

Table 4-2. State Agencies and Elected Officials

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32-1	To whom it may concern: I sent a request from the Delta Independent Science Board for the data from the Delta Conveyance Project draft EIR model runs to Carrie Buckman who is out of the office. I am forwarding this request to this account. Please let me know if you have any questions. Thank you for the consideration.	In regard to the portion of the comment requesting additional information, the Department of Water Resources (DWR) responded to all requests for modeling files within the comment period.
32-2	Thank you again for your presentation at the Delta Independent Science Board on July 14. At the meeting, you kindly offered to provide data from the Delta Conveyance Project draft EIR model runs. The Delta Independent Science Board would like to request some model run results that are the basis for tables in Chapter 6 (Water Supply). The particular model runs of interest are: 1. Existing conditions (2020), No action alternative and alternatives 3, 4a, b, c, and 5. 2. 2040 conditions, No action alternative, and alternatives 3, 4a, b, c, and 5. Variables of interest within each model run include: 1. Delta inflows from: Sacramento River, Yolo Bypass, San Joaquin River, Mokelumne River, and precipitation. 2. Storage volumes at San Luis, Los Vaqueros, Folsom, Shasta, and Oroville reservoirs 3. Pumping or diversion volumes at: Northern intakes, Barker	In regard to the portion of the comment requesting additional information, the Department of Water Resources (DWR) responded to all requests for modeling files within the comment period.

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	slough PP, Contra Costa main PP, Banks PP, Jones PP, new Bethany PP (alternative 5) 4. Delta outflows. 5. Required Delta outflows. Ideally, we would like the data as monthly time series (taf and taf/month) in an Excel-compatible format (csv ok) with suitable descriptive headers (including units), and columns for year, water year, and month. Can you provide this data?	
50-1	I believe Conny flagged for Marcus last week that Board staff reviewing the DCP DEIR would benefit from having access to some of the modeling materials that underlie the analysis. I'm following up to clarify that our top priority would be to review the CalSim 3 models of existing conditions, the proposed project, alternatives, and the alternate regulatory baseline scenario, each at the 2020 level of development. Our secondary priority would be to review any of those scenarios that are available for 2040 conditions. Please include my colleagues who I have CC'd when providing links to any of the requested materials.	In regard to the portion of the comment requesting additional information, the Department of Water Resources (DWR) responded to all requests for detailed modeling information within the comment period.
60-1	Please see the attached letter from me, on behalf of the Delta Independent Science Board, requesting a 30-day extension on submitting comments on the Delta Conveyance Project Environmental Impact Report. In the letter, we provide our rationale and I hope that you can honor this request.	Please refer to Common Response 2, Public Outreach Activities, regarding the duration of the comment period and the Department of Water Resources' (DWR) extension of the comment period. Please see responses to comments 60-2 through 60-5 regarding detailed responses to comments contained herein.
60-2	In accordance with our responsibilities to provide scientific oversight of programs that support adaptive management, as specified in the Delta Reform Act of 2009, the Delta Independent Science Board (Delta ISB) is in the process of reviewing the draft Delta Conveyance Project Environmental	This information describes the structure or organization of the comment letter, the background of the organization or individual commenter, clarification on the submittal of the comment letter, or general introductory text. It is not a comment on the contents of the EIR. DWR has reviewed all comments and will consider all comments in its decision-

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	Impact Report (DCP EIR), which was released for public comment in July 2022. I am writing to request that the Delta ISB be given a 30- day extension for submitting comments to the DCP EIR.	making process. Please refer to response to comment 60-1 regarding the duration of the comment period and DWR's extension of the comment period.
60-3	We have been actively working to review the document, but more time would be helpful for the following reasons. We are finding that the main chapters do not have sufficient information to judge the quality of methods and sources of uncertainty, and so we need more time to review the appendices and other supporting materials.	The Delta Conveyance Project EIR was written to comply with CEQA requirements and makes a good-faith effort to disclose potential impacts to decision-makers and the public. The methods for evaluation are described in Chapters 5–32 of the EIR which are appropriate for the purposes of the CEQA analysis. 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, as well as the EIR's consideration of uncertainty. Please refer to response to comment 60-1 regarding the duration of the comment period and DWR's extension of the comment period.
60-4	We have been actively working to review the document, but more time would be helpful for the following reasons. We are finding it necessary to reread some chapters to better understand and compare methods and impacts across resources.	Please refer to response to comment 60-1 regarding the duration of the comment period and DWR's extension of the comment period, as well as response to comment 60-3 regarding uncertainty and the length and complexity of the EIR.
60-5	We have been actively working to review the document, but more time would be helpful for the following reasons. The review period coincides with the start of the academic year, which is a particularly busy time for many Delta ISB members. September 2, 2022.	This information describes the background of the organization or individual commenter or general introductory text. 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. Please refer to response to comment 60-1 regarding the duration of the comment period and DWR's extension of the comment period.
60-6	For all these reasons [reasons listed on comments 2-5], we request an extension to November 30, 2022.	Please refer to the responses to comments 60-1 through 60-5 regarding the duration of the comment period and DWR's extension of the comment period, including detailed responses to the reasons referred to in the comment.

