salinity associated with a decline in groundwater levels. And, if unanticipated changes to groundwater levels occurred during construction, the changes would be localized and in the immediate area of the construction. The EIR also includes Mitigation Measure GW-1, which requires monitoring during construction and adjustments to construction activities as needed, depending on the groundwater level monitoring results. Although it is determined that the project would not cause an impact on groundwater quality, Mitigation Measure GW-1 has been revised to include monitoring of electrical conductivity at select locations during construction to provide data confirming the conclusions in the EIR. Impact

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		GW-1 and Impact GW-2 remain less than significant prior to the implementation of the revised mitigation measure, as described in Chapter 8. The revision does not result in a new significant environmental impact, substantial increase in the severity of an environmental impact, or require additional mitigation measures to which DWR was unwilling to commit.
485-19	Chapter 9 Water Quality There is insufficient and inconsistent analysis to claim that the impact on water quality would be less than significant. The water quality impact analysis of the construction, operation and maintenance of the project was done by comparing project alternatives to "existing conditions" which were derived from long term averages of historic and present-day conditions between 1923-2015, whereas the No Project Alternative impact analysis was compared to the projected conditions at completion of construction estimated to be 2040. These two analyses are not comparable and yield misleading results. The project alternatives impact analysis should be compared to modeled future conditions in 2040 because those are the predicted conditions when the project will be in operation. A 2040 analysis was conducted and included in Appendix 9L but should have been included as the primary impact analysis within the EIR water quality chapter that impact evaluation was based on.	The EIR has been prepared in compliance with CEQA and evaluates the full range of potentially significant environmental impacts and a wide variety of resources, including water quality, that may result from construction and operation of the alternatives. The assessment in Chapter 9, Water Quality, compares conditions under the alternatives to baseline conditions, which is the correct methodology for identifying potential impacts of the alternatives and is consistent with CEQA guidelines. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the definition and use of the CEQA baseline in the EIR. Additional discussion of alternatives comparisons in the EIR is provided in the Baseline Assumptions and Alternative Comparisons in Chapter 4, Framework for the Environmental Analysis. Please see Common Response 4, No Project Alternative Description and Analysis, regarding reasonably foreseeable actions that are considered part of the No Project Alternative and the use of the year 2040 analyses in the EIR.
485-20	Chapter 9 Water Quality Page 9-1 lines 20-28. And Page 9-46 lines 14-31 DWR nor its contractors have completed the requirements for a stormwater pollution prevention plan (SWPPP) which includes, a description of the facility; an inventory of facility activities and equipment that contribute or have the potential to	The potential impact on water quality from construction-related pollutants has been fully described and analyzed in Chapter 9, Water Quality. As described in Impact WQ-1, based on the information that is currently known of the type of construction activities that could result in discharges of potential pollutants into receiving waters impacts are determined to be less than significant. As described in response to comment 485-5, Impact WQ-1 also describes management of RTM and the treatment, potential

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	contribute any pollutants to stormwater; and an inventory of materials that contribute to or have the potential to contribute pollutants to stormwater. A hazardous materials study has not been conducted on the reusable tunnel material (RTM) to prepare and develop a NPDES [National Pollutant Discharge Elimination System] discharge permit. Without pollutant inventories or hazardous materials assessments DWR does not know the potential impact to water quality from construction activities nor does it know what level of treatment will be required on site to ensure NPDES and SWPPP permit compliance. Additionally, because this project is subject to take place over 13 years, the cumulative impact on water quality due to discharges from construction activities and RTM material stockpiles must be considered.	beneficial reuse, and disposal of construction-related wastewater and stormwater. RTM removed from the tunnel would be placed in basins with impermeable linings, where the RTM would be tested for hazardous materials and initially dried prior to storage or reuse. The water drained from the RTM would be collected and treated prior to reuse. If the RTM is determined to include hazardous or toxic constituents, the material will be hauled to a licensed off-site disposal facility. Preparation and implementation of SWPPP(s) is required prior to construction, occurs as part of securing permits for construction, and will occur as described in Environmental Commitment EC-4b. Determining compliance with NPDES permit and SWPPP requirements occurs throughout the construction timeframe through the use of monitoring and reporting certain constituents to regulatory agencies such as the Regional Water Quality Control Board. Furthermore, the transport, handling, use, and disposal of these materials would comply with regulations enforced by regulatory agencies such as CUPAs and Cal/OSHA. Environmental Commitment EC-2 requires Hazardous Materials Management Plans and Environmental Commitment EC-3 requires that a Spill Prevention, Containment, and Countermeasure Plans be developed and implemented. As described in Chapter 25, Hazards, Hazardous Materials, and Wildfire, Mitigation Measure HAZ-2 will require a Phase I environmental site assessment be completed before construction, and a Phase II environmental site assessment completed if the Phase I assessment identifies likely contaminants. Cumulative water quality impacts from construction are disclosed in the Cumulative Impacts of the Project Alternatives section of Chapter 9, and were determined to be less than significant.
485-21	Chapter 9 Water Quality Page 9-2,3. Increases of bromide has the potential impair drinking water by causing disinfection byproducts during the	The assessment in Chapter 9, Water Quality, describes some increases in concentrations or levels of certain constituents at some Delta locations; however, the increases would not result in significant impacts on water quality relative to the thresholds of significance. The potential for bromide

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	drinking water treatment process. Disinfection byproducts are carcinogenic and can be harmful to human health at certain levels. If there is an increase in bromide levels that may impair drinking water, it should be ranked as an impact of the project. Increases in chloride, electro conductivity (EC) and Harmful algal blooms will also lead to continued water quality impairments. If water quality is already impaired for a water body an increase for worsening of the impairment in that parameter should be called out as an impact of the project. Page 9-28 indicates that boron concentrations would increase the most under the project alternative in the Sacramento River at mallard Island. Page 9-62 table 9-11 show that there will be increases in exceedances for bromide in all locations but two, and there are already exceedances in bromide in the study area. EC will increase in all locations, page 9-93 line 28-30 and 33-36 describe increases in EC would lead to exceedances for agricultural beneficial uses at two locations and would lead to exceedances for a fish and wildlife beneficial uses.	concentrations under the alternatives to contribute to higher disinfection byproducts in drinking water is addressed in Impact WQ-3 and were found to be less than significant. This is because the incremental increase in water body bromide levels associated with operations of the alternatives are not expected to increase disinfection by products on finished drinking water supplies to levels that would exceed regulatory requirements for drinking water. Similarly, changes in boron (Impact WQ-2), chloride (Impact WQ4), electrical conductivity (EC) (Impact WQ-5), and cyanobacteria harmful algal blooms (Impact WQ-14) would be less than significant. There would not be an increase in exceedances of EC objectives; as described in Impact WQ-5, increases shown are modeling artifacts and the project would be operated to meet Delta water quality objectives as implemented in State Water Board Decision 1641.
485-22	Chapter 9 Water Quality Page 9-17 Lines 12-13 says there are no water quality objectives for nitrogen and phosphorus in the WQCPs for waterbodies in the study. To what standard will DWR monitor its impacts to nitrogen and phosphorus concentrations, and other water quality indicators that do not have water quality objectives? It is well understood that phosphorus and nitrogen can lead to oxygen depletion and harmful algal blooms.	As described in Chapter 9, Water Quality, Impact WQ-7 (nutrients), the alternatives would have a less than significant impact on nitrogen and phosphorus. Furthermore, nutrients are not a limiting factor in macrophyte growth rates, thus as described in Impact WQ-9 (dissolved oxygen), any minor increases or decreases in nutrient levels would not contribute to oxygen depletion. As described in Impact WQ-14 (CHABs), any minor increases or decreases in nutrient levels with the alternatives would not cause increased frequency of CHABs, because nutrients would not be a limiting factor, just as they are not a limiting factor under existing conditions.
485-23	Chapter 9 Water Quality Page 9-25 Line 34-35 states that the "human activity that most likely affects sediment delivery to the Delta is soil erosion	The text cited in this comment is within the Existing Surface Water Quality, Turbidity and Total Suspended Solids section of Chapter 9, Water Quality, which provides an overview of factors that affect Delta turbidity and total suspended solids levels. The paragraph preceding the one cited in this

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	associated with agriculture and urban land uses". What are the effects of upstream dams trapping sediment upstream? If this is talking about human activities affecting sediment delivery, dams would play a significant role in decreased sediment delivery into delta.	comment acknowledges that there has been a declining sediment supply to the Delta. As discussed in the Upstream of Delta Technical Memorandum (Robertson-Bryan Inc. 2023; cited in Appendix 9L, Water Quality 2040 Analysis, in the section titled Impacts of the Project Alternatives on Water Quality in Waters Upstream of the Delta at 2040), the project alternatives would not affect reservoir inflow quality or quantity. Further, there would be no changes to dam operation from the project alternatives.
485-24	Chapter 9 Water Quality Pg. 9-45 lines 13-18. The project risk level for erosion potential and water quality is not known and will be determined in the final design. BVR [Buena Vista Rancheria of Me-Wuk Indians] recommends that the analyses be done ahead of time to anticipate the type of BMP and treatment will be required on site to develop NPDES [National Pollution Discharge Elimination System] permits and meet discharge standards. An NPDES permit or SWPPP [Stormwater Pollution Prevention Plan] cannot be properly administered without an analysis and understanding of what potential pollutants will be on site and discharged? [.]	It is standard practice to determine risk level and plan and develop Stormwater Pollution Prevention Plan (SWPPPs) in accordance with the State Water Board's NPDES Stormwater General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 10 2009-0009-DWQ/NPDES Permit CAS000002) as part of final project design. This allows DWR and the regulating agencies (State Water Board or Regional Water Board), to ensure necessary BMPs are implemented during construction, and appropriate monitoring and reporting takes place during construction, as described in Chapter 9, Water Quality, Impact WQ-1. Appendix 3B, Environmental Commitments and Best Management Practices, further describes how BMPs will be incorporated into engineering and design of the project.
485-25	Chapter 9 Water Quality Page 9-46 lines 3-9 claims that with BMPs and properly managed construction, the project will not adversely affect beneficial uses in the Delta. However, when analyzing the impacts of the construction and operation of the No Project Alternative Projects, DWR says that impacts may occur if "construction areas are not properly managed through implementation of construction best management practices" (page 9-38, Table 9-5). If there is potential for mismanagement for the No Project Alternative Projects, why isn't this possibility addressed in the impacts of the project alternatives on water	Text in the table titled Examples of Effects on Water Quality from Construction and Operation of No Project Alternative Projects, in Chapter 9, Water Quality, does not suggest that there would be mismanagement of construction best management practices (BMPs). Rather the text states that there could be impacts on water quality if not managed through BMP implementation. As described fully in Impact WQ-1, environmental commitments would be implemented to control spills and prevent pollutants from entering surface waters.

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	quality? With a project of this size there is the potential for negligence or mistakes in construction management and BMPs, however this is not acknowledged in the section for Impact WQ-1: Impacts on Water Quality Resulting from Construction of the Water Conveyance Facilities.	
485-26	Chapter 9 Water Quality Page 9-73 lines 29-31 claim the project would not cause long-term degradation of bromide that would result in substantially increased risk of adverse effects on drinking water supplies and other beneficial uses. However, page 9-58 lines 41-43 says that the degree to which higher bromide concentrations would cause a greater potential for disinfection byproduct in drinking water is uncertain. It is not accurate to claim that the project alternatives would not cause long-term degradation of bromide resulting in an increased risk to drinking water supplies or other beneficial uses, if DWR is uncertain of the degree to which higher bromide concentrations will affect the potential for disinfection byproduct formation.	The uncertainty statement made in the assessment was intended to convey that DWR recognizes that there are numerous variables that affect disinfection byproduct formation potential in Delta-diverted waters, including diversion location and water treatment plant processes and thus changes in disinfection byproduct formation cannot be definitively determined for the assessment. Nevertheless, disinfection byproducts in Delta-diverted, treated drinking water supplies are regulated via drinking water maximum contaminant levels (MCLs) on a running annual average basis, based on quarterly monitoring by the water treatment plants. Hence, although effects of project operations on monthly average bromide levels across years are of interest to determine the seasonality of effects and thus are discussed in Chapter 9, Water Quality, Impact WQ-3 (bromide), it is the annual, long-term full simulation period effects that are the most relevant to evaluate for impact determination purposes, based on how disinfection byproducts in drinking water supplies are regulated. Treatment plants that use the Delta as a source for drinking water already experience highly variable bromide concentrations and, thus, must implement appropriate treatment technologies to ensure compliance with drinking water regulations for disinfection byproducts. Despite the potential for periodically higher bromide concentrations under project operations, relative to existing conditions at specific times and locations, it is expected that project operations would not substantially degrade water quality at any Delta location with regard to bromide concentrations, relative to existing conditions, given the relatively small increases in long-term average concentrations that would be observed at the locations assessed.

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485-27	Chapter 9 Water Quality Page 9-93 line 37 states "the modeled increases in the frequency of exceeding the Bay-Delta WQCP objections would not actually occur." DWR claims this due to operational standards that would operate the system in a way to prevent WQ exceedances. However, changes are going to occur, and there is insufficient data to support the claim that operations can mitigate exceedances. Appendix 9L.1 describes impacts in 2040 by the no project alternative and claims that sea level rise, climate change, and rising temperatures do lead to changes in the delta is all WQ parameters analyzed with some having greater changes than others. Specifically, bromide, chloride, EC, dissolved oxygen, Temperature (raise of 2.7-degree F, see appendix 9L1.8-page PL-5 line6), Harmful Algae Blooms.	The changes in Delta water quality at 2040 described in Appendix 9L, Water Quality 2040 Analysis, for the No Project Alternative would not be the result of the proposed project. Appendix 9L presents modeling results for the project alternatives at 2040, compared to the No Project Alternative at 2040, and shows the project alternatives would not cause more frequent exceedance of Bay-Delta Water Quality Control Plan objectives for electrical conductivity (EC) and chloride. Furthermore, Appendix 9L demonstrates that the impact conclusions do not differ from those identified in Chapter 9, Water Quality (at 2020 conditions) for all impacts (Impacts WQ-1 through WQ-17), which includes bromide, chloride, EC, dissolved oxygen and cyanobacteria harmful algal blooms (which are affected in part by water temperatures).
485-28	Chapter 9 Water Quality Pages 9-113 states that implementation of the Compensatory Mitigation Plan "...could result in new sources of methylmercury within the Delta relative to existing conditions." Mitigation Measure WQ-6 is to develop and implement a Mercury Management and Monitoring Plan. BVR [Buena Vista Rancheria of Me-Wuk Indians] appreciates this plan as a form of mitigation to lessen the impacts of mercury methylation to the Delta waters. This plan needs to be developed in consultation with Tribes, scientific experts, contractors, other stakeholders as well as the public. The current methods outlined for the plan on page 9-117 include methods that do not take into consideration the nature of wetlands.	As part of Mitigation Measure TCR-1b, contained in Chapter 32, Tribal Cultural Resources, DWR will identify procedures for ongoing consultation with Tribes through final design and construction of the project, including preparation and implementation of plans for the management and monitoring of other environmental resources. As part of Mitigation Measure TCR-1d, DWR will consult with Tribes during planning and implementation of the restoration of areas described in the Compensatory Mitigation Plan to incorporate Tribal knowledge and practices. As such, DWR would develop plans such as the Mercury Management and Monitoring Plan, described in Mitigation Measure WQ-6, in consultation with Tribes. DWR will also coordinate with appropriate state agencies such as the Central Valley Regional Water Quality Control Board, with respect to Mitigation Measure WQ-6.

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	Natural wetland conditions include anerobic conditions and wetland vegetation (used as a biological indicator of a wetland) is adapted to and tolerant of low to no oxygen conditions in the soil. The mercury reduction methods described on page 9-117 in b iii. And b. iv. call for managing the amount of organic material and dissolved oxygen levels. By increasing oxygen levels in sediments and implementing the mechanical removal of vegetation to reduce organic material and organic carbon could impact the success and effectiveness of the wetland mitigation project by changing the conditions required for wetland development and function. The mitigation plan could include a strategy for siting areas with lower levels of source mercury and inducing projects to demethylate the mercury rather than mechanically remove native wetland vegetation and reduce the buildup of organic matter which has been benefits including: cultural uses of vegetation (baskets, boats, food, aesthetics), provided habitat to wildlife, and help build soils that can buffer sea level rise and flood risk. The mitigation plan could also integrate Tribal beneficial uses into the mitigation effort by working with Tribes who may wish to gather plant material for cultural uses.	
485-29	Chapter 9 Water Quality	The project would not be a point source or nonpoint source of nutrients to the Delta. The project's potential impact on Delta nutrient concentrations is through changes in Delta inflows resulting in differing proportions of Delta source waters, which is addressed in Chapter 9, Water Quality, Impact WQ-7 (nutrients). The analysis determined, based in part on modeled changes in Delta source water percentages, that project could result in minor changes in nutrient concentrations at some locations, but the small changes would not be sufficient to adversely affect beneficial uses and the impact would be less than significant.

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	Page 9-125 line 14-21 claims that algal and macrophyte growth rates are not nutrient limited in the Delta because nutrients are in excess, and therefore minor changes to nutrient concentrations in the Delta due to the project would be negligible. However, small impacts can add to larger consequences. Excess nutrients are usually a nonpoint source pollution in waterbodies and many contributions may seem negligible but add to a larger impact cumulatively. However, this is not taken into consideration in this chapter.	
485-30	Chapter 9 Water Quality Page 9-146 lines 20-21 says that herbicides would be applied for site preparation for the CMP [Compensatory Mitigation Plan] but does not address plans to monitor impacts to water quality after the application of the herbicides. Chemical applications for site management must be taken into consideration.	DWR, or designated contractors, will apply herbicides used for Compensatory Mitigation Plan (CMP) site preparation in accordance with the herbicide product labels. Herbicide product labels provide critical information about how to handle and use herbicide products safely and legally. EPA requires extensive scientific data on the potential health and environmental effects of an herbicide before granting a registration to market that product in the United States. EPA evaluates the data and ensures that the label translates the results of those evaluations into a set of conditions, directions, and precautions that define who may use an herbicide, as well as where, how, how much, and how often it may be used. In addition, as described in response to comment 485-28, DWR will consult with Tribes during planning and implementation of the restoration of areas described in the CMP to incorporate Tribal knowledge and practices, including determining the monitoring that may be needed.
485-31	Chapter 9 Water Quality Page 9-147 lines 16-19 describes that DWR would evaluate the need for a monitoring program of the effects of larvicides and adulticides, used for the mosquito management CMP, on wildlife species. How does DWR plan to evaluate the effects of the chemicals used? Would this be done through field visit or through analysis prior to implementation of the CMP? Will DWR evaluate the area after chemical applications to ensure	As described in Chapter 26, Public Health, Mitigation Measure PH-1b, larvicides and adulticides would be used in compliance with all applicable federal and state regulations (e.g., Clean Water Act, Endangered Species Act). Only larvicides and adulticides that are currently registered by the California Department of Pesticide Regulation would be used and they would be applied only by trained personnel and according to label directions. In addition, the Mitigation Monitoring and Reporting Program prepared by DWR pursuant to CEQA will include specific details regarding the responsible parties, timing, location, monitoring, and reporting

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	that the effects of the chemicals are less than significant, even if a monitoring plan isn't required?	requirements for all mitigation measures. DWR will consult with Tribes during planning and implementation of the restoration of areas described in the Compensatory Mitigation Plan to incorporate Tribal knowledge and practices, including determining the monitoring that may be needed.
485-32	Chapter 9 Water Quality Page 9-148 - 9-149 table 9-45 and 9-46 "present average and 95th percentile trace metals concentrations, along with 10 the lowest applicable water quality criterion or objective for the Delta". Are these current concentrations of traced metals? This was not made clear by the tables or the paragraph describing the tables. Also, many of the tables in this chapter include the project alternative conditions along with existing conditions, for comparison. Why are these tables not in the same format?	The data period of record for each metal is described in Appendix 9K, Trace Metals. This appendix is referenced at the beginning of Impact WQ-12 (trace metals). The table titled Average Concentrations of Trace Metals (in micrograms per liter), Expressed as the Dissolved Fraction, in the Sacramento River, San Joaquin River, and San Francisco Bay and the table titled 95th Percentile Concentrations of Trace Metals (in micrograms per liter), Expressed as the Dissolved Fraction, in the Sacramento River, San Joaquin River, and San Francisco Bay (both tables are provided in Chapter 9, Water Quality) differ in format from other tables that present concentrations/levels with existing conditions because of the qualitative assessment of trace metals. Appendix 9K provides a detailed description of the rationale for constituents modeled versus those for which qualitative assessments were conducted.
485-33	Chapter 9 Water Quality Page 9-158 lines 15-20 articulates that nutrients are not a limiting factor to CHAB [Cyanobacteria Harmful Algal Blooms] growth in the Delta, and therefore small increases in nutrients resulting from project operations would not cause an increase in the frequency or magnitude of CHABs in the Delta. Although increases in nutrients due to the Project may be small relative to other nutrient impacts in the Delta, the Project could still increase nutrient loading. Overloading of nutrients in the Delta is a cumulative impact, and DWR seems to dismiss the Project's potential contribution to this problem.	Please see response to comment 485-29 regarding the project's effect on nutrients and loading of nutrients from other sources. As identified in this response, Impact WQ-7 (nutrients), evaluated nutrients and determined impacts would be less than significant. In addition, Impact WQ-14 included an in-depth analysis of CHABs and the five primary factors that are related emergence and subsequent growth of CHABs (temperature, velocity, residence time, nutrients, and irradiance). Impact WQ-14 considered impacts of project operations on nutrients and concluded any negligible changes in nutrients would not cause CHABs to be more severe relative to existing conditions.
485-34	Chapter 9 Water Quality	Please refer to Common Response 10, Surface Water Quality and Groundwater Resources, regarding the adequacy of the DSM2 model to support the CHAB analysis.

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	Starting on page 9-158 DWR describes the project alternatives' impacts to CHABS [Cyanobacteria Harmful Algal Blooms] residence times. When discussing residence times, DWR says the DSM2 model used to model residence times has inherent limitations, and it cannot model the variations of residence times based on site specific conditions within portions of the open waterbody (page 159 lines 33-42). If the DSM2 modeling has inherent limitations and cannot model site-specific conditions that impact residence times in the Delta, is the model output adequate to base the impact significance on? A few times in the section, such as on Page-167 lines 10-19, DWR sites that even if residence times increase, the other "four drivers" (i.e., temperature, velocity, nutrients, and irradiance) of CHABs impacts would not change under the project alternatives. This reasoning is confusing because isn't change in water velocity a main driver in changes to residence times? If DWR is claiming that velocities in the Delta aren't changing under the project alternatives, what other factors would cause increases in residence times? Additionally, if water is moving more slowly, can't that impact water temperatures in that area? If the water is sitting in a spot for a longer time, it has more time to warm and it is experiencing less mixing with cooler waters. This section seems to dismiss the impact to residence times by using a perspective that benefits the project. Overall, the argument that impacts to HAB resident times are insignificant is confusing. Some project alternatives show large increases in residence times, but these finds are dismissed with reasoning that favors DWR's goals. Additionally, the model used to simulate the changes in resident times is inherently limited. It seems that the impact to HAB residence times is being downplayed.	Velocity in the Delta is driven primarily by the tidal cycle and winds. The project alternatives do not affect either the tidal cycle or winds, which is why modeled velocities are negligibly different under both existing conditions and the project alternatives. Water is also not moving more slowly through the project area. Water temperatures in the Delta are primarily driven by the atmosphere and DSM2 shows that water temperatures under existing conditions and the project alternatives are negligibly different. DSM2 residence time modeling indicates that residence time would decrease in the Stockton Deep Water Ship Channel and have little to no change in the southern, eastern, and western parts of the Delta. The project alternatives are expected to increase residence time in some locations and months within the central Delta. The greatest increases in residence time would occur in Discovery Bay where there are already very long residence times (i.e., 2 to 5 weeks under existing conditions). Increases in residence time for the project alternatives may contribute to more Microcystis cell and colony production and accumulation/aggregation in Discovery Bay due to a 1- to 2-day increase in residence time in July at this location. There is uncertainty regarding how modeled increases in residence time would translate to Microcystis bloom size through additional growth, accumulative, and aggregation provided by longer residence time. However, an additional day or two of residence time at Discovery Bay (a location that already has annual HAB events) would not cause Microcystis blooms to substantially increase in size or last substantially longer, relative to existing conditions. Considering the factors (i.e., temperature, velocity, nutrients, and irradiance) that drive emergence and subsequent growth and accumulation of CHABs in the Delta, the CHAB analysis found that there would be a less than significant impact on CHABs.

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485-35	Chapter 12: Fish and Aquatic Resources In Chapter 12: Fish and Aquatic Resources several issues arise within the chapter and need to be addressed such as, climate change, mitigation practices, and water temperature rise. As well as very little acknowledgement of cultural keystone species and resources.	With respect to climate change, Chapter 12, Fish and Aquatic Resources, discusses potential effects of climate change in the Future Fish and Aquatic Resources Conditions section of the environmental setting discussion. The analyses in Chapter 12 compare the project alternatives to existing conditions at 2020 climate; although not required by CEQA, analyses in Appendix 12C, Fish and Aquatic Resources 2040 Analysis, compare the project alternatives to the No Project Alternative at 2040 climate to illustrate the relative difference compared to the 2020 comparison. Please also see the discussion of climate change analyses in the EIR in Common Response 6, Climate Resilience and Adaptation, and the discussion of modeled representation of future conditions and climate change in Common Response 9, Hydrologic Modeling and Approach. With respect to mitigation practices, several mitigation measures are proposed for potentially significant impacts described in Chapter 12: i.e., Mitigation Measures AQUA-1a, AQUA-1b, and AQUA-1c, and the Compensatory Mitigation Plan (specifically CMP-23, CMP-24, CMP-25, CMP-26, CMP-27, and CMP-28). Full details of Mitigation Measures AQUA-1a, AQUA-1b, and AQUA-1c are provided in Chapter 12, whereas Appendix 3F, Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources, provides more information for Mitigation Measure CMP. The potential impacts of the project alternatives are assessed with respect to water temperature rise in Chapter 12, Impact AQUA-2, which shows that operations-based flow-related effects on Delta water temperature are expected to be minor. In addition, Impact WQ-14 in Chapter 9, Water Quality, used DSM2 to model water temperatures with implementation of the project alternatives and found that project operations would not increase water temperatures.

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		Please also refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal cultural resources in other resource chapters. In addition, text has been added to the following chapters in the Final EIR acknowledging the overlap between Chapter 32, Tribal Cultural Resources, and other resource chapters: Chapter 5, Surface Water; Chapter 6, Water Supply; Chapter 8, Groundwater; Chapter 9, Water Quality; Chapter 12, Fish and Aquatic Resources; Chapter 13, Terrestrial Biological Resources; Chapter 18, Aesthetics and Visual Resources; Chapter 19, Cultural Resources; and Chapter 23, Air Quality and Greenhouse Gases. None of the revisions to these chapters described here resulted in a new significant environmental impact or substantial increase in the severity of an environmental impact or required additional mitigation measures to which DWR was unwilling to commit.
485-36	Table 12-1 Fish and Aquatic Species Management Concern... (pg. 12-8): Does not show Tribal Importance (which should be indicted with an "a") to any of the fish or aquatic species.	The "a" suffix cited in the comment pertains to the explanation of the source for Tribal importance rather than indicating Tribal importance. Potential impacts of the project alternatives on all of the fish and aquatic species in the table are analyzed in the chapter.
485-37	12.3.3 Impacts and Mitigation Approaches (pg. 12-44) Line 9-13: With the No Project Alternative, predictions are that increasing water temperatures will decrease suitable habitat for native fish but will increase habitat for nonnative fish, if trends are already favoring nonnative fish species, then it will only increase with the project in place due to water being pulled from the Delta. Table 12-4: Examples of Special-Status Fish Species That Could be Affected by Water Supply... - Many species of fish are already listed under the No Project Alternative; the project will continue causing decline in species.	With respect to the comment's suggestion that there would be increases in water temperature with the project in place, please see response to comment 485-35. With respect to the Chapter 12 table titled Examples of Special-Status Fish Species That Could be Affected by Water Supply Reliability Projects under the No Project Alternative, these are examples of special-status fish species that could be affected by water supply reliability projects under the No Project Alternative and not the project. The proposed operational criteria limit the potential for negative effects on the environment and aquatic species of concern, and mitigation measures in Chapter 12, Fish and Aquatic Resources, including habitat restoration described in the EIR, mitigate potential impacts that could result from operating the alternatives to less-than-significant levels. In addition, as further described above, the Delta Conveyance Project would be operated

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		consistent with existing and/or any future Delta regulatory criteria to continue to provide protections to listed species identified through other environmental compliance processes. Overall, the results of the impact analysis, including commitments to mitigate potentially significant effects, do not indicate the project would lead to greater aquatic species decline.
485-38	12.3.3.2 Impacts of the Project Alternatives on Fish and Aquatic Resources (pg. 12-47) Line 7-9: All Project Alternatives, will consist of acoustic effects (that could injure fish); sediment disturbance (causing oxygen depletion if sediment is suspended), turbidity and contaminants: water quality effects from accidental spills and discharge (leads to other problems), direct physical harm or mortality, reduced prey availability, increased predation, increase water temperature, reduce habitat extent and access. Along with these problems the disturbance can be problematic for breeding and overall decline in fish and aquatic species populations.	The comment accurately lists the potential effects from project construction on fish and aquatic species from the cited section of Chapter 12, Fish and Aquatic Resources. These impacts are analyzed in Impact AQUA-1. Several environmental commitments are included to reduce the potential for negative effects; and Mitigation Measures AQUA-1a, AQUA-1b, and AQUA-1c and CMP (specifically CMP-23 and CMP-24) are included to reduce the potentially significant impact to less than significant.
485-39	Cyanobacteria Harmful Algal Blooms (pg. 12-120) Line 5-10: Happens in warmer months above 19C. HABs are continuing to become more and more problematic with climate change, this project might cause erosion issues that could lead to more nutrients in the water that could cause dead zones for fish.	Please see responses to comments 485-29 and 485-33 regarding the nutrient assessment performed under Impact WQ-7 in Chapter 9, Water Quality, and the fact that the potential mechanism by which nutrients could change is changes in Delta inflow (as opposed to erosion). Impact WQ-14 assessed whether project operations would cause increased water temperatures that, in turn, would make CHABs worse, relative to existing conditions. As noted in response to comment 485-35, Impact WQ-14 used DSM2 to model water temperatures with implementation of the project alternatives and found that project operations would not increase water temperatures. This impact further found that project operations would not result in increased river or Delta nutrient levels. Impact WQ-14 determined that project operations would result in less-than-significant impacts on CHABs. Likewise, Impacts AQUA-1 through AQUA-19 did not find that

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		operations of any of the project alternatives would cause dead zones for fish.
485-40	Overall views: Climate change is happening so rapidly that any prediction for the next 30 years will not be feasible. Data collected in 2019 cannot predict future climate related problems. Cultural species and importance are not acknowledged in chapter [Chapter 12]. Hatchery fish do well in safe, quiet world of the hatcheries are selected to be different than those that do well in a much more hostile and predatory real-world environment (Oregon State University), because of this and the increase in predation that the project would cause many fish species could suffer greatly.	Please see response to comment 485-35 with respect to climate change. Cultural species are acknowledged and analyzed in Chapter 12, Fish and Aquatic Resources; see also response to comment 485-36 regarding species with Tribal importance evaluated in Chapter 12. In addition, DWR understands and recognizes that some fish species are key species for Tribes and DWR evaluated Tribally important fish species habitats as character-defining features of the Delta Tribal Cultural Landscape (Delta TCL) and has considered the impacts of the project on the Delta TCL, including its character-defining features. With respect to the comment's suggestion that the project alternatives would cause an increase in predation, this risk was informed by several Central Valley studies discussed primarily in Chapter 12, Impact AQUA-2, which suggest limited potential for negative effects, with uncertainty addressed with fisheries studies as part of adaptive management considerations. Chapter 12 concludes that potential impacts on fish and aquatic resources would be less than significant with mitigation.
485-41	Chapter 13 Terrestrial Biological Resources and Appendix 3F Compensatory Mitigation Plan for Special- Status Species and Aquatic Resources Chapter 13 and the accompanying Appendix 3F have multiple issues that need to be addressed or clarified. These issues are centered around inadequate mitigation measures as laid out in more detail below. Every construction mitigation measure listed in this chapter is "to the extent possible" or "to the extent feasible" (examples Page 13-157 lines 40-41, Page 13-179 Line 33, Page 13-190 lines 36-38, etc.). This is too vague. Who will be making the	To further support the environmental conclusions reached in Chapter 13, Terrestrial Biological Resources, after mitigation, the phrases described in the comment have been clarified throughout Chapter 13. As clarified, the commitments and performance standards included in the mitigation measures in Chapter 13 demonstrate that all potentially significant terrestrial biological resource impacts will be reduced to less than significant. The clarifying revisions do not result in a new significant environmental impact or substantial increase in the severity of an environmental impact or require additional mitigation measures to which DWR is unwilling to commit. .

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	decision about what is feasible or possible? What criteria will be used to determine what is feasible or possible?	Please also see Common Response 11, Terrestrial Biological Resources and Compensatory Mitigation Plan, regarding the adequacy of mitigation measures.
485-42	Many of the mitigation measure proposed for specific species (Coast Horned Lizard, Northern California Legless Lizard, California Glossy Snake, etc.) utilize habitat that is being specifically protected for a different species. That habitat "could contain suitable habitat" for the species in question and is habitat where the species in question "would most likely occur". Examples include Page 13-217 lines 15-19, Page 13-222 lines 38-42, Page 13-227 Lines 15-19. This does not sound like a suitable habitat plan. How will DWR ensure that these mitigation measures create habitat that is used by the above-mentioned species specifically?	Additional detail has been added to Appendix 3F, Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources, regarding the management of habitats for multiple species. For example, the revisions clarified that mitigation sites will be designed, managed, and maintained to support diversity of multiple special-status species and will incorporate species-specific habitat requirements such as structural complexity and patch size. The revisions do not result in a new significant environmental impact or substantial increase in the severity of an environmental impact or required additional mitigation measures to which DWR was unwilling to commit. Also, as described in response to comment 485-41, various state and federal regulatory agencies will be consulted with regarding avoidance, minimization, and mitigation measures.
485-43	Vernal pools in particular will be impacted by this project, although the impact is claimed to be less than significant with mitigation (Examples: Page 13-107 Lines 4-7 and Lines 14-18, Page 13-110 Lines 32-36). According to the Compensatory Mitigation Plan, the mitigation for vernal pools will consist of "purchasing wetland creation credits at an approved mitigation bank" (Appendix 3F Page 3F-13, Lines 27-28). Scientific studies and reviews of mitigation vernal pools show that created vernal pools may initially function in the same way as natural pools, but the created pools do not maintain their function over the long-term (Black and Zedler 1998, Collinge et al. 2013, Korfel et al. 2010). Therefore, the Tribe [Buena Vista Rancheria of Me-Wuk Indians] does not consider creation of new vernal pool habitat to be appropriate mitigation for destroying existing vernal pools.	As described in Chapter 13, Terrestrial Biological Resources, DWR would implement the Compensatory Mitigation Plan (CMP; see Impact BIO-1 for a summary discussion of the CMP) to offset the loss of vernal pool habitat. Please see Appendix 3F, Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources, in the section titled Vernal Pool Species, California Tiger Salamander, and California Red-Legged Frog and the CMP-11 discussion in Attachment 3F.1, Compensatory Mitigation Design Parameters, in the table titled Design Commitments and Guidelines for Compensatory Mitigation of Natural Communities, Wetlands, and Other Waters. DWR would purchase credits at a USFWS-approved mitigation bank or at a non-bank site approved by USFWS supporting habitat for vernal pool fairy shrimp and vernal pool tadpole shrimp. These banks or sites would be subject to long-term monitoring and required to meet performance standards. Remedial actions would be implemented if necessary. Examples of remedial actions could include additional plantings, topographic recontouring, weed control, erosion control, and further

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485-44	There is no mention of culturally significant plant or animal species in this chapter [Chapter 13] or the accompanying appendix [Appendix 3F]. DWR needs to address mitigation measures for plant and animal species that are not currently listed as threatened or endangered, but that are culturally significant to Native American Tribes.	monitoring to diagnose the source of the problem. Long-term monitoring of the sites would occur every 5 years. DWR understands and recognizes that certain plant and animal species are key species for Tribes and DWR has consulted with Tribes and considered the impacts on plant and animal communities as character-defining features of the Delta as a Tribal Cultural Landscape. Please see Chapter 32, Tribal Cultural Resources, Impact TCR-1, which considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in the table titled Tribal Views on Delta TCL Character-Defining Features. For example, terrestrial and aquatic plant and animal species habitats are identified as part of both the Delta's ecosystem and character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. As such, the impact analysis in Chapter 32 considers the various individual resources identified by Tribes and the values these resources contribute to the Delta Tribal Cultural Landscape. Additionally, Chapter 13, Terrestrial Biological Resources, evaluates potential impacts from construction, operations, and maintenance of the project on sensitive natural communities, plants, and wildlife. These natural communities may support plants and animals that are important to Tribes, including species mentioned by the commenter. As described in Chapter 13, where potential effects on sensitive natural communities, plants, and wildlife were identified, mitigation measures were provided to reduce such impacts to a less-than-significant level. In addition, text has been added to the introduction of the Environmental Impacts section of Chapter 13, Terrestrial Biological Resources, about the importance of the plant and animal species to California Native American Tribes. The revision to Chapter 13 described here does not result in a new significant environmental impact or substantial increase in the severity of an environmental impact or required additional mitigation measures to which

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		DWR was unwilling to commit. Please also see Common Response 16, Tribal Cultural Resources, regarding Tribal consultation and the identification of Tribal cultural resources.
485-45	Page 13-54 Lines 24-33: This is good, and the Tribe [Buena Vista Rancheria of Me-Wuk Indians] appreciates that DWR is treating the temporary work areas as a permanent impact to wildlife.	DWR appreciates the investments made by consulting Tribes to review and comment on the Draft EIR.
485-46	Page 3F-74 Lines 19-20: The Tribe [Buena Vista Rancheria of Me-Wuk Indians] would like DWR to explain why the mitigation plan only consists of establishing habitat. Why does the mitigation plan not include monitoring for species occupancy in the created habitat?	Please refer to Common Response 11, Terrestrial Biological Resources and Compensatory Mitigation Plan, regarding performance standards and monitoring, and the Appendix 3F, Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources, regarding the consideration of occupancy as a monitoring metric. The objective of the mitigation sites is to establish suitable habitat within a reasonable dispersal or movement distance for targeted species to access the mitigation site once constructed. The selection and design of sites considers species distribution and habitat requirements, as provided in Appendix 3F, Attachment 3F.1, Compensatory Mitigation Design Parameters. The Compensatory Mitigation Plan (CMP) is of sufficient detail to meet the requirements of CEQA. It is anticipated that additional design and management planning, including more detailed performance standards, monitoring methods, and adaptive management actions, would be refined through the permitting process and prior to project initiation.
485-47	Page 3F-31 lines 23-30: Annual monitoring of the mitigation sites is not sufficient. Quarterly monitoring at a minimum is needed, and monthly monitoring would be preferred, to ensure hydrology and water quality performance criteria are being met throughout the year. Additionally, the Tribe [Buena Vista Rancheria of Me-Wuk Indians] would recommend deploying water quality probes in order to continuously collect water quality data.	The CMP commits to the development of site-specific maintenance and management plans and monitoring and adaptive management plans and includes criteria for the contents of those plans. Although the mitigation approaches are described in sufficient detail to meet the requirements of CEQA for this EIR, it is anticipated that additional design and management planning, including more detailed performance standards, monitoring methods, and adaptive management actions, would be refined through the permitting process and additional Tribal consultation prior to project

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		initiation. As described in mitigation measure TCR-1d, Tribal recommendations will be considered through further consultation with Tribes during implementation of the project. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the level of detail currently included in the CMP. Please refer to Common Response 11, Terrestrial Biological Resources and Compensatory Mitigation Plan, regarding performance standards and monitoring, and the Appendix 3F, Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources, regarding performance standards and monitoring, and the need for monitoring.
485-48	Chapter 18 Aesthetics and Visual Resources Page 18-98 lines 5-8, 26-29: The Tribe [Buena Vista Rancheria of Me-Wuk Indians] appreciates that DWR is choosing to not use invasive species in their BMPs. However, the Tribe requests that the language be changed to "non-native species" instead of "invasive species" because many "non-native species" are not characterized as "invasive". Changing the language to "non-native" will ensure that only native species are used in the BMPs.	The language in Mitigation Measure AES-1c states throughout that native and indigenous trees, shrubs, grasses, wildflowers, and other herbaceous plants would be used for the post-project landscaping plan, with the exception in cases where indigenous plantings are not available. In those cases, DWR will coordinate with the California Department of Fish and Wildlife to use an acceptable native plant mix palette. With regard to revising the terminology, this change may limit the use of certain nonnative plant species, such as sterile wheat, which are utilized in special circumstances to provide rapid-growing ground cover, thereby preventing soil erosion and giving native seed more time to establish without competing with existing weedy, nonnative, and/or invasive species.
485-49	Chapter 23 Air Quality and Greenhouse Gases Page 23-57 lines 2-3 says that "future ambient air quality conditions in the Delta are not anticipated to substantially change compared to existing conditions". What time frame is being referenced here? The timescale is vague.	The referenced timeframe is in relation to project construction, which is identified conservatively in the EIR as 2026 through 2039. Note that the statement is conservative considering that plan area air districts are seeking to reach attainment for PM2.5 in the next few years and for ozone by 2037.
485-50	Page 23-152 lines 18-28 describes the two feasible option to reduce receptors to DPM: installation of high-efficiency HVAC filters or relocation for residential occupants. How would DWR	The Mitigation Monitoring and Reporting Program (MMRP) for the EIR will include specific details on how individual mitigation measures will be implemented, such as the communication protocol DWR will follow to