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61-1	I am writing to request that the Department host an in-person public meeting in the Delta to take public comment on its draft environmental impact report (DEIR) for the Delta Conveyance Project. Convening only virtual meetings, as is currently planned, provides inadequate opportunities for many in the Delta to participate fully in the DEIR's review. The conveyance project will have significant unavoidable impacts in the Delta, as the DEIR acknowledges. No part of California will be as adversely affected. The fullest opportunity to participate in the DEIR's review should be provided to the Delta residents who know the Delta best and whose farms, businesses, and homes would be most exposed to damage if the project is constructed.	Please refer to Chapter 35, Public Involvement, and Common Response 2, Public Outreach Activities, regarding the public meetings held during the public review period for the Draft EIR as well as other outreach activities conducted throughout the EIR process to provide public information and encourage public review and comment on the Draft EIR.
61-2	I requested that public meetings about the DEIR be held in the Delta during a recent briefing about the project by Carrie Buckman and Katherine Marquez of your staff. Parts of the Delta have poor internet connections, making participation in a virtual meeting difficult. In addition, too many of those affected by the project, especially in low-income Delta communities, may be unable to afford higher speed internet connections that facilitate easy participation in a virtual meeting. As we explained, if only virtual meetings are held on the DEIR, these barriers will limit participation in the DEIR's review by those most threatened by the project's harmful impacts.	Please refer to Common Response 2, Public Outreach Activities, regarding the public meetings held during the public review period for the Draft EIR and the telephone number provided for participants to use to call into the public meetings to provide verbal comments if they could not connect via the internet. Please refer to Chapter 35, Public Involvement, regarding the outreach activities conducted throughout the EIR process to provide public information and encourage public review and comment, which included outreach to disadvantaged communities. Please also refer to Common Response 2 regarding the availability of the Draft EIR to Delta communities, including the document being available via thumb drive at local libraries within Delta communities.
61-3	Ms. Buckman and Ms. Marquez asserted that the Department's decision to host only virtual meetings about the DEIR resulted from a concern that a public meeting unacceptably risked spreading COVID or other communicable diseases. Nothing in the current advice from state or local health agencies or the Centers for Disease Control supports this conclusion. Rather,	Please refer to Common Response 2, Public Outreach Activities, regarding the public meetings held during the public review period for the Draft EIR.

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	directives of these public health experts recommend that agency meetings can proceed open to public attendance with an option to participate by live stream, pursuant to health and safety guidelines. The Legislature, our Delta counties and cities, and many others meet safely using these practices. Your agency's public workshops on the Conveyance Project's DEIR can too.	
61-4	One of the greatest criticisms we hear from the diverse voices of the Delta on this project is your mind is already made up and you simply do not want to listen to anything the small communities, neighborhoods and rural residents in the Delta have to say about this project. Many fully expected that you would limit access by only conducting virtual meetings. While this is a massive state project that may benefit other regions of the state, the impacts and consequences will only be felt directly in the Delta and the surrounding communities. At our Delta Protection Advisory Committee's meeting on August 30, committee members led by the Chair and Vice Chair strongly endorsed in-person, in-Delta DEIR public meetings.	Please refer to responses to comments 61-1 through 61-3 regarding public involvement and DWR's public outreach activities, including public meetings held during the public review period for the Draft EIR. DWR encouraged public review and comment throughout the Draft EIR review process and prior to release of the Draft EIR. Please also refer to the Efforts to Minimize Delta Community Effects technical memorandum in the Engineering Project Report (Delta Conveyance Design and Construction Authority 2022) regarding the engineering and design modifications made to reduce Delta community effects.
61-5	Accordingly, we request that meetings to receive public comment be held prior to the end of the comment period in each of the Delta counties. There are suitable locations in Rio Vista, Stockton, Walnut Grove, the Roberts Union Farm Center, Oakley, Discovery Bay, Antioch and others. We should be giving the people of Clarksburg, Locke, Hood and other Delta legacy communities a place locally where they can address the issues with this conveyance project and how it will impact their lives. There are also plenty of wineries with grounds to hold outside meetings and facilities to conduct an inside meeting. Stockton alone has the Cabral Ag[riculture] Center, Stockton Civic Center, Bob Hope Theater, and University Waterfront Hotel, where the Delta Stewardship Council recently held their August	Please refer to responses to comments 61-1 through 61-3 regarding public involvement and DWR's public outreach activities, including public meetings held during the public review period for the Draft EIR.