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	contact residential occupants to offer relocation or HVAC filters? Would the residential occupants have to contact DWR first? If the occupants do not accept either of the options, is the impact to cancer risk in the occupants still considered less than significant?	coordinate with residents for Mitigation Measure AQ-6. As disclosed in Chapter 23, Air Quality and Greenhouse Gases, Impact AQ-6, if renters and homeowners elect not to accept DWR's assistance for either relocation or high-efficiency filters, a significant impact in the form of excess cancer risk above SMAQMD's threshold would occur. Accordingly, Impact AQ-6 is conservatively concluded to be significant and unavoidable.
485-51	Chapter 29 Environmental Justice Page 29-31 Lines 40-42 and Page 29-32 Lines 1-8: These lines state that significant impacts were identified for fish and aquatic resources and for terrestrial biological resources, among others, but because of mitigation measures, the impacts will be less than significant. Most of the mitigation measures involve the creation of new habitat. Depending on the environmental justice community in question, this new habitat may not be easily accessible to the community or destroy current access. Environmental justice communities may lack the time and resources to drive to the mitigation sites to enjoy the terrestrial biological resources. Therefore, there will be a significant impact on environmental justice communities.	While the creation of new habitat may offer additional activities and opportunities to explore or enjoy biological and aquatic resources, this would not cause adverse impacts on environmental justice communities in the study area because the existing activities and opportunities would not be significantly affected by the proposed project and its alternatives. The EIR examines the project's potential impacts on the public's access to activities and opportunities in the study area related to biological and aquatic resources (e.g., wildlife/botanical viewing, waterfowl hunting, angling/fishing, nature tours, etc.) in Chapter 16, Recreation, and the potential for diminished quality of these experiences in Chapter 17, Socioeconomics. The Delta region is home to numerous areas that provide such activities and opportunities and the EIR lists these areas nearest to the proposed project features to examine potential impacts from the project (in Chapter 16, see the table titled Developed Recreation Areas Nearest to Proposed Project Features and the figure titled Existing Developed Recreation Facilities and Areas). As discussed in Chapters 16 and 17, implementation of the project and its alternatives would have minimal effects on recreational areas, including those that provide activities related to biological and aquatic resources. A potential impact was identified related to obstruction of access to fishing spots along the east riverbank at intake locations; however, this impact is determined to be less than significant in the EIR because there is ample access to the river for bank fishing from numerous other locations. Further, as stated in Chapter 16, under Impact REC-1, no documentation was found that indicated these areas receive much use, if any; these areas represent a very small amount of shoreline compared to the many miles of shoreline accessible by

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		adjoining roads; and anglers would still have abundant choices for accessing desired locations for shoreline fishing in and around the intake locations without these areas. Because minimal effects on recreational areas in the study area would occur, Chapter 29, Environmental Justice, concludes there would be no disproportionately adverse effect on environmental justice related to access and experience of recreational opportunities.
485-52	Page 29-32 Lines 19-23, 32-37, Page 29-33 Lines 5-9: These lines state that disproportionately adverse effects related to flood protection, groundwater, and soils are not anticipated on environmental justice communities because the effects would be experienced equally for environmental justice communities and the general population. This does not make sense. Even if the adverse effects of, for example, flooding or mitigation for flood protection, are just as likely to occur in the general population as they are to occur in environmental justice communities, the effects will not be experienced equally. Even if the conditions are the same, the effect will be greater in the environmental justice community because these communities are in vulnerable areas, conditions, and other factors prior to the events. Consideration for effects on communities who do not have the same access or are presently vulnerable needs to be addressed by the analysis and subsequent execution of any major water project.	Chapter 29, Environmental Justice, of the EIR uses NEPA methodology to address state directives on determining project effects on environmental justice communities (see the Chapter 29 section titled Methods for Analysis for a description of the methods used to conduct the environmental justice analysis). This method for analysis focuses on significant adverse effects from other resource analyses to determine if they have the potential to disproportionately affect environmental justice communities. Resource topics that are not considered to result in significant adverse effects are not carried forward for detailed analysis on how environmental justice communities could experience effects because, per the NEPA methodology, effects are not considered to exceed those on the general population and therefore, effects on environmental justice from these resource topics would not be considered disproportionately adverse. Impacts identified in the EIR for flood protection, groundwater, and soils are reduced to less-than-significant levels with implementation of environmental commitments or mitigation measures of the project. Therefore, these resource topics are not carried forward for detailed analysis in the environmental justice assessment because when impacts can be reduced to a less-than-significant level, minority and low-income populations are likely to benefit proportionately, and effects would not exceed those on the general population; therefore, effects on environmental justice would not be considered disproportionately adverse. The applied NEPA methodology is not intended to describe how different environmental justice communities could experience impacts the same or differently, but rather to meet federal objectives to determine if

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485-53	Chapter 32 Tribal Cultural Resources: Chapter 32 has several major issues that need to be corrected and clarified. These include the 1) the treatment of the Delta as a single resource; 2) only focusing on the physical changes to the TCL; 3) no complete resources evaluations for individual resources; 4) Size of the Area of Potential Effect is too small; 5) the TCL boundary is not a Tribal definition, but one created by DWR and non-tribal groups; 6) the mitigation measures do not mitigate at the TCL level and only implementation of small measures is described; 7) Tribal knowledge is not correctly cited or being used to guide protection of resources; 8) effects of the Project listed in other sections of the DEIR are not mentioned or addressed in the Tribal Cultural Resources chapter.	environmental impacts would disproportionately affect environmental justice communities. Please see Common Response 16, Tribal Cultural Resources, for a discussion of the identification of the Delta Tribal Cultural Landscape (Delta TCL) based on extensive consultation with Tribes that impressed upon DWR the interrelated and interconnected relationships between individual resources that are best understood as a wholistic landscape. Please see the response to 485-56 regarding the analysis of spiritual and ceremonial qualities of TCRs in addition to physical qualities. Please refer to Common Response 16 regarding DWR’s consideration of individual Tribal cultural resources as well as the documentation in the record regarding DWR’s evaluation of Tribal cultural resources. The term “Area of Potential Effects” is a term applicable to Section 106 of the National Historic Preservation Act and is not a CEQA term and an Area of Potential Effects is not needed for CEQA compliance. Chapter 32, Tribal Cultural Resources, in the section titled Study Area, describes the basis for setting the Tribal cultural resources study area in accordance with DWR’s approach for setting study areas for the project. Please also see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding a discussion of the selection of study areas evaluated in the EIR. Please refer to Common Response 16, which describes DWR’s approach to defining the boundary of the Delta TCL. Also see the Chapter 32 section titled CEQA Requirements for Identifying Tribal Cultural Resources, explaining the need to geographically define boundaries for the purposes of CEQA, to determine if the Tribal cultural landscape meets the definition of a Tribal cultural resource. It is important to note that although DWR is required to identify a boundary for the purposes of a landscape evaluation

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		under CEQA, DWR acknowledges that Tribes do not recognize geographical boundaries, especially for the Delta landscape. As described in Chapter 32, DWR has identified a suite of mitigation measures to mitigate impacts on the Delta TCL at various scales. Mitigation Measure TCR-1a seeks to avoid impacts on a localized scale by seeking design modifications or protective measures that would avoid impacts on individual character-defining features, and Mitigation Measure TCR-1b requires DWR to prepare an overarching Tribal cultural resources management that will include procedures for preparing resource-specific treatment plans in each situation where impacts cannot be avoided. Landscape-scale mitigation is achieved through Mitigation Measure TCR-1c, which includes DWR support for Tribal stewardship activities through funding and access opportunities, to be defined in coordination with affiliated Tribes, that allow Tribes to restore land and develop conservation projects. Additionally, Mitigation Measure TCR-1d commits to incorporation of Tribal knowledge, including Tribal Ecological Knowledge, into the preparation and implementation of the Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources (Appendix 3F) and other measures for mitigating impacts on terrestrial biological resources, fish and aquatic resources, and cultural resources. DWR is committed to continuing consultation and engagement with Tribes regarding the implementation of the mitigation measures to minimize and mitigate the project's potentially significant impacts. Please refer Common Response 16, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources. DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32.

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		The comment's assertion that effects of the project discussed in other sections of the EIR are not mentioned or addressed in Chapter 32 lacks sufficient specificity to understand its meaning. The analysis contained within Chapter 32 takes a holistic view of those resources that could contribute to Tribal cultural resources and includes information from various chapters to support the impact analysis. In addition, please refer to information included in the Final EIR in other resource chapters (e.g., Chapter 12, Fish and Aquatic Resources) as they may relate to Tribal cultural resources. Chapter 32, Impact TCR-1, considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in the table titled Tribal Views on Delta TCL Character-Defining Features. For example, landscape features, archaeological sites, and terrestrial and aquatic plant and animal species and their habitats, are identified as character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. As such, the impact analysis in Chapter 32 considers the various individual resources identified by Tribes and the values these resources contribute to the Tribal cultural landscape. Please also refer to Common Response 16 regarding the consideration of Tribal cultural resources in other resource chapters.
485-54	Page 32-2 Lines 39-41: The acknowledgment of the impact to the Delta TCL is a good starting point but the Delta is more than one Known Tribal Cultural Resource. Thus, the impacts will occur to multiple resources cumulating in a very significant impact to the Landscape. Consider using a Cultural Landscape Inventory that is authored, directed, and informed by Tribal Knowledge keepers.	DWR understands and recognizes that geographic features, plant and animal resources, and archaeological sites are culturally significant to Tribes. DWR has consulted with Tribes and considered the impacts on these resources as character-defining features of the Delta TCL. Please see Common Response 16, Tribal Cultural Resources, regarding DWR's consideration of individual Tribal cultural resources, as well as the documentation in the record regarding DWR's evaluation of Tribal cultural resources. Chapter 32, Impact TCR-1, considers multiple variables (described as

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		character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in the table titled Tribal Views on Delta TCL Character-Defining Features. For example, landscape features, archaeological sites, and terrestrial and aquatic plant and animal species and their habitats, are identified as character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. As such, the impact analysis in Chapter 32 considers the various individual resources identified by Tribes and the values these resources contribute to the Tribal cultural landscape. As explained in Chapter 32, DWR will implement Mitigation Measure TCR-2 to ensure that any potential character-defining features of the Delta TCL or individual Tribal cultural resources are identified and addressed through mitigation. DWR is committed to continued consultation and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures.
485-55	Page 32-43 Lines 37-41: The mitigation measures for the specific effects of the project on biological, water quality, environmental justice, and aesthetic resources though they meet the Compensatory Mitigation Plan and other legal requirements does not mean they are mitigated as cultural resources. The impact of the project on Tribal Cultural Resources needs to be addressed beyond the scientific and legal understandings. The Four mitigation measures developed by DWR, and the contractors do not address the values, purposes, or potential damages to TCRs. TCRs are nonrenewable and are not able in many cases to be transplanted or moved. DWR does not have the authority, proper understanding, or the capability to culturally engage with spiritual and ceremonial characteristics of the Delta. For example, as mentioned in the Water Quality Chapter	DWR recognizes that the Compensatory Mitigation Plan and other plans for ecological restoration are not directly intended to mitigate the Tribal cultural significance of those same ecological resources. However, the inclusion of Mitigation Measure TCR-1d reflects DWR's commitment to partnering with Tribes during the preparation and implementation of these plans with the dual goal of meeting the requirements for ecological restoration while also enhancing affiliated Tribes' ability to spiritually, physically, and ceremonially experience ecological resources that have cultural significance to the Tribe. DWR appreciates the investments made by consulting Tribes to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. Please see Common Response 16, Tribal Cultural Resources, for further discussion of the value DWR places on the expertise provided by consulting Tribes. DWR is

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	comments the issues mercury accumulation in areas and water bodies effects [sic] a Tribes ability to use such waters, plants, and areas. The harm caused by hazardous materials in cultural significant areas possess [sic] biological and medical risk, but it also harms cultural practices by stopping of limiting safe Tribal engagement. Coupled with the extensive timeline of construction has the potential to harm an Indigenous community for generations.	committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the development and implementation of the mitigation measures as described in Chapter 32, Tribal Cultural Resources. DWR is committed to continuing Tribal consultation on the development of mitigation plans in which culturally affiliated Tribes have expressed interest in coordinating with DWR. Such consultation will provide culturally affiliated Tribes the opportunity to review and comment on future, yet to be developed, documents developed for construction and mitigation of the project, such as the Mercury Management and Monitoring Plan.
485-56	Page 32-6: Beginning from this section forward the acknowledgement and description of the impacts of the project solely focus on the physical effects and does not discuss the negative effects and impacts to Tribal Cultural Ceremonies, restriction of access, destruction and disruption of the Tribal Cultural Landscape qualities and characteristics. This change in identification and definition of effects does not fully address the requires resources and the effects of a project be identified. Though physically disturbing of TCRs does not express the fact that disturbing TCRs destroy and harm Indigenous Lifeways and cultural Practices.	DWR determined impacts on Tribal cultural resources based on whether the project would materially impair character-defining features by substantially limiting or eliminating an affiliated Tribe's ability to spiritually, physically, or ceremonially experience those features. Please see Chapter 32, Tribal Cultural Resources, section titled Thresholds of Significance. While this includes consideration of physical changes to the Delta TCL, DWR considered a broad range of ways that the project may limit or eliminate a Tribe's ability to experience character-defining features. Please see the Chapter 32 section titled Impact Mechanisms for Tribal Cultural Resources, which discusses ways that a Tribe's spiritual or ceremonial experience could be impaired even if the character-defining feature isn't destroyed or otherwise physically damaged. DWR provided information about the project to each of the consulting Tribes and invited each Tribe to provide DWR with information about resources of concern, including their location and significance, what impacts might occur from project activities, and ways that impacts could be avoided or mitigated. Any information consulting Tribes chose to share with DWR regarding traditional lifeways and cultural practices factored into DWR's finding that the Delta TCL meets the criteria for listing in the

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485-57	Page 32-6 Lines 33-39: The paragraph acknowledges the impairment and impacts to the interrelated waterways of the Delta. However, consistently through the DEIR the Area of Potential Effect (APE) has been defined as the project area and the Legal Delta. This does not fully meet the requirements of CEQA or NEPA of establishing a proper APE. This lapse by not following federal and state law means the analysis set forth the DEIR does not properly identify or consider all resources within the APE.	California Register of Historical Resources, and thus qualifies as a Tribal cultural resource under CEQA. Please see response to comment 485-53 regarding the term “Area of Potential Effects” and the selection of the study area evaluated in the EIR. The EIR does not need to comply with NEPA and a separate EIS was prepared by the U.S. Army Corps of Engineers to comply with NEPA. As described in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, the EIR meets the requirements of CEQA. DWR recognizes that the Tribes perceive that project effects may extend beyond the study area due to the interconnectedness of waterways. As described in Chapter 32, Tribal Cultural Resources, in the section titled Study Area, no construction would occur outside of the Delta counties, and the proposed project and alternatives would not change operational criteria associated with upstream reservoirs. Some indirect operational changes could occur because of the interconnectedness of the waterways, but modeling analysis has indicated that these changes would be negligible (see Chapter 5, Surface Water). Because changes to reservoir storage and river flows would be minimal, they would not have the potential to affect resources upstream from the Delta and those areas are not included in the study area. Additionally, there would be no physical alterations and minimal variations in surface water flows south of the Delta in SWP and CVP service areas. Therefore, the study area does not include the potential for physical impacts in areas upstream of the Delta region or the south-of-Delta SWP and CVP service areas. Please also see Common Response 3, Alternatives Development and Description, regarding Delta Conveyance Project’s operations, which do not include changes to State Water Project or Central Valley Project operations upstream of the proposed north Delta intakes.

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485-58	Page 32-25 Lines 4-8: Tribes do not recognize boundaries on the landscape and particularly the Delta. The idea of clear-cut cultural group boundaries has been forced on Tribes continuously since European power began colonizing California. The Delta is a shared, co-managed, and expanse landscape to the Indigenous communities who reside there. The idea of the boundary needs to be removed from any definition of the Delta and Indigenous knowledge conveyed in this document.	Please see response to comment 485-53 regarding the need to geographically define boundaries for the purposes of CEQA and DWR's approach to defining the boundary of the Delta Tribal Cultural Landscape (Delta TCL). Please refer to Common Response 16, Tribal Cultural Resources, for a discussion of the Delta TCL boundary and for further context on the Tribal consultation that informed the definition of the Delta TCL. It is important to note that although DWR is required to identify a boundary for the purposes of a landscape evaluation under CEQA, DWR acknowledges that Tribes do not recognize geographical boundaries, especially for the Delta landscape.
485-59	Page 32-46: For the Mitigation measure TCR-1b tribes should be the lead authors of a documentation of Traditional/Tribal Knowledge. Additionally, any Traditional or Tribal Knowledge should establish relationships such as co-management, co-decision making authority, and continual consultation with Tribal governments and nations.	DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32, Tribal Cultural Resources, including the development of the Tribal Cultural Resources Management Plan included in Mitigation Measure TCR-1b. Please refer to Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources.
485-60	Chapter 33 CEQA and NEPA: The Delta Conveyance Project will cause irreversible impacts to the Delta as a Tribal Cultural Landscape and Tribal Cultural Property. Though the Delta has been continually damaged since Spanish Exploration of the region this project constitutes the biggest damage to the Tribal Communities since the Termination Acts pushed by California State lobbyists and politicians. The damaged area of the delta though has been constantly changed this damage would continually damage the landscape and its cultural characteristics. This chapter does not accurately convey DWR efforts and unjustly favors the projects while minimizing the effects of the project.	DWR recognizes, and the EIR acknowledges, the Delta's importance to Tribes. Chapter 32, Tribal Cultural Resources, in the section titled Sacramento-San Joaquin Delta Tribal Cultural Landscape, describes the Delta Tribal Cultural Landscape, which was evaluated as a cultural (sometimes called ethnographic) landscape, which relies on the continued recognition of culturally important processes in addition to historical trends. Please also see response to comment 485-3 regarding the contents of Chapter 32 and Common Response 16, Tribal Cultural Resources, regarding Tribal engagement, outreach, and consultation. Although the analysis in Chapter 32 concludes that impacts on Tribal cultural resources would be significant and unavoidable, mitigation measures have been identified to avoid or minimize impacts where feasible. For example, DWR would implement Mitigation Measure TCR-1a

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		to incorporate preconstruction surveys and feasible avoidance or protection measures in the design, construction, operations, and maintenance activities to avoid or protect Tribal cultural resources. Where avoidance or protection is not feasible, DWR would implement other mitigation measures (Mitigation Measures TCR-1b, TCR-1c, and TCR-1d), as applicable. This would include mitigation by way of resource-specific treatment in consultation with affiliated Tribes and the incorporation of Tribal knowledge, including Tribal Ecological Knowledge, into the preparation and implementation of the Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources (Appendix 3F) and other measures for mitigating impacts on terrestrial biological resources, fish and aquatic resources, and cultural resources. DWR is committed to continuing consultation and engagement with Tribes as part of the project's mitigation measures and DWR will continue to consult with affiliated Tribes regarding the implementation of the mitigation measures to minimize and mitigate the project's potentially significant impacts. Comments regarding the approval of projects with significant and unavoidable impacts are addressed in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues. Please refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project.
485-61	Page 33-2 and 33-3: An additional alternative in the State Water Project service area has not been considered for this project. A redesign and change to water restrictions for the service area has not been discussed or even presented as an option in the CEQA analysis. Such changes and redesigns could include more local solutions to South Delta areas, ground water recharge, wastewater treatment facilities, and desalination plants. Instead of all the effects, impacts, impairments, and damage caused by the project such	Please refer to Common Response 3, Alternatives Development and Description, regarding alternatives suggested in comments or considered but eliminated, regarding different types of projects that DWR could potentially pursue instead of the Delta Conveyance Project. Strategies such as groundwater recharge, wastewater treatment, and desalination alone would not meet the basic objectives of the proposed project but are included in the California Water Resilience Portfolio, which also identifies the Delta Conveyance Project as one of the actions needed to modernize Delta water supply infrastructure. Refer also to Chapter 2, Purpose and