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	meeting in person. If none of those are big enough to allow distancing, even the Stockton arena could be utilized to hear from the residents concerned about this project.	
61-6	I ask that you reconsider your staff's suggestion to avoid public meetings in the Delta on the Conveyance Project DEIR. Delta people deserve the opportunity to participate fully in the DEIR's review. They can do so safely under current public health guidance. DWR should not deny them an opportunity to do so.	Please refer to Common Response 2, Public Outreach Activities, regarding the public meetings held during the public review period for the Draft EIR and regarding the outreach activities conducted throughout the EIR process, specifically during the public review period to provide access to participation in the review process and encourage public comments.
107-1	I am writing with two requests: that the Department of Water Resources (DWR) further extend the public comment period on the Delta Conveyance Project (Delta Tunnel) DEIR by a full 90 days from the original deadline of October 27; and that during that time, DWR hold in-person hearings in each of the Delta counties to receive public comment. The Delta Tunnel will have significant unavoidable impacts in the Delta, as the DEIR acknowledges. No part of California will be as adversely affected. The fullest opportunity to participate in the DEIR's review should be provided to the Delta residents who know the Delta best and whose farms, businesses, and communities would be the most exposed to damage if the project is constructed.	Please refer to Chapter 35, Public Involvement, and Common Response 2, Public Outreach Activities, regarding the public meetings held during the public review period for the Draft EIR as well as other outreach activities conducted throughout the EIR process to provide public information and encourage public review and comment on the Draft EIR. Please also refer to Common Response 2 regarding the duration of the comment period and DWR's extension of the comment period.
107-2	Extension of Comment Period: The environmental analysis for this massive infrastructure proposal for the purposes of the California Environmental Quality Act has taken two and a half years in addition to the countless years spent analyzing previous proposals. While we appreciate DWR's extension of the comment period to December, we join with our local government and water agency representatives in requesting a full 90-day extension of	Please refer to response to comment 107-1 regarding the duration of the comment period and DWR's extension of the comment period. The Delta Conveyance Project EIR was written to comply with CEQA requirements and makes a good-faith effort to disclose potential impacts to decision-makers and the public. The methods for evaluation are described in Chapters 5–32 of the EIR which are appropriate for the purposes of the CEQA analysis. 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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	time to January 27, 2023, for reasons outlined below. The project has been characterized as a new project with new analysis. The Delta Protection Commission (Commission) provided extensive comments to previous proposals including the WaterFix and Bay Delta Conservation Plan. We also provided detailed comments and suggestions for mitigation and clarity of presentation on the Notice of Preparation for this project. Understanding the differences between this project and the previous proposals is key to our comments on this DEIR and will require more time than the 140 days currently allocated. Navigation tips provided are helpful, but we still find it necessary to cross-reference information in the main chapters with data supplied in the appendices or in other relevant chapters in order to evaluate the quality of methods and analysis. This is very time-consuming. It is necessary to review some sections more than once when numbers don't add up, to fully understand whether these are errors, or when the same information is being presented differently. We also need to evaluate potential effects of newly proposed significant projects not reviewed in previous Conveyance EIRs such as the East Bay Municipal Utilities District Mokelumne Aqueduct Resilience Project. Commission staff, staff of the Delta counties, cities, water agencies, and representatives of Legacy community councils require sufficient time to meaningfully respond. Sufficient, in our view, should be defined as a reasonable proportion of the time it took to prepare the DEIR, or a total of six months.	

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107-3	In-Person, In-Delta Public Meetings: In a letter dated September 2, 2022, we requested that Director Nemeth schedule in-person public meetings prior to the end of the comment period in each of the Delta counties. DWR responded that virtual meetings are necessary due to COVID-19 concerns. Nothing in the current advice from federal, state, or local health agencies supports this conclusion. Rather, directives of these public health experts recommend that agency meetings can proceed open to public attendance, following health and safety guidelines and with an option to participate by live stream or telephone call-in. Parts of the Delta have poor internet connections, especially in low-income Delta communities, making participation in a virtual meeting impossible. Virtual meetings can reach a wider audience but not in the Delta, given the spotty and unreliable broadband. The telephone call-in option might work for some individuals, but not everyone. A virtual, call-in process is not sufficient and is unprecedented treatment of Delta people for such an important issue with profound impacts. In-person hearings are fundamental to allow Delta communities to participate in this important process. Prior to the pandemic, virtual-only meetings would not have even been considered. Post-pandemic, the Legislature, our Delta counties and cities, and many others now meet safely in-person. DWR's public hearings on the Delta Tunnel's DEIR can too, especially with the time allowed by the comment extension. After months of outreach encouraging Delta communities how to comment on the DEIR, now is not the time for DWR to limit those comments. Delta people deserve the opportunity to	Please refer to response to comment 107-1 regarding the public meetings held during the public review period for the Draft EIR as well as other outreach activities conducted throughout the EIR process to provide public information and encourage public review and comment on the Draft EIR. Please see Common Response 2, Public Outreach Activities, regarding the telephone number provided for participants to use to call into the public meetings to provide verbal comments if they could not connect via the internet. This Common Response also describes the availability of the Draft EIR to Delta communities, including the document being available via flash drive at local libraries within Delta communities.