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	alternatives should be considered and presented to build southern California's water resources.	Project Objectives, regarding the project's purpose and objectives. Implementing the Delta Conveyance Project would complement the portfolio of actions underway to improve water use efficiency, water conservation and regional water supply self-sufficiency. The portfolio vision and specific actions currently underway recognize and prioritize the need for multiple water resources management actions occurring together to improve water supply resiliency for the public health and welfare of all Californians. Please also note that the EIR analyses considers portfolio actions, such as those suggested in the comment, that would be taken by other entities if the Delta Conveyance Project were not approved; these potential actions are described in Appendix 3C, Defining Existing Conditions, No Project Alternative, and Cumulative Impact Conditions.
485-62	Page 33-8 Line 12-20: This consideration is false. Buena Vista Rancheria [of Me-Wuk Indians], other Tribes, and environmental justice advocates consulted for two years for DWR to discuss and provide a no project alternative. The continual denial, stonewalling, and efforts to not produce a no project alternative is not good faith efforts and does not follow the requirements set forth in CEQA.	The EIR contains a No Project Alternative as required by CEQA. The location identified by the comment in the EIR is contained in Chapter 33, Other CEQA-Required Analyses, and addresses the affirmative duty of the State to protect public trust uses whenever feasible. Please see Chapter 9, Water Quality; Chapter 12, Fish and Aquatic Resources; Chapter 13, Terrestrial Biological Resources; and Chapter 16, Recreation, of the EIR for further discussion of the impact conclusions summarized on the EIR page referenced in the comment. Chapter 32, Tribal Cultural Resources, describes the coordination and consultation DWR engaged in with multiple Tribes through two different processes: Public Resources Code Section 21080.3.1 and DWR's Tribal Engagement Policy. Appendix 32A, Tribal Consultation and Engagement Log, presents a nonconfidential table that lists the Tribal consultation and informational meetings that have occurred for the project to date. Please see Common Response 16, Tribal Cultural Resources, for more detail on the Tribal consultation conducted by DWR on the project. Please also see Common Response 4 regarding the CEQA requirements for describing

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		and evaluating a No Project Alternative in an EIR and the comparisons that are made in the EIR between existing conditions, project alternatives, and No Project Alternative.
485-63	Page 33-8: The conclusion of Chapter 33 has several glaring issues and conveys the opposite of the previous chapters and current hydrology of the state. The waste, unreasonable use and method, and the unreasonable diversion of water from the Sacramento-San Joaquin Delta to the State Water Project infrastructure adamantly opposes DWR's, CDFW, and the [S]tate[']s obligations for the protection of public trust resources. The project adds to the State's current water crisis and harms the development of sustainable and well managed resources for communities both North and South of the Delta.	Text in Chapter 33, Other CEQA-Required Analyses, in the section titled Public Trust Doctrine Considerations, explains that compliance with CEQA, with its mandate to “mitigate significant environmental effects to the extent feasible” [Pub. Resources Code § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2)] tends to ensure compliance with the public trust doctrine, at least with respect to public projects involving public use of public trust resources. Information contained in the EIR demonstrates that impacts on public trust resources (e.g., water quality, fish and aquatic resources, terrestrial biological resources, in-water recreational resources, and public lands) are mitigated to less-than-significant impact levels, and because of this, public trust resources are protected. Please see Common Response 17, Public Trust, regarding the EIR’s analysis of public trust resources and a discussion of public trust responsibilities of other agencies including CDFW and State Water Board. Please see Chapter 1, Introduction, for a description of the State Water Project and background information regarding how water supply has been developed and managed in California. Please refer to Chapter 2, Purpose and Project Objectives, regarding the purpose of the project. Please also refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the project’s purpose and objectives, including DWR’s continuing commitment to operate the State Water Project as modified to include the Delta Conveyance Project in compliance with all state and federal water quality and environmental laws.
485-64	In summation, the Tribe [Buena Vista Rancheria of Me-Wuk Indians] opposes the Delta Conveyance Project due to the significance of the land, the negative impacts to the communities and the Tribal Cultural Landscape, and the many resources that make this place foundational to all tribes.	DWR recognizes, and the EIR acknowledges, the Delta’s importance to Tribes. Chapter 32, Tribal Cultural Resources, acknowledges the importance of the Delta Tribal Cultural Landscape to Tribes. Please refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR’s decision on whether to

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	Review these comments and critiques to update the Draft EIR. The Delta is a Tribal Cultural Landscape that holds the history, identity, and traditional species Tribes are intimately connected to. These comments are to ensure Tribal perspectives are voiced and the importance of the Delta is conveyed to the public and DWR.	approve the project. In addition, comments regarding the approval of projects with significant and unavoidable impacts are addressed in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues. The section in Common Response 16 about consistency with current State policies regarding indigenous people in California discusses the role that the EIR serves as the basis for DWR's decision on whether to approve the project, including acknowledgement of significant and unavoidable impacts or statements on Tribal perspectives to ensure that decision makers review such information prior to making a decision on the project.
485-65	As mentioned above Buena Vista Rancheria of Me-Wuk Indians has several concerns regarding the Delta Conveyance Project Draft EIR: 1. The Draft EIR does not provide any alternatives then the project to address water supply and water management stresses; 2. There is insufficient and inconsistent analysis to claim that the impacts on the various environmental factors would be less than significant. Uneven comparisons in the various studies and analyses are conducted in multiple chapters; 3. Minimal, not enough, or inadequate mitigation measures for resources through the project's Area of Potential Effect; 4. No Project Alternative sections do not provide a clear result and often frame the project as the sole answer to water issues; 5. Missing, unknown, or deeply hidden information, data, or maps. Data sets provided through the Draft EIR disguise or obscure the impacts in future conditions and the actual impacts of the project's operation; 6. Chapters are siloed and do not discuss with each other the connected impacts, effects, or mitigation measures.	Please refer to response to comment 485-3 regarding the reasonable range of feasible alternatives developed for evaluation in the EIR; substantial evidence presented in the EIR for describing the baseline and determining impacts; feasible and adequate mitigation measures that meet CEQA requirements; description of the CEQA No Project Alternative requirements and projects and programs evaluated in the No Project Alternative; the level of detail, length, and complexity included in the EIR; and, discussions or cross references of impacts associated with different resources, where appropriate.

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485-66	References Cited Korfel, C.A., W.J. Mitsch, T.E. Hetherington, and J.J. Mack. 2010. Hydrology, physiochemistry, and amphibians in natural and created vernal pool wetlands. <i>Restoration Ecology</i> 18: 843-854. Collinge, S.K., C. Ray, and J.T. Matty. 2013. A long-term comparison of hydrology and plant community composition in constructed versus naturally occurring vernal pools. <i>Restoration Ecology</i> 21: 704-712. C. Black and P.H. Zedler in: C.W. Witham, E.T. Bauder, D.Belk, W.R. Ferren, and R. Ornduff (Editors). <i>Ecology, Conservation, and Management of Vernal Pool Ecosystems- Proceedings from a 1996 Conference</i>. California Native Plant Society, Sacramento, CA. 1998.	The commenter provided this list for reference purposes in support of their comments. Those comments are addressed in these responses to the commenter's letter. DWR has reviewed all comments and will consider all comments in its decision-making process.
489-1	Please find the below comments from our tribe, the Amah Mutsun Tribal Band, regarding the Draft EIR for the proposed Delta Conveyance Project. We are the Amah Mutsun Tribal Band. Our ancestors are the Indigenous peoples of south-San Francisco and north-Monterey Bay area, who were forcibly removed from our lands and taken to the missions at San Juan Bautista and Santa Cruz. Today the Amah Mutsun Tribal Band (AMTB) is an active community of nearly 600 members.	This information describes the background of the Amah Mutsun Tribal Band and includes general introductory text. It is not a comment on the contents of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
489-2	Although the large expanse of land and waters that would be impacted by the Delta Conveyance Project (DCP) is outside of our traditional Tribal territory, we [Amah Mutsun Tribal Band] feel compelled to comment on this project's potentially irreparable destructive impacts. Our Tribe is extremely concerned about continued harm to tribal cultural resources. We advocate for the need to consult thoroughly and listen to the needs of those tribes directly impacted by DCP.	Please refer to Common Response 16, Tribal Cultural Resources, regarding how DWR's efforts to identify and analyze impacts on Tribal cultural resources were consistent with current State policies regarding indigenous people in California. Chapter 32, Tribal Cultural Resources, in the section titled Consultation and Engagement with Tribes describes DWR's good-faith effort to foster meaningful consultation that recognizes Tribal expertise in the

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		identification and consideration of Tribal cultural resources. DWR appreciates the investments made by consulting Tribes to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement with consulting Tribes on the implementation of the mitigation measures as described in Chapter 32. Please also refer to Common Response 16 regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources. Although the analysis in Chapter 32 concludes that impacts on Tribal cultural resources would be significant and unavoidable, mitigation measures have been identified to avoid or minimize impacts where feasible. For example, DWR would implement Mitigation Measure TCR-1a to incorporate preconstruction surveys and feasible avoidance or protection measures in the design, construction, operations, and maintenance activities to avoid or protect Tribal cultural resources. Where avoidance or protection is not feasible, DWR would implement other mitigation measures (Mitigation Measures TCR-1b, TCR-1c, and TCR-1d), as applicable. This would include mitigation by way of resource-specific treatment in consultation with affiliated Tribes and the incorporation of Tribal knowledge, including Tribal Ecological Knowledge, into the preparation and implementation of the Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources (Appendix 3F) and other measures for mitigating impacts on terrestrial biological resources, fish and aquatic resources, and cultural resources.
489-3	Additionally, the AMTB [Amah Mutsun Tribal Band] is concerned about the continued degradation of salmon habitat and the impacts the DCP would have on the continued efforts of restoring salmonid populations across the state. Moyle et al. (2017) demonstrate California may lose half its native salmonids within the next half century and ~75% within the	Chapter 12, Fish and Aquatic Resources, analyzes the potential impacts of operations and maintenance of the project alternatives on all of the fish species mentioned by the commenter, in addition to several other species, as discussed in Impacts AQUA-2 through AQUA-19 in Chapter 12. Potentially significant impacts on salmon or their habitat were mitigated to less-than-significant levels by inclusion of several habitat restoration

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	next century if change does not occur in salmonid management and habitat restoration.	mitigation measures described in Chapter 12 (i.e., Mitigation Measure CMP [specifically CMP-23, CMP-24, CMP-25, and CMP-26]).
489-4	We [Amah Mutsun Tribal Band] are more broadly concerned about the potentially devastating impacts on the ecology and many plant and animal species that inhabit and rely on the Delta, including the impacts on food resources that have been used by humans and non-humans for millennia.	Text has been added to the Environmental Impacts section of Chapter 13, Terrestrial Biological Resources, about the importance of the plant and animal species to California Native American Tribes. The revision to Chapter 13 described here did not result in a new significant environmental impact or substantial increase in the severity of an environmental impact or required additional mitigation measures to which DWR was unwilling to commit. Additionally, as described in Chapter 13, potential impacts related to wildlife and plant species would be mitigated to a less-than-significant level. In addition, Chapter 32, Tribal Cultural Resources, identifies Tribal cultural resources, evaluates potential impacts that could result from construction, operation, and maintenance of the project, and provides mitigation measures to reduce the effects of potentially significant impacts where feasible. Chapter 32, Impact TCR-1, considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in the table titled Tribal Views on Delta TCL Character-Defining Features. For example, terrestrial and aquatic plant and animal species habitats are identified as part of both the Delta's ecosystem and character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. As such, the impact analysis in Chapter 32 considers the various individual resources identified by Tribes, including those raised by the comment, and the values these resources contribute to the Delta Tribal Cultural Landscape. Please also see Common Response 16, Tribal Cultural Resources, regarding Tribal consultation and the identification of Tribal cultural resources.

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489-5	We [Amah Mutsun Tribal Band] have seen hundreds of members and representatives of the Yurok, Hoopa Valley, Karuk, Pit River, Winnemem Wintu, Pomo, and Miwok nations stand up against the destructive nature of the DCP. We have to ask ourselves if the state of California truly listens to these tribes and engages in honest and fair Tribal consultation. Does the DEIR meaningfully engage with the spiritual values and significance of these waters and the species impacted that are highlighted by these tribes? If the DEIR is intended to assess the impact on cultural resources, is continued access, protection, and connection with the salmon as a relative that is tied directly to creation stories, culture, and traditions of these nations being thoroughly taken into account? It is our Tribe's belief that the impact on the spiritual and human rights of these tribes should be considered in an assessment of the impact of the proposed project. To ignore the spiritual and cultural significance of salmon is to violate Indigenous human rights.	Please refer to Volume 2, Chapter 2, Indices of Commenters and Index of Primary Forms, to locate DWR responses to comments made by Tribes referenced by the comment, and contained in Volume 2, Chapter 4, Response to Comments Tables. DWR understands and recognizes that salmon are a key species for Tribes, and it has consulted with Tribes and considered the impacts on salmon and other native fish species habitats as a character-defining feature of the Delta as a Tribal Cultural Landscape. As described in response to comment 489-4, Chapter 32, Tribal Cultural Resources, Impact TCR-1 considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in the table titled Tribal Views on Delta TCL Character-Defining Features. For example, terrestrial and aquatic plant and animal species and their habitats, including that of salmon, are identified as part of both the Delta's ecosystem and character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. As such, the impact analysis in Chapter 32 considers the various resources identified by Tribes, including salmon, and the values these resources contribute to the Tribal Cultural Landscape. The Chapter 32 section titled Consultation and Engagement with Tribes describes DWR's good-faith effort to foster meaningful consultation that recognizes Tribal expertise in the identification and consideration of Tribal cultural resources. In the same section DWR also recognized that Tribal participation in consultation does not imply that the consulting Tribes endorse the project. DWR appreciates the investments made by consulting Tribes to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. DWR is committed to continued understanding and incorporation of Tribal

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489-6	The DEIR identifies 34 recorded archaeological resources, 10 of which are Native American resources (DEIR, p. 19-53). We [Amah Mutsun Tribal Band] defer to the tribes who are directly impacted, but in our experience, you cannot simply put a mitigation price tag on sacred sites. Regardless of the alternative that is pursued, several of these sites would be significantly impacted (DEIR, pp. 19D-3 to 7). The construction of Alternative 5 would result in over 2,500 acres of permanent and temporary impacts (DEIR, p. 3-20). This large swath of land could very well contain many additional cultural and historical sites, and the DEIR fails to disclose these potential impacts. We have heard from other Tribal representatives that the Tribal village sites and mounds that would be disturbed are of great importance, and we do not see how mitigation would be able to address this impact.	knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32. Although the analyses in Chapter 19, Cultural Resources, and Chapter 32, Tribal Cultural Resources, conclude that impacts on cultural resources and Tribal cultural resources, respectively, would be significant and unavoidable, mitigation measures have been identified to avoid or minimize impacts where feasible. Please see Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources. Chapter 32, Impact TCR-2, recognizes that there may be resources in the study area that have not yet been identified, and that there remains a potential for significant unavoidable impacts on such resources. DWR is committed to continued consultation and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of Mitigation Measure TCR-2, to ensure that any potential character-defining features of the Delta Tribal Cultural Landscape, including cultural and historical sites, or individual Tribal cultural resources are identified and addressed through mitigation.
489-7	The promotion of the DCP would remove water from the Delta and export it to other parts of the state, thus decreasing the water available for salmon and impacting the survival of juvenile endangered winter-run Chinook salmon and threatened spring-run Chinook salmon in the Delta and its watershed. Numerous other fish species would be impacted by all of the project alternatives, including steelhead salmon, Delta smelt, white and green sturgeon, and Pacific lamprey, all of which are listed as threatened or species of concern.	Chapter 12, Fish and Aquatic Resources, analyzes the potential impacts of operations and maintenance of the project alternatives on all of the fish species mentioned by the commenter, in addition to several other species, as discussed in Impacts AQUA-2 through AQUA-20 in Chapter 12. Overall, Chapter 12 did not identify significant impacts on fish species after mitigation.

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489-8	This project's disregard for salmon and native fisheries is apparent in the project's objectives. None of the project objectives mention the protection of these species. Instead, the objectives only cover providing export water to other areas of the state and providing "operational flexibility" for Delta water (DEIR, pp. 2-2 to 3). This language suggests that other parts of the state should have priority to water diversions above water necessary to restore and maintain ecosystem health and maintain the health of salmon as a culturally sacred species.	As stated in Chapter 2, Purpose, and Objectives, one objective of the project is to provide operational flexibility to improve aquatic conditions in the Delta. Please see Chapter 1, Introduction, for a description of the State Water Project and background information regarding how water supply has been developed and managed in California. Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the basis of the project objectives and the discretion CEQA affords lead agencies in defining the project purpose and objectives. Please also refer to Common Response 1 regarding DWR's continuing commitment to operate the State Water Project as modified to include the Delta Conveyance Project in compliance with all state and federal water quality and environmental laws and as this relates to the purpose and objective of the project. Chapter 12, Fish and Aquatic Resources, evaluates potentially significant physical environmental impacts on salmon and special-status aquatic species. The analyses in this chapter found impacts would be either less than significant or mitigated to a less-than-significant level. Chapter 32, Tribal Cultural Resources, considers impact analysis and resources disclosed in other chapters as they relate to Tribal cultural resources. Please also refer to response to comment 489-5 for a description of the impact analysis in Chapter 32 and the consideration of the various resources identified by Tribes, including salmon, and the values these resources contribute to the Delta Tribal Cultural Landscape.
489-9	The salmon and other fish populations are already in decline because of similar infrastructure projects that already remove too much water from our state's rivers. Proposing this type of project without making improvements to biological resources such as native fisheries will likely further push fish species in the Delta closer to the precipice of extinction. We [Amah	The comment assertion that the potential impacts of the project alternatives have been underestimated is not supported by the EIR. Potential impacts on fish and aquatic resources are analyzed in Chapter 12, Fish and Aquatic Resources, of the EIR. The proposed operational criteria limit the potential for negative effects on the environment and aquatic species of concern, and mitigation measures in Chapter 12, Fish and

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	Mutsun Tribal Band] believe that the DEIR has underestimated the impact of this massive project, and in so doing, has not provided the opportunity for review by all the interested publics.	Aquatic Resources, including habitat restoration described in the EIR, mitigate potential impacts that could result from operating the alternatives to less-than-significant levels. In addition, the Delta Conveyance Project would be operated consistent with existing and/or any future Delta regulatory criteria to continue to provide protections to listed species identified through other environmental compliance processes. Overall, the results of the impact analysis, including commitments to mitigate potentially significant effects, do not indicate the project would lead to greater aquatic species decline. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding use of best available science and the purpose of the project. In addition, mitigation is proposed for potentially significant impacts to reduce those impacts to less-than-significant levels.
489-10	South-Central California Coast steelhead (<i>Oncorhynchus mykiss</i>), an anadromous salmonid (huuraka in the Mutsun language) species, is a sacred and culturally significant fish for the Amah Mutsun Tribal Band. Mutsun oral history and the ethnographic record contain stories regarding fishing practices, which reference salmon species. We are culturally obligated to take care of our plant and animal relatives and the health of our natural environment and waterways. A core aspect of the culturally-mandated vision of the Amah Mutsun Tribal Band is to restore the functioning of native ecosystems within our ancestral lands to the greatest extent possible, to bring back the beauty, abundance, and diversity of the natural systems that sustained our people since time immemorial. For the last two years, our tribe has held Salmon Ceremonies to call for the return of the salmon to our territory. We initiated this after participating in the removal of the Mill Creek dam on a tributary to San Vicente Creek in Santa Cruz County. Our	DWR understands and recognizes that salmon are key species for Tribes, and it has consulted with Tribes and considered the impacts on salmon and other native fish species habitats as a character-defining feature of the Delta as a Tribal Cultural Landscape. Please see Chapter 32, Tribal Cultural Resources, regarding DWR's consultation and engagement with Tribes on the project, the definition of Tribal cultural resources, and those resources identified as Tribal cultural resources. The impact analysis in Chapter 32 considers the various resources identified by Tribes, including salmon, and the values these resources contribute to the Delta Tribal Cultural Landscape.

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	ceremonies further strengthen our commitment to care for the salmon and steelhead and be a voice for their needs. For this reason, we feel a connection to and need to stand with the tribes most impacted by the DCP in their work to honor and care for the salmon and ecosystems that support them.	
489-11	AMTB [Amah Mutsun Tribal Band] requests that DWR abandon the DCP and instead pursue projects that leave Tribal cultural resources intact and that prioritize the recovery of California's salmon and other fish populations.	. Please refer Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources and the consideration of Tribal perspectives in DWR's decision on whether to approve the project. DWR, as lead agency and decision maker, will carefully consider all the project alternatives, including the No Project Alternative, before making a decision on the project. Please refer to Chapter 32, Tribal Cultural Resources, section titled Consultation and Engagement with Tribes, where DWR recognized Tribal participation perspectives regarding the project. DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures, as described in Chapter 32. Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the basis of the project objectives and the discretion CEQA affords lead agencies in defining the project purpose and objectives. Please also refer to Appendix 3C, Defining Existing Conditions, No Project Alternative, and Cumulative Impact Conditions, for a list of projects likely to occur under the No Project Alternative.
489-12	AMTB [Amah Mutsun Tribal Band] further requests that DWR engage in meaningful consultation with the tribes most impacted by the proposed project and listen carefully to their needs and concerns.	The section in Chapter 32 titled Tribal Cultural Resources Consultation and Engagement with Tribes describes DWR's good-faith effort to foster meaningful consultation that recognizes Tribal expertise in the identification and consideration of Tribal cultural resources. In the same

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		section, DWR also recognized that Tribal participation in consultation does not imply that the consulting Tribes endorse the project. DWR appreciates the investments made by consulting Tribes to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32. Please refer to Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources.
524-1	The United Auburn Indian Community (UAIC) of the Auburn Rancheria strongly opposes the Delta Conveyance Project. As such, we support the NO PROJECT ALTERNATIVE, and request that the Department of Water Resources (DWR) more fully and thoroughly develop this section of the Draft Environmental Impact Report (DEIR). We [United Auburn Indian Community] also highly encourage DWR to meaningfully assess the No Project Alternative, to take actions and conduct studies based in Traditional Ecological Knowledge, and to preserve and protect existing resources by implementing restoration and habitat enhancements. UAIC [United Auburn Indian Community] views all DEIR project alternatives except the No Project Alternative as a continuation of California's current and past state-driven policies of cultural and ecological genocide of California Native American Peoples because of their potential impacts to a Tribal Cultural Landscape and to Tribal Cultural Resources. The effect of these state-driven policies continues through the proposed Delta Conveyance project, despite Governor Newsom's	Please see the Chapter 32, Tribal Cultural Resources, section titled Summary Comparison of Alternatives, which states that DWR recognizes, and has heard during consultation, that Tribes oppose the Delta Conveyance Project due to the potential unmitigable impacts on the Tribal cultural landscape and the many resources that make this place foundational to Tribes. Please refer to Common Response 3, Alternatives Development and Description, regarding the development of the reasonable range of feasible alternatives evaluated in the EIR. Please also refer to Common Response 4, No Project Alternative Description and Analysis, for a discussion of CEQA requirements regarding the description of the No Project Alternative. As required by CEQA, the No Project Alternative includes projects and programs that could occur in the absence of the Delta Conveyance Project and the associated environmental impacts that are reasonably foreseeable results of not approving the project. DWR, as lead agency and decision maker, will carefully consider all the project alternatives, including the No Project Alternative, before making a decision on the project. Please see Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project.

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	acknowledgement of the State of California's historic and continued genocide of California Native Americans (Executive Order N-15-19), and the State's actions toward conservation (e.g., Nature based Solutions, 30x30 Conservation Strategy) and racial equity (e.g., State Water Resources Control Board Resolution No. 2021-0050). The project undermines each of these valuable efforts. UAIC supports Tribal and science-based water solutions for the State but maintains the position that the alternatives proposed in the DEIR are not in keeping with Tribal values, the State's own nature- and conservation-based solutions, or current available science on the Delta region.	In addition, the No Project Alternative's impacts on Tribal cultural resources are fully evaluated in Chapter 32, Tribal Cultural Resources, which includes discussion of the No Project Alternative's effects on future Tribal cultural resources conditions and the potential effects of predictable actions by other water agencies as a reaction to the Delta Conveyance Project not being implemented. Future conditions of Tribal cultural resources in the Delta are not expected to change substantially compared to existing conditions under the No Project Alternative scenario, but potential effects could occur from actions by others in various regions across California. DWR will also be consulting with the Tribes regarding Compensatory Mitigation Plan implementation, especially as it relates to restoring portions of fish and wildlife habitat in the Delta. DWR recognizes and affirms Executive Order N-15-19, which apologized on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment, and neglect California inflicted on Tribes. Please refer to Common Response 16, Tribal Cultural Resources, regarding how DWR's efforts to identify and analyze impacts on Tribal cultural resources were consistent with current State policies regarding indigenous people in California. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of opposition to the project and the use of best available science in the EIR. The Delta Conveyance Project is one part of a diverse portfolio of strategies that would assist in meeting California's water management needs and would not preclude other measures that may be taken by DWR or other entities, which may include the nature-based solutions mentioned by the commenter.

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524-2	All proposed DEIR alternatives except the no project alternative cause irreparable harm and impacts to the Delta as a Tribal Cultural Landscape and associated Tribal Cultural Resources.	Although the analysis in Chapter 32, Tribal Cultural Resources, concludes that impacts on Tribal cultural resources would be significant and unavoidable, mitigation measures have been identified to avoid or minimize impacts where feasible. For example, DWR would implement Mitigation Measure TCR-1a to incorporate preconstruction surveys and feasible avoidance or protection measures in the design, construction, operations, and maintenance activities to avoid or protect Tribal cultural resources. Where avoidance or protection is not feasible, DWR would implement other mitigation measures (Mitigation Measures TCR-1b, TCR-1c, and TCR-1d), as applicable. This would include mitigation by way of resource-specific treatment in consultation with affiliated Tribes and the incorporation of Tribal knowledge, including Tribal Ecological Knowledge, into the preparation and implementation of the Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources (Appendix 3F) and other measures for mitigating impacts on terrestrial biological resources, fish and aquatic resources, and cultural resources. DWR is committed to continuing consultation and engagement with Tribes as part of the project's mitigation measures and DWR will continue to consult with affiliated Tribes regarding the implementation of the mitigation measures to minimize and mitigate the project's potentially significant impacts. Please see Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project. In addition, comments regarding the approval of projects with significant and unavoidable impacts are addressed in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues.

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524-3	The DEIR fails to adequately understand or acknowledge the harm the project will cause. This failure must be addressed. Section 15021 of the CEQA regulations states: CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment. The Delta Conveyance Project DEIR's proposed alternatives do not meet the spirit of this section nor its intent. The DEIR neglects the Tribal Cultural Landscape's importance and fails to adequately explain how the project's beneficial aspects outweigh the unavoidable adverse impacts to the Tribal Cultural Landscape and the associated Tribal Cultural Resources. For a project of this significance, the statement of overriding considerations should be included in the DEIR for public review. UAIC [United Auburn Indian Community] requests that the DEIR be rewritten to address these deficiencies, and that an additional public comment period on the revised DEIR be scheduled.	Impacts on Tribal cultural resources are determined to be significant. As described in response to comment 524-2, mitigation measures are proposed and will be implemented through the preparation of a Mitigation Monitoring and Reporting Program. However, as described in Chapter 32, Tribal Cultural Resources, even with mitigation incorporated, impacts would not be fully reduced and are determined to be significant and unavoidable. As identified in Chapter 3, Description of the Proposed Project and Alternatives, DWR will not make a decision on the project until after addressing public comments on the Draft EIR, certifying the Final EIR, and making all necessary findings, including preparing a statement of overriding considerations. Comments regarding the approval of projects with significant and unavoidable impacts are addressed in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues. As stated in response to comment 524-1, please see Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project. The EIR has been prepared in accordance with CEQA and adequately discloses the potential, scope, severity, and magnitude of potential impacts for the environmental resources analyzed in the EIR, including impacts on Tribal cultural resources. As discussed in Volume 2, Chapter 1, Introduction, of the Final EIR, recirculation is not required.
524-4	Summary of Consultation Since February 2021, UAIC [United Auburn Indian Community] has consulted extensively (more than 20 meetings) and in good faith with DWR staff on proposed alignments of the Delta	Chapter 32, Tribal Cultural Resources, section titled Summary Comparison of Alternatives, states that DWR recognizes, and has heard during consultation, that Tribes oppose the Delta Conveyance Project due to the potential unmitigable impacts on the Tribal cultural landscape and the many resources that make this place foundational to Tribes.

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	Conveyance Project. In each consultation meeting, UAIC made its position against the project known to DWR staff and explained the devastating effects the project would have on Tribal cultural resources, Tribal cultural items, and places of Tribal cultural significance. We appreciate that due to consultations with us and other area Tribes, DWR staff identified a Tribal Cultural Landscape and addressed that landscape in DEIR Chapter 32, but many problems remain. Although it is not well-reflected outside of Chapter 32, the Delta and Delta ecology is tied to the UAIC and Delta Tribes through cultural stories, important places and people, cultural materials, and regional California Native American pre-colonial and post-colonial history from the mission, Gold Rush, and recent historic periods. Through much conversation, information sharing, and deliberation, progress was made toward DWR acknowledging the tribal cultural value of the Delta as a Tribal Cultural Landscape, but the document is sorely incomplete in its analysis of the project's impacts on this Tribal Cultural Landscape. Specific Comments on the DEIR UAIC provided comments to DWR during Tribal Consultation but summarizes those comments below. The DEIR's Draft Tribal Cultural Resources Chapter 32 has several critical shortcomings. 1) It fails to clearly state Tribal opposition to the project.	Text has been added to the following chapters in the Final EIR acknowledging the overlap between Chapter 32, Tribal Cultural Resources, and other resource chapters: Chapter 5, Surface Water; Chapter 6, Water Supply; Chapter 8, Groundwater; Chapter 9, Water Quality; Chapter 12, Fish and Aquatic Resources; Chapter 13, Terrestrial Biological Resources; Chapter 18, Aesthetics and Visual Resources; Chapter 19, Cultural Resources; and Chapter 23, Air Quality and Greenhouse Gases. None of the revisions to these chapters described here resulted in a new significant environmental impact or substantial increase in the severity of an environmental impact or required additional mitigation measures to which DWR was unwilling to commit. The analysis contained within Chapter 32, however, takes a holistic view of those resources that could contribute to Tribal cultural resources and includes information from various chapters to support the impact analysis. DWR appreciates the investments made by consulting Tribes to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures to reduce impacts on cultural and Tribal cultural resources.

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524-5	2) The Chapter does not fully convey the Delta region's cultural and ecological significance to area Tribes. The Delta region is a sacred landscape that holds and reflects Tribal identity, history, and current cultural practices as well as the Traditional Ecological Knowledge of Indigenous people. The Delta is a place to engage, learn, gather, return, and celebrate. The Delta is the place of origin stories and modern-day Tribal identity. The DEIR does not discuss or consider the spiritual impacts to Tribal communities in any meaningful way. The Delta's intangible significance and impacts must be thoroughly discussed and considered.	DWR recognizes, and the EIR acknowledges, the Delta's importance to Tribes. Consultation with Tribes helped inform DWR's recognition of the cultural importance of the Delta as a spiritual home and place of origin for affiliated Tribes. DWR appreciates the Tribe's efforts to share information about the Tribe's cultural heritage and cultural practices. Origin stories and places of creation are represented in the significance of the Delta Tribal Cultural Landscape (Delta TCL). Please see Common Response 16, Tribal Cultural Resources, regarding DWR's consideration of input from consulting Tribes and the importance of Delta resources.
524-6	3) The TCR Chapter does not include Tribal perspectives or Tribal understanding of the Delta's boundaries and the significance of the waterways to Delta-connected Tribes. The defined project area is only a small portion of what will be influenced and affected and does not reflect Traditional Ecological Knowledge. Tribes above and below the Delta note the importance of the whole system of water. Up and downstream areas will be affected by the construction, operation, and maintenance of the Project. Proposed structures will influence flow rates, aquatic life movements, and salinity flow within the Delta as a whole. All these physical impacts and more have not been considered. In short, the stated definition of the project boundary does not consider, nor incorporate, the project's broader impacts, including its cumulative impacts. The CEQA definition of the project boundary reaffirms the genocide and ecocide (irreparable harm to and extermination of area ecology) the State of California conducted (and continues to conduct) on Tribal communities. The DEIR shows that the State government continues to dismiss Tribal definitions and understandings.	Please refer to Common Response 16, Tribal Cultural Resources, which describes DWR's approach to defining the boundary of the Delta TCL. Also see the Chapter 32 section titled CEQA Requirements for Identifying Tribal Cultural Resources, explaining the need to geographically define boundaries for the purposes of CEQA, to determine if the Tribal cultural landscape meets the definition of a Tribal cultural resource. It is important to note that although DWR is required to identify a boundary for the purposes of a landscape evaluation under CEQA, DWR acknowledges that Tribes do not recognize geographical boundaries, especially for the Delta landscape. DWR recognizes that the Tribes perceive that project effects would extend beyond the study area due to the interconnectedness of waterways and the changes to spiritual associations when flows are altered. As described in Chapter 32, Tribal Cultural Resources, in the section titled Study Area, no construction would occur outside of the Delta counties, and the proposed project and alternatives would not change operational criteria associated with upstream reservoirs. Some indirect operational changes could occur because of the interconnectedness of the waterways, but modeling analysis has indicated that these changes would be negligible (see Chapter 5, Surface Water). Because changes to reservoir storage and river flows would be minimal, they would not have the potential to affect resources upstream from the Delta and those areas are

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		not included in the study area. Please also see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, for a discussion of the study areas evaluated in the EIR. Please refer to Chapter 5 regarding potential changes in Sacramento River Basin flows that are expected to result from the project alternatives. Chapter 5 provides the simulated changes in river conditions, which demonstrate that long-term average monthly flows under project operations would be similar to existing conditions. Additionally, as described in Chapter 3, Description of the Proposed Project and Alternatives, the project would be operated consistent with regulatory requirements and would also be operated in accordance with the operational criteria described in Chapter 3 to minimize potential effects on aquatic species. As described in Chapter 12, Fish and Aquatic Resources, potential impacts related to aquatic species would be mitigated to a less-than-significant level. Please also refer to Chapter 9, Water Quality, Impact WQ-5, which analyzes the effects on electrical conductivity (a measure of salinity) resulting from facility operations and maintenance, which were determined to be less than significant. As described in Chapter 32, potential effects on Tribal cultural resources were evaluated based on extrapolation from these, and other, resource chapter analyses. For example, potential effects on character-defining features of the Delta TCL were considered qualitatively for changing surface waterbodies (Chapter 5), water quality (Chapter 9), and plant or animal habitats that support species (Chapter 12 and Chapter 13, Terrestrial Biological Resources). The section in Chapter 32 titled Cumulative Analysis presents thorough analysis that concludes that there would be cumulatively significant impacts on affiliated Tribes' ability to physically, spiritually, or ceremonially experience the Delta TCL and describes the mitigation measures that address such impacts.

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		Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the adequacy of the approach to the cumulative analysis in the EIR. The section in Chapter 32 titled Cumulative Analysis presents a thorough analysis of past, present, and reasonably foreseeable probable future projects with the potential to cause impacts on Tribal cultural resources that are also being affected by the project, and thus the study area for cumulative impacts is the same as the Tribal cultural resources study area for the project. The EIR concludes that there would be cumulatively significant impacts on affiliated Tribes' ability to physically, spiritually, or ceremonially experience the Delta TCL or resources that may be identified in the future as individual Tribal cultural resources. The EIR concludes that even with application of mitigation measures the Delta Conveyance Project, in combination with other projects, plans, policies, and programs could result in a substantial cumulatively significant impact on Tribal cultural resources. Please see response to comment 524-1 regarding the State of California apology to California Native Americans in Executive Order N-15-19.
524-7	4) The DEIR failed to evaluate the significance of individual Tribal Cultural Resources (TCRs) and the Tribal Cultural Landscape in collaboration with Tribes. The TCRs that have not been formally evaluated should all be assumed eligible for the California Register Historic Resources (CRHR). For Delta-connected Tribes, Criteria 1,2, 3, and 4 of the CRHR should apply. The historic and spiritual importance, and the resulting physical implications of the historic landscape, must not be under-characterized nor given short shrift. The non-application of Criterion 4, and the non-recognition of its relevance to tribal understanding to their own history, is astonishing given the extensive consultation that has occurred. The information and knowledge held within the Delta is significant for the very identity of California's Indigenous peoples. The assessment of	Please see Chapter 32, Tribal Cultural Resources, regarding DWR's consultation and engagement with Tribes on the project, the definition of Tribal cultural resources under the California Environmental Quality Act, and those resources identified as Tribal cultural resources for the Delta Conveyance Project. Chapter 32 Impact TCR-1 considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in table titled Tribal Views on Delta TCL Character-Defining Features. As such, the impact analysis in Chapter 32 considers the various individual resources identified by Tribes and the values these resources contribute to the Delta Tribal Cultural Landscape. As explained in Chapter 32, Impact TCR-2, DWR recognizes that there may be resources in the study area that have not yet been identified, and that there remains a potential for significant unavoidable impacts on such resources. DWR is committed to continued consultation and

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	integrity presented within the DEIR also shows a remarkable misunderstanding and mischaracterization of Tribal values. The Delta Tribal Cultural Landscape is a resource made up of individual resources that each hold vital significance to the Tribes. DWR must incorporate an analysis of the potential impacts for unknown sites, alteration to the traditional and cultural components of the Delta, and the impact to Tribal communities beyond the physical materials into the DEIR. As an example, page 32-17 Line 23-24 states, "Thus, there are no previously identified Tribal cultural resources in the study area." Simply because DWR has not evaluated resources does not mean that the resources present are unknown to tribes or that they were not previously identified. Additionally, the Tribal Cultural Landscape has been identified, which makes this statement untrue, and offensive. Any impacts to TCRs and the Tribal Cultural Landscape would be significant and unavoidable.	incorporation of Tribal knowledge through close collaboration and engagement on the implementation of Mitigation Measure TCR-2, to ensure that any potential character-defining features of the Delta Tribal Cultural Landscape or individual Tribal cultural resources are identified and addressed through mitigation. Please also refer to Common Response 16, Tribal Cultural Resources, for a discussion regarding DWR's consideration of individual Tribal cultural resources and the process for evaluating individual resources.
524-8	5) The Draft TCR chapter does not provide adequate, reasonable, and meaningful mitigation. UAIC [United Auburn Indian Community] believes that all the mitigation measures, which claim to reduce the impacts to Tribal Cultural Resources to less than significant, are inadequate and misrepresent what Tribes have been conveying during Tribal consultation. We are at a loss to discuss reasonable avenues of mitigation. From our perspective the potential for cultural and ecological harm is devastating and unmitigable, which is why the No Project Alternative is the only alternative that is appropriate.	DWR acknowledges that some Tribes may not be willing to discuss proposed mitigation due to their perspectives on the project. Even so, DWR developed adequate mitigation based on any available information shared with DWR during consultation. As shown in Chapter 32, Tribal Cultural Resources, the analysis concludes that impacts on Tribal cultural resources would remain significant and unavoidable even with proposed mitigation measures that have been identified to avoid or minimize impacts where feasible. Please refer to Common Response 16, Tribal Cultural Resources, regarding the adequacy of the mitigation measures. As described in response to comment 524-2, mitigation measures are proposed and will be implemented for impacts on Tribal cultural resources.
524-9	6) Regarding other chapters within the DEIR, the discussion of Tribal Cultural resources -- their importance, and their relevance -- is not integrated into any other section, but rather	Please refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal cultural resources in other resource chapters. In addition, text has been added to the following chapters in the Final EIR

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	segregated in its own chapter. Chapter 32, the TCR chapter, states that "some aspects of Tribal cultural resources overlap with other environmental resources, and the analysis of Tribal cultural resources was therefore informed by the resource analyses contained in other chapters in this Draft EIR including: Chapter 5-Surface Water, Chapter 6 - Water Supply, Chapter 7- Flood Protection, Chapter 8 - Groundwater, Chapter 9 - Water Quality, Chapter 12 - Fish and Aquatic Resources, Chapter 13 - Terrestrial Biological Resources, [and] Chapter 18 - Aesthetics and Visual Resources." These overlapping environmental resources were not discussed or analyzed in the DEIR and must be to fully assess all potential impacts to TCRs Further, lessons and information from the TCR chapter in no discernable way influenced the characterization of existing conditions or determinations of impacts. As an example, the aesthetic ecology of the Delta region is reflective and part of Tribal cultural concerns, lessons, knowledge, and history. This is particularly notable in the absence of Tribal values and concerns in the cumulative effects chapter. It is as though all Tribal consultation has no impact on most considerations or proposed alternatives. The omission or glossing over of Tribal Cultural values during the discussion of archaeological resources is especially glaring.	acknowledging the overlap between Chapter 32, Tribal Cultural Resources, and other resource chapters: Chapter 5, Surface Water; Chapter 6, Water Supply; Chapter 8, Groundwater; Chapter 9, Water Quality; Chapter 12, Fish and Aquatic Resources; Chapter 13, Terrestrial Biological Resources; Chapter 18, Aesthetics and Visual Resources; Chapter 19, Cultural Resources; and Chapter 23, Air Quality and Greenhouse Gases. None of the revisions to these chapters described here resulted in a new significant environmental impact or substantial increase in the severity of an environmental impact or required additional mitigation measures to which DWR was unwilling to commit.
524-10	7) The TCR chapter also states: "While other chapters have identified mitigation measures to address project effects on several of the natural resources that also qualify as character-defining features for the Tribal cultural resource (such as the Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources) these are aimed at satisfying certain regulatory requirements for ecological conservation, rather than for the protection of cultural resources." Tribal values and	Please refer to Common Response 16, Tribal Cultural Resources, regarding the adequacy of the mitigation measures. As shown in Chapter 32, Tribal Cultural Resources, the analysis concludes that impacts on Tribal cultural resources would be significant and unavoidable. Mitigation measures have been identified to avoid or minimize impacts where feasible. For example, as described in Chapter 32, DWR would implement Mitigation Measure TCR-1a to incorporate preconstruction surveys and feasible avoidance or protection measures in the design, construction, operations, and