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	participate fully in the DEIR's review. They should not be denied the chance to do so.	
201-1	DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DELTA CONVEYANCE PROJECT, SCH#2020010227 The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report for the Delta Conveyance Project (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's potential impacts on agricultural land and resources.	The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
201-2	Project Description The proposed Delta Conveyance Project would modernize the State Water Project (SWP) water transport infrastructure in the Delta by adding new facilities on the Sacramento River in the north Delta to divert water and upgrading the current system to include a single tunnel to divert and move water entering the north Delta from the Sacramento Valley watershed to existing SWP facilities in the south Delta. Important impacts to consider include the conversion of Important Farmland and the conversion of farmland under Williamson Act contracts or in Farmland Security Zones on a temporary, short-term, or permanent basis. Implementation of any project alternative would result in the permanent and temporary conversion of Important Farmland. Each alternative would also result in the permanent or temporary conversion of Williamson Act farmland or farmland in a Farmland Security Zone.	The impact analysis in Chapter 15, Agricultural Resources, considers direct and indirect effects of project effects on agriculture. Impact AG-1 evaluates the effect of the project on conversion of Important Farmland. Impact AG-2 describes the effects associated with conversion of land subject to Williamson Act contract or under contract in a Farmland Security Zone. As described in the EIR, the project impacts under Impact AG-1 and Impact AG-2 are significant and unavoidable after proposed mitigation measures.

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201-3	Department Comments The conversion of agricultural land represents a permanent reduction and significant impact to California’s agricultural land resources. CEQA requires that all feasible and reasonable mitigation be reviewed and applied to projects. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project. All mitigation measures that are potentially feasible should be included in the project’s environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements. Consistent with CEQA Guidelines, the Department recommends the Department of Water Resources consider agricultural conservation easements, among other measures, as potential mitigation. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes “compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.”]) Mitigation through agricultural easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project’s surrounding area.	As described in Common Response 12, Agricultural Resources, when evaluating areas to serve as agricultural mitigation, it was important for DWR to consider whether those areas provide an equivalent quality of farmland as the farmland to be permanently converted (i.e., “like for like”). A myriad of factors can affect the quality of farmland, including character, productivity, and heritage. Ultimately, DWR needs to ensure that land targeted for mitigation under Mitigation Measure AG-1 is vulnerable to development pressure. Given that much of the Delta is protected from urbanization as a result of the Delta Protection Act, implementation of Mitigation Measure AG-1 is expected to consider farmland areas within the Delta counties that are located outside the study area for this project.

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201-4	A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies. The guidebook can be found at: California Council of Land Trusts 9 (See: Conserving California's Harvest - California Council of Land Trusts (calandtrusts.org))	The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
201-5	Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered. Indeed, the recent judicial opinion in King and Gardiner Farms, LLC v. County of Kern (2020) 45 Cal.App.5th 814 ("KG Farms") holds that agricultural conservation easements on a 1 to 1 ratio are not alone sufficient to adequately mitigate a project's conversion of agricultural land. KG Farms does not stand for the proposition that agricultural conservation easements are irrelevant as mitigation. Rather, the holding suggests that to the extent they are considered, they may need to be applied at a greater than 1 to 1 ratio, or combined with other forms of mitigation (such as restoration of some land not currently used as farmland).	Use of conservation easements is not the only form of mitigation that was considered for the project. As described in Common Response 12, Agricultural Resources, improvements to productivity for an agricultural property not considered to be an Important Farmland type (i.e., Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance) could be implemented in a manner to improve all or part of an agricultural property to Prime Farmland or Farmland of Statewide Importance status as shown on subsequent Farmland Mapping and Monitoring Program Important Farmland Maps following completion of such improvements. Such improvements may include providing irrigation infrastructure for agricultural properties or parts thereof with soils that meet the physical and chemical criteria for Prime Farmland or Farmland of Statewide Importance as determined by the Natural Resources Conservation Service but that had been dryland farmed due to lack of requisite infrastructure. Such improvements may also include providing improved drainage infrastructure for agricultural properties or parts thereof that could potentially be considered Prime Farmland or Farmland of Statewide Importance (based on presence of suitable soil conditions and irrigation infrastructure) but that are not mapped as such by the Farmland Mapping and Monitoring Program because they had not been used for irrigated agricultural production at any time during the 4 years prior Farmland Mapping and Monitoring Program mapping due to ongoing drainage issues. As described in Chapter 15, Agricultural Resources, conservation of agricultural farmland through acquisition of agricultural conservation