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	findings must also be used to determine the significance of the project's impacts and appropriate mitigation for those impacts. Tribes must also be COMPENSATED for their recognized Traditional Ecological Knowledge and expertise, inclusive of any proposed field visits. This should be made clear in all relevant mitigation measures.	maintenance activities to avoid or protect Tribal cultural resources. Where avoidance or protection is not feasible, DWR would implement other mitigation measures (Mitigation Measures TCR-1b, TCR-1c, and TCR-1d), as applicable. This would include mitigation by way of resource-specific treatment in consultation with affiliated Tribes and the incorporation of Tribal knowledge, including Tribal Ecological Knowledge, into the preparation and implementation of the Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources (Appendix 3F) and other measures for mitigating impacts on terrestrial biological resources, fish and aquatic resources, and cultural resources. DWR is committed to continuing consultation and engagement with Tribes as part of the project's mitigation measures and will continue to consult with Tribes regarding the implementation of the mitigation measures to minimize and mitigate the project's potentially significant impacts. DWR recognizes that Tribes consulting under CEQA or DWR's Tribal Engagement Policy have expertise and knowledge about the presence or character of potential TCRs that may contribute to DWR's decision-making about the potential CEQA impacts of the project. While some of this knowledge may be shared with DWR through standard consultation activities, there are times when either the depth of expertise or DWR's need for timely input may warrant compensation for Tribal subject matter expertise that facilitates the advancement of CEQA compliance. If contractually feasible, DWR will compensate Tribal subject matter experts for these activities (for example, development of plans that support the Compensatory Mitigation Plan and Tribal monitoring during construction).
524-11	Conclusion UAIC [United Auburn Indian Community] is willing to continue consulting with DWR leaders and staff to discuss tenable and future water solutions. But these solutions must be based in Traditional Ecological Knowledge that is integrated with sound	Please refer to comment response 524-4 regarding DWR's appreciation of Tribes' consultation on the project and DWR's commitment to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32, Tribal Cultural Resources. In addition, Chapter 32, in the table titled Tribal Views on Delta TCL Character-Defining

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	science. Both science and Traditional Ecological Knowledge should support the decisions made. Please contact Dr. Rebecca Allen, Tribal Historic Preservation Director, at [contact information] or [contact information] to coordinate, answer questions, or request further consultation. Finally, we request that this comment letter be included in the public comments to the DEIR, so that all project stakeholders can better understand the reasons for UAIC's opposition to the Delta Conveyance Project.	Features, documents input from consulting Tribes, including aspects of traditional knowledge (including ecological) that were used to evaluate potential impacts of the project on the Delta Tribal Cultural Landscape. DWR has reviewed all comments and will consider all comments in its decision-making process including discussions about use of Traditional Ecological Knowledge.
526-1	Attached is the Winnemem Wintu Tribe's comment to the DCP DEIR in its final form. We had submitted a draft by Friday, December 16 at 5pm. However, the draft we submitted had format and reference errors that made the draft difficult to read and perhaps to understand. We took the time Saturday to correct our references and change formatting to be consistent and more easily read without appreciably altering the content and text. If possible, we would like the attached version of our comment to be accepted as the Tribe's official submission. Thank you for your consideration. Please find attached the Winnemem Wintu Tribe's comments on the DCP DEIR.	This information provides clarification on the submittal of the comment letter. It is not a comment on the contents of the EIR.
526-2	The Winnemem Wintu Tribe (WWT) respectfully submits the following comment regarding the Delta Conveyance Project (DCP) Draft Environmental Impact Report (DEIR). The Tribe has reviewed the DEIR as much as our minimal staffing capacity afforded and therefore our comments are limited to WWT Tribal Cultural Resources (TCR) in the Delta.	This information describes the structure of the comment letter, and other general introductory text. It is not a comment on the contents of the EIR. DWR appreciates the investments made by consulting Tribes to review the Draft EIR for the Delta Conveyance Project.
526-3	In the excellent book, Journey to Justice (Hoveman, 2002, Turtle Bay Exploration Park, pg.85) Livingstone Stone states:	DWR understands and recognizes that salmon are a key species for Tribes, and it has consulted with Tribes and considered the impacts on salmon and other native fish species habitats as a character-defining feature of the

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	I will say from my personal experience that not only is every contrivance employed that human ingenuity can devise to destroy the salmon of our west coast rivers, but more surely destructive, more fatal than all is the slow but inexorable march of these destroying agencies of human progress, before which the salmon must surely disappear as did the buffalo of the plains and the Indian of California.” The Salmon, by Ronald M. Yoshiyama re: 1892 address to the American Fisheries Society; reprinted in Hedgpeth 1991. Now the State of California has developed the Delta Conveyance Project, another manmade contrivance, which could be the death knell of ESA listed Winter Run and Spring Run Sacramento Chinook Salmon as well as Species of Concern Fall and Late Fall Chinook and other anadromous species that migrate through the Sacramento San Joaquin Delta.	Delta as a Tribal Cultural Landscape, as described in Chapter 32, Tribal Cultural Resources. Please refer to Chapter 12, Fish and Aquatic Resources, regarding an in-depth analysis of the project alternatives and the potential impacts on fish species, including salmon, which were determined to be less than significant with mitigation.
526-4	From our tribal perspective, the WWT [Winnemem Wintu Tribe] believes that the DCP will cause irreparable environmental damage to the Delta and all the watersheds above; will lead to the reduction and/or extinction of a multitude of plant and animal species; is a boondoggle for industrial farming in the Central Valley; will be a windfall for developers in Southern California; and most likely will fall short of addressing the ever accelerating changes and intensifying storms caused by global warming. The Tribe is absolutely opposed to the DCP and demands that the No Action Alternative be selected as the preferred alternative for the DCP.	Please see the Chapter 32, Tribal Cultural Resources, section titled Summary Comparison of Alternatives, which states that DWR recognizes, and has heard during consultation, that Tribes oppose the Delta Conveyance Project due to the potential unmitigable impacts on the Tribal cultural landscape and the many resources that make this place foundational to Tribes. Please refer Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources and the consideration of Tribal perspectives in DWR’s decision on whether to approve the project. DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures, as described in Chapter 32. The Delta Conveyance Project EIR has been prepared in compliance with CEQA and evaluates the full range of potential impacts that may result

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		from construction and operation of the proposed project and its alternatives. Potential significant environmental impacts of the project and proposed mitigation measures are evaluated in Chapters 7–32 of the EIR. As described in Chapter 12, Fish and Aquatic Resources, and Chapter 13, Terrestrial Biological Resources, potential impacts related to aquatic species and wildlife would be mitigated to a less-than-significant level. Please refer to Common Response 4, No Project Alternative Description and Analysis, for a discussion of CEQA requirements regarding the description of the No Project Alternative. As required by CEQA, the No Project Alternative includes projects and programs that could occur in the absence of the Delta Conveyance Project and the associated environmental impacts that are reasonably foreseeable results of not approving the project. In addition, the Delta Conveyance Project would be a part of the State Water Project, and Common Response 5, Public Water Agencies Water Management Practices, describes existing efforts and future actions to be undertaken by State Water Project users to ensure California’s water resources are being used efficiently and sustainably. Please also see Chapter 1, Introduction, for a description of the State Water Project and background information regarding how water supply has been developed and managed in California. As described in Chapter 1, approximately 70% of the contracted State Water Project water supply goes to municipal and industrial water users and 30% to agricultural users. Please refer to Common Response 6, Climate Resilience and Adaptation, regarding the project’s ability to improve water supply reliability and adapt to changing hydrologic conditions as a result of climate change. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of opposition to the project.

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526-5	The Delta is the nexus for all waters draining from the Central Valley. It is also the largest estuary on the West Coast, home to many unique and rare endemic fish species and the gateway for most California Chinook Salmon and other anadromous species to reach their spawning grounds. Winter Run Chinook salmon is listed as endangered and Spring Run Chinook salmon is listed as threatened under the California Endangered Species Act and the Federal Endangered Species Act. Fall Run and Late Fall Run Chinook are Species of Concern under the Federal ESA. This past summer, National Oceanic and Atmospheric Administration (NOAA)/ National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW) invited WWT to co-steward with these agencies the return of Winter Run Chinook to the McCloud River. According to these agencies, the Winter Run Chinook could become extinct if conditions in the Sacramento River again cause an almost 100% failure of in-stream reproduction as happened in the two previous years. With the margins of survival so perilously slim, any further stressors caused by the DCP, even if slight, could push the Winter Run over the edge of existence.	Please refer to response to comment 526-4 regarding the impact analysis related to fish and aquatic resources and response to comment 526-6 regarding DWR's consideration of salmon in the assessment of Tribal cultural resources. The proposed operational criteria limit the potential for negative effects on the environment and aquatic species of concern, and mitigation measures in Chapter 12, Fish and Aquatic Resources, including habitat restoration described in the EIR, mitigate potential impacts that could result from operating the alternatives to less-than-significant levels. In addition, the Delta Conveyance Project would be operated consistent with existing and/or any future Delta regulatory criteria to continue to provide protections to listed species identified through other environmental compliance processes. Overall, the results of the impact analysis, including commitments to mitigate potentially significant effects, do not indicate the project would lead to greater aquatic species decline. In addition, while the EIR concluded that there would be a potentially significant operations-related impact on winter-run Chinook salmon from the north Delta intakes, operational criteria described in Chapter 3, Description of the Proposed Project and Alternatives, are intended to minimize the potential for negative effects on winter-run Chinook salmon and other species, with mitigation proposed (e.g. see Mitigation Measure CMP, specifically CMP-25) to reduce the potential impact to a less-than-significant level. It's also important to note the Delta Conveyance Project does not include refinements to upstream reservoir operational criteria. As such, upstream operational criteria to protect aquatic resources would not be affected by the Delta Conveyance Project. Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other

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		Environmental Review Issues, for further information about the analysis of upstream aquatic species. Please see Common Response 3, Alternatives Development and Description, for more information on project operations.
526-6	Salmon as a WWT TCR The Tribe believes that all Salmon that historically spawned in the waters of the Winnemem traditional territory qualify as a TCR for the Winnemem under AB52 and PRC regulations. DWR has failed to acknowledge and provide the required consideration in the EIR process for our Salmon TCR. Throughout the Winnemem Wintu Tribe’s consultation with DWR regarding the DCP, the Tribe has maintained that Chinook Salmon that in-migrates from the Pacific Ocean through the Sacramento San Joaquin Delta to the traditional homeland of the Tribe and out-migrates from the cold and clear headwaters of the McCloud and Sacramento Rivers through the Delta to the ocean are Tribal Cultural Resources for the Winnemem Wintu. In hours and hours of consultation, the Tribe revealed how Salmon was and is still central to the physical and spiritual universe that is Winnemem Wintu.	Consultation with Tribes helped inform DWR’s recognition of the cultural importance of the Delta as a spiritual home and place of origin for affiliated Tribes. DWR appreciates the Winnemem Wintu Tribe’s efforts to compile and refine information about the Tribe’s cultural heritage and the cultural and spiritual meaning of Salmon. Origin stories and places of creation are represented in the significance of the Delta Tribal Cultural Landscape (Delta TCL), and habitats that support salmon are included as character-defining features of the Delta TCL. Please see the Chapter 32, Tribal Cultural Resources, section titled Sacramento–San Joaquin Delta Tribal Cultural Landscape, for the discussion of the role that salmon, and other species, play in the significance of the Delta TCL and the features of the landscape that are included in the CRHR-eligible Tribal cultural landscape. Please also see Common Response 16, Tribal Cultural Resources, regarding the California Register of Historical Resources (CRHR) requirement that resources eligible for listing in the CRHR must have a boundary, which precludes the listing of living beings in the CRHR. DWR understands and recognizes that native fish have cultural value to Tribes, and it has consulted with Tribes and considered the impacts on salmon and other native fish species habitats as a character-defining feature of the Delta as a Tribal Cultural Landscape. Please see Chapter 32 regarding DWR’s consultation and engagement with Tribes on the project, the definition of Tribal cultural resources, and those resources identified as Tribal cultural resources. Please see Common Response 16, Tribal Cultural Resources, regarding DWR’s consideration of individual Tribal cultural

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		resources, as well as the documentation in the record regarding DWR's evaluation of Tribal cultural resources. Chapter 32, Impact TCR-1 considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in the table titled Tribal Views on Delta TCL Character-Defining Features. For example, terrestrial and aquatic plant and animal species and their habitats are identified as part of both the Delta's ecosystem and character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. As such, the impact analysis in Chapter 32 considers the various individual resources identified by Tribes, including salmon habitat, and the values these resources contribute to the Tribal Cultural Landscape. The Chapter 32 section titled Consultation and Engagement with Tribes describes DWR's good-faith effort to foster meaningful consultation that recognizes Tribal expertise in the identification and consideration of Tribal cultural resources. In the same section DWR also recognized that Tribal participation in consultation does not imply that the consulting Tribes endorse the project. DWR appreciates the investments made by consulting Tribes to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32. Please refer to Common Response 16 regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources.

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526-7	Salmon as a close relative of the Winnemem Wintu Salmon, from the time of Creation, has been the close relative of the Winnemem. Our stories recount the intimate relationship between Salmon and Winnemem, teaching our youth the responsibilities we humans must uphold. Before there was a physical world, spirit beings roamed inside Buliyum Puyuuk. Olelbes created a physical world and the spirits had to choose what physical form each would become. Creator waited for them to choose a physical form. One spirit being became Eagle and flew off. Another chose Bear and walked away. And then one chose Salmon and swam to the ocean. Sunflower took root in the mountain meadow. All but one anxious spirit had chosen. Creator grew tired of waiting for the spirit to choose. Finally, the little being said: “I’m gonna be a human!” and ran down the mountain. Creator said “hmmm, that one’s going to need a lot of help.” So, he called back the water spirit, the fire spirit, and the mountain spirits and asked them all to take care of this little human, because he does not know his purpose. Salmon came back and gave him his voice so the human could communicate. Winnemem Wintu Traditional Cultural Landscape (WWTCL pg. 1) Nur gave his voice to the Winnemem, so that we may speak. In the process, Nur lost his own voice and since then, Winnemem have a responsibility and obligation to speak on behalf of salmon for their protection and welfare. With this belonging comes responsibility of the Winnemem to care for, tend to, and honor this place. (WWTCL pg. 2)	Please refer to response to comment 526-6 regarding DWR’s consideration of the cultural significance of salmon and DWR’s Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources.

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	Salmon, known to the Winnemem Wintu Tribe as Nur, also figures prominently in the origin stories and contemporary narratives of Winnemem Wintu origins. Current beliefs espoused by the Winnemem Wintu Tribe hold that Nur gave its voice to humans at the time of creation, and in return the Winnemem people must speak, care for, and protect the Nur for and through this gift of speech. (Winnemem Wintu Tribe 2016) (State of California - The Resources Agency, Primary Record, Winnemem Wintu Cultural Landscape, Joanne Goodsell, Bureau of Reclamation, May 2017, pg. 4)	
526-8	The importance of Salmon to the Winnemem Wintu Salmon has been the primary subsistence source for the Winnemem and made it possible for thousands of Winnemem to live along the waters of the McCloud and Sacramento Rivers. The Wintu was the largest tribe in California and perhaps in the U.S. Salmon runs occurred in all four seasons of the year, bringing nutrients from the Pacific that fed not only the Winnemem but all flora and fauna of the McCloud and Sacramento River watersheds. The Winnemem co-existed with Salmon for thousands of years, utilizing its great abundance while honoring our relative as an equal partner in this life. As documented in the WWTCL, the WWT have been a consulting party in many Section 106 Cultural Resource reviews. These Section 106 reviews considered Winnemem Traditional Cultural Properties that were related to or named after Salmon: Salmon places (Tribe was Section 106 consulting party to BOR Shasta Dam Fish Passage Evaluation Study.) (WWTCL pg. 22) Ceremonial locations associated with important animal species	Please refer to response to comment 526-6 regarding DWR’s consideration of the cultural significance of salmon and the section in Chapter 32, Tribal Cultural Resources, titled Sacramento–San Joaquin Delta Tribal Cultural Landscape regarding DWR’s inclusion of places associated with species important to Tribes—such as habitat, ceremonial locations, or fishing locations—as character-defining features of the Delta Tribal Cultural Landscape (Delta TCL). The evaluation of Tribal cultural resources in the EIR applies the criteria established in CEQA regulations, which differ from the regulatory context that applies to compliance with Section 106 of the National Historic Preservation Act (NHPA). The NHPA does not include “Tribal cultural resource” as a property type; Tribal cultural resource is a type of resource defined by CEQA. DWR reviewed a draft of the Winnemem Wintu Tribal cultural landscape (WWTCL) that was provided through consultation. The specific resources documented as part of the WWTCL are located on or around the McCloud River. Due to the geographic distance between the WWTCL and the Delta TCL, none of the WWTCL features warranted inclusion as contributors to the Delta TCL. However, review of the WWTCL provided a useful example of documenting large scale, interrelated, multi-component Tribal cultural resources using a landscape approach that informed DWR’s decision to

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	(Tribe was Section 106 consulting party to BOR Shasta Dam Fish Passage Evaluation Study.) (WWTCL pg. 22) Habitat locations associated with important animal species (Tribe was Section 106 consulting party to BOR Shasta Dam Fish Passage Evaluation Study.) (WWTCL pg. 22) The Wintu are “a people many thousands in number, strong, happy, and rich.” – Norelputus, 100 years old at his death in 1894. Guilford-Kardell and Dotta 1980;17. (Journey to Justice, Hoveman, 2002, Turtle Bay Exploration Park, pg.20) In the nineteenth century the Wintu lived on the upper Sacramento and upper Trinity River, and the lower Pit River. Hundreds of villages lay scattered on flats along creeks and streams that abounded in salmon and other fish. In a letter to President Harrison in 1889 Norelputus said that the Wintu and their southerly Wintun relatives, “owned and inhabited the country extending from Mount Shasta on the north to Carquines Straits on the south....For untold generations, from the time the Yapaitu left the earth, they owned all the valley on the right bank of the Sacramento with the foothills and northern uplands as well as the eastern half of Trinity County.” Norelputus 1889;1. (Journey to Justice, Hoveman, 2002, Turtle Bay Exploration Park, pg.20)	apply the landscape approach for documentation and evaluation of the places that represent Tribal cultural significance in the Delta.
526-9	Salmon has always held a prominent role in the cultural/spiritual universe of the Winnemem Wintu: Salmon holds a prominent position in the spiritual cosmology of the Winnemem Wintu. Salmon songs and dances are a part of all WW ceremonies. Big Salmon, the spirit of all Salmon, still reveals itself to Tribal members during ceremony, in dreams,	Please refer to response to comment 526-6 regarding DWR’s consideration of the cultural significance of salmon, DWR’s Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources, as well as DWR’s appreciation for the investments made by the Winnemem Wintu Tribe to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. DWR is committed to continued understanding and

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	and in answer to prayers. He brings knowledge, direction, encouragement and warnings along with songs and dances. Winnemem have a robust belief system in which Ancestor animals are relatives. Big Animals are the spirit ancestors of different species, many of whom, like Salmon, played a critical role in the creation of human beings. Big Animals serve as symbol and proxy to the whole of the species— prayers and ceremony performed for these spirit ancestors reflect the modern relationship between living communities of both human and animals, such as migratory water fowl, as well as maintaining the ancient traditions of the Tribe (WWT 2021d). The relationship among all living things reflects a shared responsibility for the health and wellbeing of all, along with a shared experience, good and bad, during times of plenty and times of scarcity. (WWTCL pg. 19) A Dekkas ceremony may include a run north along the Gilman Road for a new baby, or following the winter salmon runs that used to spawn in the McCloud and its tributaries before the Shasta Dam blocked them from the river. (WWTCL pg. 14) A defining characteristic of Winnemem people and Tribal culture and is how we care for the water and the land. The Tribe is tasked with maintaining the health and well-being of the McCloud River along with the springs and creeks which feed it. We have ancestral duties associated with creating safe fish passage and habitat for salmon and other aquatic species, and we tend to medicinal, food, and basketry plants throughout our territory. (WWTCL pg. 18) Over the last year, the California Department of Water	incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures, as described in Chapter 32, Tribal Cultural Resources. The Salmon Resiliency Strategy mentioned in the comment reflects the State's efforts, and DWR's role, to address stressors affecting native salmon production in California.