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		easements, even at a ratio of greater than 1:1, would not avoid a net loss of Important Farmland in the study area. Furthermore, Chapter 15 considered many areas where no permanent physical structures were planned as part of construction to be considered permanent impacts on farmland due to the potential for peat soil compaction that may hinder the ability for such areas to be returned to productive farmland. Mitigation Measure AG-1 would require that any Important Farmland considered permanently converted be mitigated at an acreage ratio of at least 1:1 through a combination of acquisition and dedication of agricultural land, acquisition of development rights or conservation easements to permanently protect agricultural land, or payment of in-lieu fees to fully fund the acquisition and maintenance of such real property interests by a third party. In addition to implementation of Mitigation Measure AG-1, as described in Common Response 12, DWR is committed to returning any prior farmland that is converted as part of construction activities and no longer needed for long-term operation of the Delta Conveyance Project back to productive agricultural use or habitat/grassland through land reclamation where feasible. Previously cultivated lands that cannot be reclaimed for agricultural purposes following disturbance because of topographic alteration may be reclaimed as grasslands. The land reclamation process will include identifying strategies appropriate for Delta soils that can address soil compaction.
201-6	Conclusion The Department recommends further discussion of the following issues: Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.	The impact analysis within Chapter 15, Agricultural Resources, considers direct and indirect effects of project effects on agriculture. Mapbooks 15-1 through 15-3 show the footprint of all the construction features along with the distribution of Important Farmland, and Mapbooks 15-4 through 15-6 show the footprint of all construction features along with the distribution of land under Williamson Act contracts. These mapbooks also identify the specific locations where there would be temporary impacts.
201-7	Conclusion The Department recommends further discussion of the following issues:	The comment requests analysis of other effects of the project that may affect agricultural operations that extend beyond consideration of direct conversion of agricultural land. Impact AG-1 and Impact AG-2 focus on the

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	Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.	effects of direct conversion of Important Farmland and farmland under Williamson Act contract or within a Farmland Security Zone. Impact AG-3 describes other effects on agricultural land not already analyzed under Impact AG-1 and Impact AG-2, such as consideration of how operations of the project may affect water quality for agricultural operators and how project construction could disrupt utility infrastructure servicing portions of agricultural properties outside the construction footprint. Please refer to Chapter 14, Land Use, regarding analysis of potential conflicts within existing land uses as a result of constructing the project. As described in Chapter 14, although changes in land use could result in a conflict with policies adopted to avoid or mitigate environmental effects, these impacts would be less than significant. Please refer to Chapter 17, Socioeconomics, regarding the potential effects that construction activities would have on general crop categories such as field crops, forage crops, and orchard and vineyards.
201-8	Conclusion The Department recommends further discussion of the following issues: Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.	Chapter 15, Agricultural Resources, includes an analysis of the cumulative impacts of the project alternatives on agricultural land conversion. Current and future planned agricultural land conversion within the study area would largely result from urban expansion (e.g., growth associated with the City of Stockton), ecosystem restoration projects, water supply projects, and flood risk reduction projects. The contribution of the project to the temporary or permanent conversion of agricultural land is considered a cumulatively considerable impact.
201-9	Conclusion The Department recommends further discussion of the following issues: Proposed mitigation measures for all impacted agricultural lands within the proposed project area.	Please see response to comment 201-5 regarding mitigation of impacted agricultural land. In addition, Common Response 12, Agricultural Resources, describes how DWR could fund farm improvements to enhance the productivity of lower-quality farmland, if there is interest in such a process by Delta agricultural interested parties. If there is no such interest, DWR would continue to implement Mitigation Measure AG-1 through a combination of acquisition and dedication of agricultural land, acquisition of development rights or conservation easements to permanently protect agricultural land, or payment of in-lieu fees to fully fund the acquisition and

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		maintenance of such real property interests by a third party. As described in Chapter 15, Agricultural Resources, known infrastructure used to serve agricultural properties was avoided to the greatest extent possible; however, the presence of additional infrastructure (e.g., buried pipelines that are not visible on aerial imagery and not identified in publicly available maps) may be revealed during future site-level investigations. Mitigation Measure AG-3 would reduce the impacts on agricultural land in the study area associated with infrastructure disruption to a less-than-significant level. This mitigation measure first calls for project designs to be modified to the extent feasible to avoid such conflicts with infrastructure servicing agricultural land. If avoidance is not possible through redesign, then DWR would seek to relocate or replace the affected infrastructure. In the event that none of the above options is feasible, DWR would seek a negotiated settlement process.
201-10	Conclusion The Department recommends further discussion of the following issues: Project's compatibility with lands within an agricultural preserve and/or enrolled in a Williamson Act contract.	As described in Chapter 15, Agricultural Resources, under Impact AG-2, DWR analyzed the effects associated with conversion of land subject to Williamson Act contract. Additionally, as described in Chapter 15, DWR would comply with all applicable provisions of California Government Code Sections 51290 through 51295 as they pertain to acquisition of lands under Williamson Act contract. Since the project constitutes an infrastructure improvement to State Water Facilities, acquisition of agricultural land within an agricultural preserve is exempt from requirements to avoid placement of proposed public improvements within agricultural preserve based primarily on consideration of the lower cost of acquiring land. Nonetheless, as required by California Government Code Section 51293, DWR will notify the California Department of Conservation within 10 working days following transfer of any title for property necessary to complete the Delta Conveyance Project that is within an agricultural preserve. Furthermore, if any land under Williamson Act contract is acquired for the project, but the land is ultimately not used for construction or operation of the project, those lands would be re-enrolled