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	Resources (DWR) has developed a strong understanding of the Winnemem Wintu Tribe's (WWT's) stewardship of ancestral lands and traditional ecological knowledge of the McCloud River. We are grateful for the strengthened relationship and we value the WWT's involvement in the Juvenile Salmon Collection System project (JSCS Project), an effort critical to the success of the WWT's Salmon Restoration Plan and the State of California's commitment to reintroducing salmonids above highhead dams. As a partner, the WWT brings unique perspectives and knowledge to the JSCS Project, and we hope that this relationship continues beyond the current engagement.... Legacy impacts from water supply and flood control infrastructure, plus the accelerating impacts of climate change, challenge the resilience of our state's salmon. Recognizing this, the California Natural Resource Agency's Sacramento Salmon Resiliency Strategy explicitly calls for the reintroduction of salmon to the cold waters of the McCloud River, consistent with the National Marine Fisheries Service's determination that fish passage over high-head dams is critical for the long-term conservation and recovery of the species. Additionally, reintroduction would bring salmon back to ancestral watershed lands where this sacred species historically provided sustenance to the WWT and other California Native Tribes. DWR understands that the WWT is advocating for the use of New Zealand salmon for these McCloud River reintroduction efforts. Because of the historic linkage between New Zealand salmon and the McCloud River, and driven by our commitment to facilitating tribal access to important cultural resources, DWR supports the WWT's efforts to bring these fish home to their ancestral watershed. (Letter from Karla Nemeth, Director DWR, to Chief Sisk, 3/11/21)	

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526-10	The Tribe has maintained that Salmon fulfills the requirements and definition of a TCR under AB52: “Tribal cultural resources” are defined in PRC 21074 as (emphasis added): (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources. (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe. The Winnemem Wintu Tribe have our own local register of cultural/historical resources, the Winnemem Wintu Register of Tribal Resources (WW Register), a list of properties we as a Tribal government have officially designated and recognized as historically significant. Within this list is our Winnemem Wintu TCL, which in essence is our Winnemem traditional historic homeland, which we have defended as best we can for more than 100 years. We believe this is one way our TCR can be recognized. (WWTCL pg. 12-13)	For the purpose of CEQA, a local register of historical resources “means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution” (Pub. Resources Code § 5020.1(k)). A California Native American Tribal government does not constitute a local government pursuant to the definition found in the California Public Resources Code. The Legislature enacted AB 52, in part, to add to CEQA the recognition of “California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments” (Stats. 2014, Ch. 532, § 1 [uncodified legislative findings] (AB 52)). Where a Tribal cultural resource is not included, or eligible for inclusion, on the California Register of Historical Resources or a local register of historical resources, CEQA directs that the lead agency “consider the significance of the resource to a California Native American tribe” in determining whether the resource is a Tribal cultural resource pursuant to CEQA (Pub. Resources Code § 21074 (b)(2)). Therefore, through the consultation process with Winnemem Wintu Tribe, DWR considered those resources Winnemem Wintu Tribe chose to share with DWR from their register in the preparation of the EIR analysis of Tribal cultural resources. Please refer to response to comment 526-6 regarding DWR’s consideration of the cultural significance of salmon and DWR’s Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources. Please also see the Chapter 32, Tribal Cultural Resources, section titled Sacramento–San Joaquin Delta Tribal Cultural Landscape, regarding DWR’s inclusion of places associated with species important to Tribes—such as habitat, ceremonial locations, or fishing locations—as character-defining features of the Delta TCL.

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526-11	Salmon is also eligible for inclusion in the California Register of Historical Resources as stated in PRC 5024.1(c)(1) and (2) (emphasis added): (c) A resource may be listed as an historical resource in the California Register if it meets any of the following National Register of Historic Places criteria: (1) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage. (2) Is associated with the lives of persons important in our past. While all resources are considered sacred to the contemporary Winnemem Wintu community, salmon (Nur) are held especially so. In historical times, the magnitude of the Winnemem Wintu’s relationship with salmon was notably recorded by Mr. Livingston Stone, who established the Baird U.S. Fish Hatchery on the McCloud River in 1872. In Stone’s 1872 report of operations to Mr. Spencer Baird, the commissioner of the U.S. Commission of Fish and Fisheries, and for whom the Baird Hatchery was named, Stone describes the salmon as so abundant that the “McCloud Indians...are not obliged to resort to hunting and trapping at all,” with speared salmon in summer and fall, and dried salmon in the winter, providing the main sustenance of the Winnemem Wintu people (Stone 1872:178)....As noted previously, an important genesis story for the Winnemem Wintu cites a reciprocal relationship between the Winnemem Wintu people and Nur that has existed since the time of creation. In a simplified form of this narrative, Nur gave humans its voice and, in exchange, humans promised to speak on its behalf. Since the early 2000s, the Winnemem Wintu have been particularly vocal regarding	Please see response to comment 526-6 and 526-10 regarding DWR’s consideration of the cultural significance of salmon and the inclusion of places associated with species important to Tribes as character-defining features of the Delta TCL. Please also see Common Response 16, Tribal Cultural Resources, regarding the California Register of Historical Resources (CRHR) requirement that resources eligible for listing in the CRHR must have a boundary, which precludes the listing of living beings in the CRHR.

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	salmon, advocating for a permanent solution to fish passage around Shasta Dam in the hopes of restore Chinook salmon populations to the river systems that were cut off by construction of Shasta Dam in the late 1930s and early 1940s. Beginning around 2005, The Winnemem Wintu Tribe has been especially interested in seeing Chinook salmon from New Zealand introduced to the McCloud River. During the early 1900s, salmon eggs harvested from the Baird Hatchery, which was located a short distance north of the confluence of the McCloud River and Pit River prior to the construction of Shasta Dam, reportedly were transported and successfully introduced to the New Zealand fishery. In 2010, members of the Winnemem Wintu Tribe traveled to New Zealand to be reunited with the Nur and have been advocating for their return to the McCloud River since then. The Winnemem Wintu Tribe believes these fish from New Zealand are the only appropriate fish for reintroduction to the McCloud River, and have asserted that the placement of Sacramento River winter-run Chinook salmon, which are currently listed as an endangered species by the National Oceanic and Atmospheric Administration, into the McCloud River would constitute an adverse effect on Winnemem Wintu historic properties, such as the Winnemem Wintu Cultural Landscape TCP. (State of California – The Resources Agency, Primary Record, Winnemem Wintu Cultural Landscape, Joanne Goodsell, Bureau of Reclamation, May 2017, pg. 6)	

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	EXAMPLE ONE: WINNEMEM PLACE P-UIT WITOMAS (A-DE-NA) P-uit witomas is a precontact and historic-era village where Jenny Charles (Curl) was born (c. 1860s) and Judah and Theodore Charles (Mother and dad of Jenny Curl) lived before being given their federal allotments. This was the Charles Family homeland; Charles remain members of the Winnemem Tribe. Here there was an established salmon fishing area, where weirs were used because there were insufficient rocks for netting. (WWTCL pg. 13) Charlie Klutchie considered by some to be the most powerful spiritual doctor in Wintu territory in the 1930s, said, “Nomlestowa {or Ollelbes, the supreme being} looked down and said: ‘What kind of people are we going to bring up? They need water.’ So he drew his finger down from Mount Shasta, forming the McCloud River. Then he made fish and deer and all kinds of food. In four or five days all the McCloud valley was full of people. Four different times the world has been destroyed and it will be destroyed once more...when all the Indians are gone.” DuBois 1935: 74 (Journey to Justice, Hoveman, 2002, Turtle Bay Exploration Park, pg.21)	
526-12	Salmon meets the certification requirements to be designated a TCR. There are three avenues of certification for the TCR available, as presented: (1) recognition of the listing of Salmon in the Winnemem Wintu Register of Tribal Resources; (2) determination of eligibility for inclusion in the California Register of Historical Resources; and (3) determination by DWR, as lead agency, in its discretion that Salmon is significant. The Tribe believes sufficient evidence has been presented at this level for the agency to make such a determination.	This comment does not accurately represent the CEQA requirements for defining Tribal cultural resources. As discussed in Chapter 32, Tribal Cultural Resources, section titled California Register of Historical Resources Evaluation and Eligibility Determinations, DWR, as the CEQA lead agency, determines if sites, features, places, cultural landscapes, sacred places, and objects (referred to collectively as “resources”) within the study area that have cultural value to a Tribe are already included in the CRHR or local register of historical resources (Pub. Resources Code § 21074(a)(1)) or, if not listed, whether such resources are eligible for inclusion in the CRHR (Pub. Resources Code § 21074(a)(1),(2)). Please refer to Common Response

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		16, Tribal Cultural Resources, for a discussion regarding the process for evaluating individual resources, including salmon.
526-13	Please note, the Winnemem Wintu Traditional Cultural Landscape/Tribal Cultural Resource Memo is a confidential study authored by the Winnemem Wintu Tribe with contributions by Shelly Davis King. This memo has been previously submitted to DWR as part of the Winnemem Wintu Tribe consultation with DWR regarding the Delta Conveyance Project.	Please see response to comment 526-6 regarding DWR's good-faith effort to foster meaningful consultation that recognizes Tribal expertise in the identification and consideration of Tribal cultural resources. All information provided to DWR during consultation, including the Winnemem Wintu Traditional Cultural Landscape/Tribal Cultural Resource Memo provided with this comment letter, have been thoroughly reviewed and considered by DWR. Please also see Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources. The confidential Appendix 32C, Tribal Cultural Resources Identification Report (TCRIR), contains records of the project's consultation and engagement with Tribes, and documents the confidential supporting information and references provided by consulting Tribes and considered in the evaluation of Tribal cultural resources, including the Winnemem Wintu Traditional Cultural Landscape/Tribal Cultural Resource Memo. For reasons described in the Confidentiality Considerations section of Chapter 32, Tribal Cultural Resources, this appendix and the supporting information are kept confidential.
527-1	The Wilton Rancheria Band of Miwok Indians (Wilton Rancheria) As stated in the Federal Register, Vol. 78, No. 176, Notices 55731, on September 11, 2013 the Tribe was designated the geographic boundaries of the Service Delivery Area (SDA) of Sacramento County in the State of California. As the only Federally Recognized Tribe in Sacramento County.	This information describes the background of the Tribe. It is not a comment on the contents of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
527-2	Wilton Rancheria strongly opposes the Delta Conveyance Project ("Project") due to the acknowledged significant adverse impact that the Project will have on the Delta and the Traditional Cultural Landscape (TCL) of the Delta, and archaeological and cultural resources within and near the TCL.	As noted in section titled Summary Comparison of Alternatives in Chapter 32, Tribal Cultural Resources, DWR recognizes, and has heard during consultation, that the Delta holds great significance to consulting Tribes and that consulting Tribes oppose the Delta Conveyance Project due to the concern that there could be potential unmitigable impacts on the Tribal

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		cultural landscape and resources that make this place foundational to Tribes. Chapter 32 identifies a cultural landscape as defined under Section 21074(b) of the Public Resources Code. CEQA does not define a “Traditional Cultural Landscape.” In responding to comments, DWR will address comments on a Traditional Cultural Landscape or Traditional Cultural Property as comments on the Delta Tribal Cultural Landscape Tribal cultural resource described in Chapter 32. Chapter 32 does analyze and disclose significant and unavoidable impacts on the Delta Tribal Cultural Landscape Tribal cultural resource under Impact TCR-1. Chapter 19, Cultural Resources, does analyze and disclose significant and unavoidable impacts on archeological resources under Impact CUL-3 and Impact CUL-4. Mitigation measures have been identified in these chapters to avoid or minimize impacts where feasible.
527-3	Since time immemorial, the Delta has been the heart of traditional, cultural, ecological, and subsistence practices and values of the Wilton Rancheria’ people and other tribal communities in the Delta region. The Delta is central to the identity of Wilton Rancheria and other tribal communities in and around the region. Tribes continue to look to the Delta for livelihood, ecological knowledge, ceremony and spirituality, and heritage. Despite modifications that have occurred, the Delta continues to be sacred to Wilton Rancheria and its people.	DWR recognizes, and the EIR acknowledges, the Delta’s importance to Tribes. The section in Chapter 32, Tribal Cultural Resources, titled Sacramento–San Joaquin Delta Tribal Cultural Landscape describes the Delta Tribal Cultural Landscape, which was evaluated as a cultural (sometimes called ethnographic) landscape, which relies on the continued recognition of culturally important processes in addition to historical trends.
527-4	Wilton Rancheria also has significant concerns with the project’s impacts on biological, ecological, and visual resources -- all of which are critically important to Wilton Rancheria and integral to the TCL [Traditional Cultural Landscape]. Wilton	Regarding the commenter’s concerns about project impacts on biological and ecological resources, please refer to Chapter 12, Fish and Aquatic Resources, and Chapter 13, Terrestrial Biological Resources, for a description of the impacts on terrestrial biological resources that are

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	Rancheria supports and incorporates by reference comments of other tribal communities and other nongovernmental organizations that discuss and object to the ecological and biological resource damage that will be caused by the Project.	mitigated to a less-than-significant level with the implementation of the environmental commitments (Appendix 3B, Environmental Commitments and Best Management Practices), mitigation measures, and compensatory mitigation for impacts on habitat and land cover (Appendix 3F, Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources). Text about the importance of the plant and animal species to California Native American Tribes has been added to the introduction of the Environmental Impacts section of Chapter 13. None of the revisions to this chapter described here resulted in a new significant environmental impact or substantial increase in the severity of an environmental impact or required additional mitigation measures to which DWR was unwilling to commit. Regarding the commenter's concerns with project impacts on visual resources, please refer to Chapter 18, Aesthetics and Visual Resources, which discloses impacts that are less than significant with the implementation of environmental commitments and mitigation measures and those that are significant and unavoidable even with the implementation of environmental commitments and mitigation measures. Chapter 32, Tribal Cultural Resources, Impact TCR-1 considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in the table titled Tribal Views on Delta TCL Character-Defining Features, for example, the terrestrial and aquatic plant and animal species habitats that are part of the Delta's ecosystem and the heritage of Tribes pertaining to sustenance, traditional knowledge, ceremony and spiritual practices, and stewardship. As such, the impact analysis in Chapter 32 considers the various resources identified by Tribes and the values these resources contribute to the Delta Tribal Cultural Landscape, including biological, ecological, and visual resources. Please see Common Response 16, Tribal Cultural Resources, regarding Tribal consultation and the identification of Tribal cultural resources.

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		Please refer to Volume 2, Chapter 2, Indices of Commenters and Index of Primary Forms, to locate the letter numbers of comments provided by other entities that are of interest. Responses to all comment letters are provided in Volume 2, Chapter 4, Response to Comments Tables.
527-5	Wilton Rancheria is in support of Tribally and science-based water solutions for the State of California but maintain the position that all of the alternatives of the proposed in the DEIR are not in keeping with Tribal values, the State's own nature- and conservation-based, solutions, and current available science on the Delta region. All other proposed DEIR alternatives cause irreparable harm and impacts to the Delta as a Tribal Cultural Landscape and associated Tribal Cultural Resources.	All alternatives are equally evaluated in Chapter 32, Tribal Cultural Resources, and impacts on Tribal cultural resources are disclosed for each alternative. Although the analysis in Chapter 32 concludes that impacts on Tribal cultural resources would be significant and unavoidable, mitigation measures have been identified to avoid or minimize impacts where feasible. For example, DWR would implement Mitigation Measure TCR-1a to incorporate preconstruction surveys and feasible avoidance or protection measures in the design, construction, operations, and maintenance activities to avoid or protect Tribal cultural resources. Where avoidance or protection is not feasible, DWR would implement other mitigation measures (Mitigation Measures TCR-1b, TCR-1c, and TCR-1d), as applicable. This would include mitigation by way of resource-specific treatment in consultation with affiliated Tribes and the incorporation of Tribal knowledge, including Tribal Ecological Knowledge, into the preparation and implementation of the Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources (Appendix 3F) and other measures for mitigating impacts on terrestrial biological resources, fish and aquatic resources, and Tribal cultural resources. DWR is committed to continuing consultation and engagement with Tribes as part of the project's mitigation measures and DWR will continue to consult with affiliated Tribes regarding the implementation of the mitigation measures to minimize and mitigate the project's potentially significant impacts. Please refer Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources and the consideration of Tribal perspectives in DWR's decision on whether to approve the project.

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		DWR, as lead agency and decision maker, will carefully consider all the project alternatives, including the No Project Alternative, before making a decision on the project.
527-6	Our primary concern is the negative alteration and substantial change to the Delta that would result from the Delta Conveyance Project. The consistent issues in the DCP Draft EIR include: 1. The Draft EIR does not provide any alternatives to the project to address water supply and water management stresses.	The assertion that the Draft EIR does not provide any alternatives to the project is not supported by the EIR. The Department of Water Resources followed CEQA requirements when identifying alternatives to be considered for evaluation in the EIR. As described in Common Response 3, Alternatives Development and Description, CEQA requires lead agencies to develop project objectives to inform the identification of the project and a reasonable range of potentially feasible alternatives. CEQA does not require consideration of every variation of every alternative; CEQA requires an EIR to include a reasonable range of alternatives that meet most of the basic project objectives, are potentially feasible, and would avoid or substantially lessen one or more of the significant effects of the project. Common Response 3 provides an explanation of the alternatives screening process and how project objectives are used to identify potential alternatives to the project. Please refer to Common Response 3 regarding the development of the reasonable range of feasible alternatives evaluated in the EIR, which explains that water conservation and other local projects are not carried forward for more detailed analysis in the EIR because they do not address risks to State Water Project supplies in the Delta from climate change, sea level rise, and earthquakes. Regarding reasonably foreseeable actions that are considered part of the No Project Alternative, which include additional water conservation programs, water recycling projects, groundwater recovery projects, desalination of seawater or brackish groundwater, surface water storage, groundwater management, or water transfers and exchanges, that may be pursued by a variety of local, state, and federal agencies, please refer to the section in Chapter 3, Description of the Proposed Project and Alternatives, titled No Project Alternative; Appendix

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		3C, Defining Existing Conditions, No Project Alternative, and Cumulative Impact Conditions; and Common Response 4, No Project Alternative Description and Analysis. Appendix 3A, Identification of Water Conveyance Alternatives, provides an alternatives screening analysis addressing how those alternatives considered were screened from further consideration in the Draft EIR. Please also refer to Common Response 3 regarding how water supply management alternatives were considered.
527-7	Our primary concern is the negative alteration and substantial change to the Delta that would result from the Delta Conveyance Project. The consistent issues in the DCP Draft EIR include: 2. There is insufficient and inconsistent analysis to claim that the impacts on the various environmental factors would be less than significant. Uneven comparisons in the various studies and analyses are conducted in multiple chapters.	Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the analysis contained in the EIR that evaluates a wide range of potential environmental impacts on multiple resources using quantitative and qualitative evaluations and provides substantial evidence for supporting impact determinations. Also described in Common Response 1, impact determinations are made by qualitatively or quantitatively comparing alternatives to baseline conditions in Chapters 5 through 32 of the EIR. Finally, Common Response 1 describes meeting CEQA requirements for mitigating potentially significant environmental impacts through the implementation of feasible mitigation measures, where appropriate, to avoid, reduce, minimize, or otherwise mitigate potentially significant impacts. The EIR impact analysis, including impacts identified as less than significant, is supported by substantial evidence using methodologies and appropriately scaled study areas as described in the Methods for Analysis sections of the respective resource chapters (i.e., Chapters 7 through 32).
527-8	Our primary concern is the negative alteration and substantial change to the Delta that would result from the Delta Conveyance Project. The consistent issues in the DCP Draft EIR include: 3. Minimal, not enough, or inadequate mitigation measures for resources through the project's Area of Potential Effect.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding CEQA requirements for mitigation and the adequacy of mitigation measures included in the EIR for impacts identified as potentially significant, as well as the number of mitigation measures included in the EIR. Common Response 1 describes meeting CEQA requirements for mitigating potentially significant environmental impacts through the implementation of feasible mitigation measures, where appropriate, to avoid, reduce, minimize, or otherwise mitigate potentially significant impacts.

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527-9	Our primary concern is the negative alteration and substantial change to the Delta that would result from the Delta Conveyance Project. The consistent issues in the DCP Draft EIR include: 4. No Project Alternative sections do not provide a clear result and often frame the project as the sole answer to water issues.	The assertion that the EIR does not include No Project impact assessments and presents Delta Conveyance Project as the sole answer to water issues is not supported by the EIR. Please see response to comment 527-6 regarding water supply and demand management activities considered as part of the No Project Alternative and the Common Responses referenced therein. The No Project Alternative discussions provided in resource chapters are intended to address the potential effects that could occur in the absence of implementing the proposed project or alternatives associated with other water infrastructure projects that would be needed if the Delta Conveyance Project is not implemented. These discussions are not intended to promote or imply that the project would address all of the water supply management issues needed in California. Please refer to Common Response 4, No Project Alternative Description and Analysis, for a discussion of CEQA requirements regarding the description of the No Project Alternative. As required by CEQA, the No Project Alternative includes projects and programs that could occur in the absence of the Delta Conveyance Project and the associated environmental impacts that are reasonably foreseeable results of not approving the project.
527-10	Our primary concern is the negative alteration and substantial change to the Delta that would result from the Delta Conveyance Project. The consistent issues in the DCP Draft EIR include: 5. Missing, unknown, or deeply hidden information, data, or maps. Data sets provided through the Draft EIR disguise or obscure the impacts in future conditions and the actual impacts of the project's operation.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the length and complexity of the document, the overall approach to the analysis, and provision of information included in tables, graphs, and exceedance plots for clarity. As described in Common Response 1 and Chapter 4, Framework for the Environmental Analysis, the EIR is logically organized by resource topics, and elements in individual chapters are organized by an overarching analytical framework. Chapter 4, section titled Analysis Level of Detail, further describes the type and level of analysis contained in the EIR and the methods sections of Chapters 7 through 32.

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527-11	Our primary concern is the negative alteration and substantial change to the Delta that would result from the Delta Conveyance Project. The consistent issues in the DCP Draft EIR include: 6. Chapters are siloed and do not discuss with each other the connected impacts, effects, or mitigation measures.	The analysis of impacts on Tribal Cultural Resources, Chapter 32, was informed by the resource specific analysis conducted for several other environmental resources because of the interrelationship between natural and built resources described in Chapter 32 that comprise the character-defining features of Tribal cultural resources. DWR and Chapter 32, Tribal Cultural Resources, recognize the importance communicated by Tribes to DWR during consultation of multiple character-defining features, and acknowledge that a resource-specific impact determined to be less than significant by a resource-specific analysis may nonetheless materially impair a character-defining feature of Tribal cultural resources, such as the Delta Tribal Cultural Landscape and therefore result in a significant Tribal cultural resource impact. In so doing, the CEQA analysis does not silo effects on resources, such as fish and aquatic resources, aesthetics, and cultural resources that also pertain to Tribal cultural resources. Please also see response to comment 527-10 regarding the length and complexity of the document. Furthermore, as described in Chapter 4, Framework for the Environmental Analysis, each chapter presents an impact analysis of potential impacts associated with mitigation measures, including the Compensatory Mitigation Plan, and the alternatives.
527-12	Concluding Remarks Wilton Rancheria is willing to continue discussions and consultation with DWR leaders and staff on tenable and future water solutions, based in Traditional Ecological Knowledge that is integrated with sound science-based decisions. Please contact the Wilton Rancheria Cultural Preservation Department [contact information] to coordinate, answer questions, or request further consultation.	DWR appreciates the investments made by consulting Tribes to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32. Please refer to Common Response 16, Tribal Cultural Resources, regarding continued Tribal engagement and consultation on the project. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the use of best available science in the preparation of the EIR. Please refer to Chapter 2, Purpose and Project Objectives, regarding the purpose of the project.

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		Please also refer to Common Response 3, Alternatives Development and Description, regarding the development of the reasonable range of feasible alternatives evaluated in the EIR.
713-1	Two of the alternatives have the tunnel going under BLM administered lands. These parcels currently show as "agriculture" and they are managed wetlands and wildlife habitat. If an alignment is chose that goes under these parcels, the project may need a Right Of Way Grant from the Bureau of Land Management.	DWR will obtain all necessary permits and approval prior to the start of construction.
713-2	The Bureau of Land Management appreciates the efforts that DWR have made in keeping our agency informed of this project and coordinating with us to address our concerns.	DWR is committed to continuing coordination with other agencies.
725-1	So I'm making these comments on behalf of the Shingle Springs Band of Miwok Indians, and particularly on behalf of Vice Chair [name], who could not join us this afternoon. The Shingle Springs Band of Miwok Indians strongly opposes the Delta Conveyance Project due to the acknowledged significant adverse impact the project will have on the Delta, and the Delta cultural landscape of the Delta, and archaeological and cultural resources within and near the TCL [Tribal Cultural Landscape]. Since time immemorial, the Delta has been the heart of traditional, cultural, ecological and subsistence practices and values of the Shingle Springs people and other [T]ribal communities in the Delta region. The Delta is central to the identity of Shingle Springs and other [T]ribal communities in and around the Delta region. We continue to look to the Delta for culture and traditional materials, activities, foods, medicine, ceremony, spirituality and to sustain the way of life. Despite the many modifications that have occurred over time, the Delta continues to be sacred to Shingle Springs and our people.	DWR recognizes, and the EIR acknowledges, the Delta's importance to Tribes. Chapter 32, Tribal Cultural Resources, acknowledges the importance of the Delta Tribal Cultural Landscape to Tribes. As noted in section titled Summary Comparison of Alternatives in Chapter 32, Tribal Cultural Resources, DWR recognizes, and has heard during consultation, that the Delta holds great significance to consulting Tribes and that consulting Tribes oppose the Delta Conveyance Project due to the concern that there could be potential unmitigable impacts on the Tribal cultural landscape and resources that make this place foundational to Tribes. Please refer Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources and the consideration of Tribal perspectives in DWR's decision on whether to approve the project. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of opposition to the project. Comments regarding the approval of projects with significant and unavoidable impacts are also addressed in Common Response 1. DWR provided information about the project to each of the consulting

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		Tribes and invited each Tribe to provide DWR with information about resources of concern, including their location and significance, what impacts might occur from project activities, and ways that impacts could be avoided or mitigated. Any information consulting Tribes chose to share with DWR regarding indigenous cultural practices factored into DWR's finding that the Delta Tribal Cultural Landscape meets the criteria for listing in the California Register of Historical Resources, and thus qualifies as a Tribal cultural resource under CEQA. DWR is committed to continued understanding and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32.
725-2	The primary focus of our written comments that we will submit are on Chapters 19 and 32 of the draft EIR, although Shingle Springs [Band of Miwok Indians] also has significant concerns with the project's impacts on biological, ecological and visual resources, all of which are critically important to Shingle Springs and integral to the TCL [Tribal Cultural Landscape]. Shingle Springs [Band of Miwok Indians] supports and incorporates, by reference, comments of other [T]ribal communities and other non-governmental organizations that discuss and object to the ecological and biological resource damage that will be caused by the project.	DWR recognizes, and the EIR acknowledges, the Delta's importance to Tribes and that certain species are key species for Tribes. Chapter 32, Tribal Cultural Resources, Impact TCR-1, considers multiple variables (described as character-defining features) as part of the Delta Tribal Cultural Landscape, including those identified in table titled Tribal Views on Delta TCL Character-Defining Features. For example, terrestrial and aquatic plant and animal species habitats are identified as part of both the Delta's ecosystem and character-defining features that represent heritage and cultural significance to Tribes pertaining to sustenance, traditional knowledge, ceremony, spiritual practices, and stewardship. As such, the impact analysis in Chapter 32 considers the various individual resources identified by Tribes, including those raised by the comment, and the values these resources contribute to the Delta Tribal Cultural Landscape. Finally, Chapter 12, Fish and Aquatic Resources, Chapter 13, Terrestrial Biological Resources, and Chapter 18, Aesthetics and Visual Resources, address impacts on the resources identified by the commenter. Please refer to Volume 2, Chapter 2, Indices of Commenters and Index of Primary Forms, to locate the letter numbers of comments provided by other entities that are of interest. Responses to all comment letters are provided in Volume 2, Chapter 4, Response to Comments Tables.

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725-3	The draft EIR acknowledges, in part, the significant impact that the project will have on the Delta and the TCL [Tribal Cultural Landscape]. Yet, the draft EIR does not provide a full evaluation of the impacts that the project's construction and operation will have on the TCL and the individual resources within the TCL; nor does the draft EIR provide any actual mitigation for impacts to the TCL and its resources. Proposed mitigation consists of vague plans with no real standards by which to measure effectiveness of the mitigation. The draft EIR is deficient because of its failure to adequately describe the impacts to the TCL and the individual resources therein, and because of its failure to provide mitigation for these impacts.	Please refer to Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources. Please also see Common Response 16 for a discussion regarding the consideration of individual resources in impact analysis. As described in Chapter 32, Tribal Cultural Resources, DWR has identified a suite of mitigation measures to mitigate impacts on the Delta TCL at various scales. Mitigation Measure TCR-1a seeks to avoid impacts on a localized scale by seeking design modifications or protective measures that would avoid impacts on individual character-defining features, and Mitigation Measure TCR-1b requires DWR to prepare an overarching Tribal cultural resources management plan that will include procedures for preparing resource-specific treatment plans in each situation where impacts cannot be avoided. Landscape-scale mitigation is achieved through Mitigation Measure TCR-1c which includes DWR support for Tribal stewardship activities through funding and access opportunities, to be defined in coordination with affiliated Tribes, that allow Tribes to restore land and develop conservation projects. Additionally, Mitigation Measure TCR-1d commits to incorporation of Tribal knowledge, including Tribal Ecological Knowledge, into the preparation and implementation of the Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources (Appendix 3F) and other measures for mitigating impacts on terrestrial biological resources, fish and aquatic resources, and cultural resources. DWR's commitment for Tribal input on the compensatory mitigation planning for the entire project, reflected in Mitigation Measure TCR-1d, further mitigates the Delta TCL at the landscape level through large scale species habitat protection and restoration. DWR is committed to continuing consultation and engagement with Tribes as part of the project's mitigation measures and DWR will continue to consult with affiliated Tribes regarding the implementation of the

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		mitigation measures to minimize and mitigate the project's potentially significant impacts. Please refer to Common Response 16, Tribal Cultural Resources, regarding the adequacy of the mitigation measures. In addition, please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding CEQA requirements for mitigation and the adequacy of mitigation measures included in the EIR for impacts identified as potentially significant, as well as the number of mitigation measures included in the EIR. Common Response 1 describes meeting CEQA requirements for mitigating potentially significant environmental impacts through the implementation of feasible mitigation measures, where appropriate, to avoid, reduce, minimize, or otherwise mitigate potentially significant impacts.
725-4	Other deficiencies include a failure to evaluate meaningful alternatives to the project, rather than just different alignments of the project, and the designation of an arbitrarily small study area.	The comment's assertion that the EIR fails to evaluate meaningful alternatives is not supported by the content of the EIR. Please see Common Response 3, Alternatives Development and Description, regarding the adequacy of the range of project alternatives chosen for the CEQA analysis. Please refer to Chapter 1, Introduction, section titled Project Area and Study Areas, explaining how the project area and study areas were defined depending on the resource and whether effects may extend beyond the project's physical footprint. Please also see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, for a discussion of the study areas evaluated in the EIR.
725-5	In summary, the draft EIR in its current form is unlawfully deficient. Shingle Springs [Band of Miwok Indians] recommends that the draft EIR be withdrawn and revised; and more importantly, that DWR withdraw its proposed project that will be so devastating to the history, culture and very existence of the [T]ribe and our people. Thank you.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of opposition to the project or general assertions that the EIR is deficient. DWR recognizes and affirms Executive Order N-15-19, which apologized on behalf of the citizens of the State of California to all California Native

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		Americans for the many instances of violence, maltreatment, and neglect California inflicted on Tribes. Please refer to Common Response 16, Tribal Cultural Resources, regarding how DWR's efforts to identify and analyze impacts on Tribal cultural resources were consistent with current State policies regarding indigenous people in California. Although the EIR concludes that impacts on cultural resources and Tribal cultural resources would be significant and unavoidable, mitigation measures have been identified to avoid or minimize impacts in consideration of input from Tribes and with an emphasis on providing Tribes the opportunity to continue to consult with DWR toward protection of places with cultural value to Tribes. Please refer Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project.
725-6	Hi. Thank you again, [moderator]. I just wanted to get this comment on the record. And it's one that, you know, we have brought forward multiple times through this process. But just in speaking with other [T]ribes, I can't stress enough how under-resourced and limited many [T]ribes are, in terms of even being able to engage in this process. And so even though it may not seem like there are a lot of tribes on this meeting today or perhaps [T]ribes that you're not hearing from, I do again want to impress upon you the gravity of this project. How large it is, the labor that goes into reading, analyzing documents, you know, writing comments and things. And some [T]ribes simply do not have the capacity. And so I just wanted to get that comment on the record. Thank you.	DWR appreciates the investments made by consulting Tribes to review and comment on the Draft EIR and in building a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. As stated in response to comment 725-3, DWR is committed to continuing consultation and engagement with Tribes as part of the project's mitigation measures. Chapter 32, Tribal Cultural Resources, in the section titled Consultation and Engagement with Tribes, describes DWR's good-faith effort to foster meaningful consultation that recognizes Tribal expertise in the identification and consideration of Tribal cultural resources. Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the length and complexity of the EIR.

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726-1	Okay. My name is [speaker name], and I am the [T]ribal [H]istoric [P]reservation [D]irector with United Auburn Indian Community of the Auburn Rancheria. I am today here speaking on behalf of Auburn's preservation department, including our [T]ribal [H]istoric [P]reservation [O]fficer, [name].	This information describes the background of the commenter. It is not a comment on the contents of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
726-2	The UAIC supports the no project alternative of the DEIR, and we are in strong opposition to all other alternatives presented in the Delta Conveyance DEIR. We also accept and admire the statements made by Shingle Springs earlier [Letter 725], and we echo all of those sentiments.	Please see Common Response 4, No Project Alternative and Analysis, for a description of the criteria the Department of Water Resources considers in determining whether to select the No Project Alternative. Please see the Chapter 32, Tribal Cultural Resources, section titled Summary Comparison of Alternatives, which states that DWR recognizes, and has heard during consultation, that Tribes oppose the Delta Conveyance Project due to the potential unmitigable impacts on the Tribal cultural landscape and the many resources that make this place foundational to Tribes. Please refer Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project. Please refer to Volume 2, Chapter 2, Indices of Commenters and Index of Primary Forms, to locate the letter numbers of comments provided by other entities (i.e., Shingle Springs Band of Miwok Indians) that are of interest. Responses to all comment letters, including those of the Shingle Springs Band of Miwok Indians, are provided in Volume 2, Chapter 4, Response to Comments Tables.
726-3	UAIC [United Auburn Indian Community of the Auburn Rancheria] wants to see water solutions for the state of California, but we believe that the proposed Delta Conveyance Project will cause irreparable impacts to the Delta as a [T]ribal cultural landscape. The impacts to [T]ribal history and [T]ribal religious concerns do not outweigh the projected water solutions of the proposed project that we find falls very short. We second the recommendations of Shingle Springs [Letter 725], that the DEIR be withdrawn and rewritten to address	As noted in response to comment 726-2, Chapter 32 describes that DWR recognizes, and has heard during consultation, that Tribes oppose the Delta Conveyance Project due to the potential unmitigable impacts on the Tribal cultural landscape and the many resources that make this place foundational to Tribes. Comments regarding the approval of projects with significant and unavoidable impacts are addressed in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues. Please refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's

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	these concerns. Thank you for your time today.	decision on whether to approve the project and the Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources. Please refer to Volume 2, Chapter 2, Indices of Commenters and Index of Primary Forms, to locate the letter numbers of comments provided by other entities that are of interest (e.g., Shingle Springs Band of Miwok Indians). Responses to all comment letters, including those of the Shingle Springs Band of Miwok Indians, are provided in Volume 2, Chapter 4, Response to Comments Tables.
727-1	My name is [speaker name], and I am the THPO [Tribal Historic Preservation Officer] and cultural resources director for the Buena Vista Rancheria of Me-Wuk Indians. I speak on behalf of the [T]ribe in the authority designated to me by Buena Vista Rancheria's [T]ribal [C]ouncil.	This information describes the background of the commenter. It is not a comment on the contents of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
727-2	First and foremost, Buena Vista [Rancheria of Me-Wuk Indians] supports and backs the recommendations by Shingle Springs and United Auburn Indian Community [Letter 725 & 726, respectively] in the retraction of draft EIR, and the revisions and considerations to the proposal of the Delta Conveyance Project.	Please refer to Volume 2, Chapter 2, Indices of Commenters and Index of Primary Forms, to locate the letter numbers of comments provided by other entities that are of interest (e.g., Shingle Springs Band of Miwok Indians and United Auburn Indian Community). Responses to all comment letters, including those of the Shingle Springs Band of Miwok Indians and United Auburn Indian Community, are provided in Volume 2, Chapter 4, Response to Comments Tables.
727-3	Buena Vista Rancheria [of Me-Wuk Indians] has been involved in the Delta Conveyance Project from the beginning by attending [T]ribal engagement meetings, participating in the CEQA process and by participating, thus far, in multiple consultation meetings with DWR. Buena Vista Rancheria [of Me-Wuk Indians] would like to express that the Delta as a landscape and ecosystem is considered a culturally significant landscape and is comprised of numerous resources. The [T]ribe chose to continue with consultations to express the importance of the Delta and to ensure respect for the [T]ribal	DWR appreciates the investments made by consulting Tribes to build a relationship with DWR leading to finalization of the EIR and extending beyond CEQA review of the Delta Conveyance Project. DWR recognizes, and the EIR acknowledges, the Delta's importance to Tribes. Chapter 32, Tribal Cultural Resources, section titled Sacramento-San Joaquin Delta Tribal Cultural Landscape, describes the Delta Tribal Cultural Landscape, which was evaluated as a cultural (sometimes called ethnographic) landscape, which relies on the continued recognition of culturally important processes in addition to historical trends.

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	cultural resources, the connections, religious relations and communities all living within this diverse landscape. Our concern is the negative alteration and substantial change to the Delta that would result from the Delta Conveyance Project.	The Chapter 32 section titled Consultation and Engagement with Tribes describes DWR's good-faith effort to foster meaningful consultation that recognizes Tribal expertise in the identification and consideration of Tribal cultural resources. Please also see Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources.
727-4	Buena Vista Rancheria [of Me-Wuk Indians] supports the development of water infrastructure, the improvement of water quality for all who live in this beautiful landscape. However, after review of the draft EIR, such projects, like the Delta Conveyance Project, do not adequately address any of the water infrastructure needs of the state of California. Thank you.	The comment assertion that the project does not address any of the water infrastructure needs of California is not consistent with the EIR. Please refer to Chapter 2, Purpose and Project Objectives, and Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the project's purpose and objectives. Please also refer to Common Response 6, Climate Resilience and Adaptation, regarding the project's anticipated water supply reliability benefits.
728-1	Hi. I'm not prepared to give a comment from the Wilton Rancheria today, but I just wanted to thank the other [T]ribal representatives on behalf of Wilton for speaking out today. We appreciate it. It's been great.	This comment is not a comment on the contents of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
730-1	On behalf of Yocha Dehe Wintun Nation, we do not have comments from our director at this time. He is away. And I think he had some comments to make. However he's not here today, so we will be making sure to make those comments available on the 16th.	This information describes clarification on the submittal of the comment letter. It is not a comment on the contents of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
731-1	Hello. Sorry to speak again. My name is [speaker name], speaking on behalf of United Auburn Indian Community. I do not have a prepared statement. We will be making formal comments, written comments for the December 16th deadline.	This information describes clarification on the submittal of the comment letter. It is not a comment on the contents of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.

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731-2	But in reviewing the EIR, the mitigation measures have all been -- all the impacts were reduced to less than significant, when time and time again, through countless [T]ribal consultation meetings, [T]ribes have objected to the project and have declared the damage that this project would cause. Yet, all the mitigation measures have been reduced impacts to less than significant, and that this should not be the case. They should be significant and unavoidable impacts. And there should be a statement of overriding consideration for these unavoidable and significant impacts. So that needs to be included in the new EIR that should be rewritten, and also more development of the no project alternative. That's my [United Auburn Indian Community] unprepared statement. Thank you.	Impacts on Tribal cultural resources are determined to be significant. Mitigation measures are proposed and will be implemented through the preparation of a Mitigation Monitoring and Reporting Program. However, as described in Chapter 32, Tribal Cultural Resources, even with mitigation incorporated, impacts would not be fully reduced and are determined to be significant and unavoidable. As identified in Chapter 3, Description of the Proposed Project and Alternatives, DWR will not make a decision on the project until after addressing public comments on the Draft EIR, certifying the Final EIR, and making all necessary findings, including preparing a statement of overriding considerations. Comments regarding the approval of projects with significant and unavoidable impacts are addressed in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues. Please refer to Common Response 16, Tribal Cultural Resources, regarding the consideration of Tribal perspectives in DWR's decision on whether to approve the project. Please see Common Response 4, No Project Alternative and Analysis, for a description of what was considered for the No Project Alternative and how the No Project Alternative meets CEQA requirements.