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		under a Williamson Act contract. As described in Appendix 15B, Agricultural and Land Stewardship Considerations, the conversion of Delta agricultural land was minimized to the extent possible through careful project planning. Sizing of individual project infrastructure components generally was developed based on design and engineering constraints. While DWR faced limitations on where facilities could be located due to a broad range of considerations, including avoiding special-status species habitat and areas of known cultural resources, nonetheless the project alternatives were designed to minimize conversion of agricultural resources whenever possible. During the siting process for the project, sites were ranked using a scale for various criteria. Sites that included land under Williamson Act contract or within a Farmland Security Zone were assessed with the lowest possible score for the Farmland Designation criterion.
201-11	Conclusion The Department recommends further discussion of the following issues: If applicable, notification of Williamson Act contract non-renewal and/or cancellation.	As required by California Government Code Section 51293, DWR will notify the California Department of Conservation within 10 working days following transfer of any title for property necessary to complete the Delta Conveyance Project that is within an agricultural preserve. Furthermore, if any land under Williamson Act contract is acquired for the project, but the land is ultimately not used for construction or operation of the project, those lands would be re-enrolled under a Williamson Act contract.
201-12	Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report for the Delta Conveyance Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact [Name], Associate Environmental Planner via email at [email].	The commenter provides their contact information and expresses appreciation for the opportunity to comment on the EIR. DWR will continue coordination with the Department of Conservation. The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
247-1	We appreciate the opportunity to comment on the Public Draft of the Environmental Impact Report for the Delta Conveyance Project and continuing consultation for compliance with the Davis- Dolwig Act, specifically as it relates to recreation.	This information is general introductory text. 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.

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247-2	DWR has determined that the project alternatives proposed for this project would not have significant impacts to existing recreational facilities in the project area. The proposed location of conveyance facilities for the central and eastern alignment alternatives (Alternatives 1, 2a, 2b, 2c, 3, 4a, 4b, and 4c) would not lie within designated boundaries of an existing public recreation facility, and none would result in construction, expansion, or relocation of other existing recreation facilities in the Delta.	The comment is consistent with the information in the EIR. The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
247-3	DWR has also determined the project would not have significant cumulative impacts to recreational facilities. We agree with the project would not have significant impacts and it appears our past comments on previous Administrative Draft EIR have been incorporated into the document.	The comment is consistent with the information in the EIR. The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
247-4	If you have questions, please contact [Name] at [email].	This comment provides general closing text. 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.
301-1	On Friday, December 2, 2022, my manager will be giving a public presentation and he wanted to include a current map of the proposed conveyance with the potential tunnel alignments. I snipped the attached map [Attachment 1] from you "What is the Draft Environmental Impact Report for the Delta Conveyance Project" document online. Would it be possible to obtain a JPEG or PDF version of this map? Thank you for your help and consideration.	Please see Common Response 2, Public Outreach Activities, regarding information request responses. The comment identifies materials that are were not part of the Draft EIR document.
301-2	[Attachment 1: Screenshot of the map from the "What is the Draft Environmental Impact Report for the Delta Conveyance Project" showing three potential tunnel alignments that the respondent is requesting a JPEG or PDF of.]	This attachment was provided in support of the comment provided. Please refer to response to comment 301-1 regarding information requests.

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409-1	Thank you for providing the Delta Protection Commission (Commission) the opportunity to comment on the Delta Conveyance Project Draft Environmental Impact Report (Tunnel Project DEIR or Project). The proposed Project, known as Alternative 5, consists of a 6,000 cfs conveyance facility (tunnel) constructed through the Delta on an eastern alignment in a corridor roughly parallel to and west of Interstate 5 to a site south of the Byron Highway and Clifton Court Forebay adjacent to Bethany Reservoir. Project alternatives are distinguished by tunnel alignment (i.e., central or eastern), size (tunnel diameter and length), capacity (ranging from 3,000 cfs to 7,500 cfs), and method of delivery to the State Water Project and potentially Central Valley Project facilities (i.e., through Southern Forebay Complex or Bethany Reservoir Complex).	This information describes the structure or organization of the comment letter, clarification on the submittal of the comment letter, or general introductory text. DWR has reviewed all comments and will consider all comments in its decision-making process.
409-2	The following comments reflect the concerns of the Commission [Delta Protection Commission], except for members representing State agencies, which do not necessarily share these concerns. This letter in no way implies a recommendation or position of the Governor or his administration.	This information describes the structure or organization 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.
409-3	The Commission [Delta Protection Commission] previously submitted comments on environmental review documents for predecessors to the current Tunnel Project DEIR in 2014, 2015, 2018 and most recently on the Notice of Preparation for this DEIR in 2020. As in these letters and elsewhere, we must once again point to the unacceptable significant, irreversible, and permanent environmental effects of the proposed Delta conveyance projects on Delta communities, the cultural qualities that define "Delta as Place," and the pillars of the Delta economy, agriculture, and recreation.	The EIR has been prepared in compliance with CEQA and adequately evaluates and discloses potentially significant impacts on environmental resources. The assertion that the EIR fails to disclose, analyze, and mitigate for potentially significant environmental impacts is not consistent with the multiple analyses contained in the EIR. Please see the Executive Summary table titled Summary of Delta Conveyance Project Impacts and Mitigation Measures for a full list of all impact conclusions and mitigation. DWR employed a conservative approach in evaluating the level and extent of impacts, and the majority of the impacts are determined to be less than significant. For example, impacts on recreation are less than significant, and some impacts on agriculture are significant and unavoidable, while

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	The current proposed tunnel is fundamentally no different in key structural elements such as the intakes, alteration of the Delta landscape with double launch shaft and tunnel muck storage complexes, and overall disruption of much of the northeastern and southern Delta during at least a projected decade and a half of construction. The DEIR fails to adequately document, analyze and mitigate for impacts that will damage the unique character of the Delta that makes it the "Delta as Place" that is protected by the Delta Reform Act.	some are less than significant with mitigation. Chapters 5 through 32 provide details regarding existing conditions and methods for analysis, an analysis of potentially significant environmental impacts and include proposed feasible mitigation where necessary in Chapters 7 through 32. The Delta Conveyance Project has been designed to minimize impacts where possible. Please refer to the Efforts to Minimize Delta Community Effects technical memoranda in the Engineering Project Reports regarding the engineering and design modifications made to reduce Delta community effects (Delta Conveyance Design and Construction Authority 2022a, 2022b). The EIR also analyzes Alternative 5, the Bethany Reservoir alternative, which eliminates the need for a forebay and significantly reduced the total acres impacted by the project. Please refer to Appendix 3E, Delta Reform Act Considerations, and Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, for a discussion of the requirements of the Delta Reform Act.
409-4	The Commission's [Delta Protection Commission] legislative mandate, authorities and role in the Delta were detailed in our previous letters.	This information describes the background of the organization or individual commenter, clarification on the submittal of the comment letter, or 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.
409-5	The project alternatives analyzed in the DEIR do not avoid or mitigate the most damaging impacts to Delta communities, economic well-being, and cohesiveness of the cultural landscape, despite some efforts to redesign certain project elements, improve public outreach, and improve the readability, graphics, and navigability of the document. The proposed Bethany Alternative (Alternative 5) generally focuses on reducing the impacts of the project by reducing footprint size and location in specific areas, with the overall effect of reducing activities in wetlands and other waters of the United States, rather than protecting Delta as Place values.	Please refer to the Efforts to Minimize Delta Community Effects technical memoranda in the Engineering Project Report (Delta Conveyance Design and Construction Authority 2022b) regarding the engineering and design modifications made to reduce Delta community effects for all alternatives. Three distinct but complementary processes were developed to address effects within local communities: the Community Benefits Program, regulatory mitigation, and the Ombudsman Program. Please refer to Chapter 34, Community Benefits Program Analysis, for more information. The economic wellbeing of the Delta communities is evaluated through several metrics including regional employment, income, and housing in Chapter 17, Socioeconomics. The analysis demonstrates that potential social and economic impacts of the proposed project will not lead to

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		reasonably foreseeable indirect or secondary environmental impacts. Throughout the EIR resource Chapters 7–32, mitigation measures are identified where required to reduce, to the extent feasible, significant environmental impacts to less-than-significant levels. Mitigation measures, environmental commitments, and best management practices (Appendix 3B, Environmental Commitments and Best Management Practices) included in the EIR further reduce effects on the Delta as a Place and Delta cultural values. As described in Chapter 3, Description of the Proposed Project and Alternatives, section titled Ombudsman, the Ombudsman Program would be available as a primary point of contact for members of the public during project construction to supplement the public outreach efforts of DWR, DCA, and other public water agencies by acting as a point of contact for property owners or occupants, interested members of the public, or local agencies and community groups.
409-6	Reduction of the previous massive footprint in Hood by relocating the launch shafts and tunnel muck permanent storage to a 500-acre site at the Twin Cities complex will not reduce the effects of intake construction on Hood and the surrounding area. Tunnel muck cannot be referred to as "reusable" if it is not, in fact reused but instead become a permanent topographic feature. It is not acceptable to conclude that the loss of 71 structures including 15 homes is not a significant impact. Providing cursory analysis of recreation and cultural resource impacts by simply limiting the scope and time dedicated once again has resulted in inadequate assessment of human impacts.	The assertion of the comment regarding the cursory analysis for recreation and cultural resources associated with Hood and the reuse of material is not supported by the content of the EIR. Reusable tunnel material (RTM) can be reused for multiple activities as described in Chapter 3, Description of the Proposed Project and Alternatives, section titled Disposal of Reusable Tunnel Material, such as fill for project construction. The RTM stockpiles are defined as permanent footprints because not all of the material can be reused, as described in the section. The potential for impacts from construction and operation of the facilities, including Intake B and the use and stockpiling of RTM, is discussed at length throughout the EIR (Chapter 5 through Chapter 32) based on the description in Chapter 3 and is included in the study area for multiple resources. The analysis in the EIR provides a sufficient level of detail to describe and disclose the level of impact and magnitude of the impact to the public and decision makers regarding the location of the intakes and the use of RTM. For example, please refer to Chapter 16, Recreation; Chapter 17, Socioeconomics; and Chapter 19, Cultural Resources, regarding impacts on recreational resources, cultural resources, and socioeconomics and the human

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		environment, respectively. As described in Chapter 17, an evaluation of socioeconomics is included in the EIR because this CEQA document includes additional analyses normally reserved only for NEPA documents, as socioeconomics is not required under CEQA unless socioeconomic effects would result in a physical change to the environment. As disclosed in Chapter 16 and Chapter 17, impacts on recreation would be less than significant and effects associated with socioeconomics related to recreation would not be adverse. Impacts on eligible built-environment historical resources are determined to be significant and unavoidable as described in Chapter 19. Impact CUL-1 evaluates impacts on built-environment historical resources—including buildings—and concludes impacts would be significant and unavoidable, in part, associated with Intake B. As described in Impact CUL-1, Mitigation Measure CUL-1b may mitigate impacts but cannot guarantee they would be entirely avoided. Chapter 14, Land Use, Impact LU-1 fully evaluates the displacement of existing structures and residences and effects on population and housing. As described in that analysis, because relatively few structures would be removed, the project would not result in displacement of a substantial number of people or housing or result in changes in land use patterns in the area. Where applicable, DWR would provide compensation to property owners for losses due to implementation of the project. This compensation would not constitute mitigation for any related physical impact under CEQA; however, it would offset the economic effects.
409-7	The Commission [Delta Protection Commission] continues to recommend that the Department of Water Resources (DWR) and the EIR should seriously analyze an alternative that promotes water reliability by strengthening Delta levees and dredging key Delta channels, rather than tunneling under the Delta, while also reducing other region's reliance on water from the Delta by investing in water use efficiency, water recycling, and other advanced technologies. The through-Delta conveyance components of this alternative should include all	DWR 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 lead agencies develop project objectives to inform the identification of the project and a reasonable range of feasible alternatives; an EIR should include a reasonable range of alternatives that meet most of the basic project objectives, be potentially feasible, and 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

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	the features recommended in the Delta Plan (Delta Plan recommendation WR R1 2(a)(4) and (c)). This alternative's provisions to reduce reliance on the Delta should be informed by an analysis of water demand and promising alternative supplies in areas to be served by the project. The analysis should comply with the Delta Plan's regulatory policy WR PI.	objectives are used to identify potential alternatives to the project. An alternative that strengthens levees and channel dredging in combination with regional conservation efforts would not meet most of the basic project objectives. Strengthening levees in combination with channel dredging may be actions that complements the Delta Conveyance Project's dual conveyance approach but alone were determined to not be alternatives to the proposed project because levee improvements and dredging would not improve climate change, seismic, and operational resiliency of SWP Delta facilities as required by the project objectives. These actions were, therefore, not carried forward as alternatives to the proposed project in the EIR because the risk of sea level rise or a seismic event adversely affecting SWP Delta facilities would not be addressed and operational flexibility would not be improved by channel dredging and levee strengthening. Additional information regarding levees as an alternative can be found in Common Response 3. The project's purpose and objectives are presented in Chapter 2, Purpose and Project Objectives, of the EIR. The proposed 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. The project would be constructed and operated consistent with the Delta Reform Act and other applicable legislation and agreements. Regarding Delta Plan Policy WR R1, 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, which may include additional water conservation programs, water recycling projects, groundwater recovery projects, desalination of seawater or brackish groundwater, surface water storage, groundwater management, and water transfers and exchanges, that may be pursued by a variety of local, state and federal agencies. The California Water Resilience Portfolio identifies modernization of Delta water supply infrastructure as an action needed to improve water supply resiliency for the health and welfare of all Californians. The Delta

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		Conveyance Project is meant to complement and support other portfolio water supply management actions. Please refer to Appendix 3E, Delta Reform Act Considerations, Attachment 3E.1, Delta Plan Recommendations WR R12a and WR R12b Crosswalk Table. The table provides citations to where the information potentially relevant to Delta Plan recommendations can be found in the Delta Conveyance EIR and Engineering Project Reports. Please see Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, for information on the relationship of the project to the Delta Reform Act.
409-8	In conclusion, despite some effort to address concerns that the Commission [Delta Protection Commission] articulated most recently in our comments and suggestions to the NOP, the DEIR has fallen short of the Delta Protection Act's intent, and the Delta Reform Act's coequal goals. Those goals are inseparable from, and unified by, the requirement that they shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.	Please see Appendix 3E, Delta Reform Act Considerations, for a discussion of the Delta Reform Act's coequal goals and details on how the practical effect of many of the proposed mitigation measures and environmental commitments cited in the EIR would protect Delta values and those resources cited in the comment. Please see Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, for information on the relationship of the project to the Delta Reform Act. As described in Chapter 1, Introduction, section titled Public Scoping and Issues of Known Controversy, DWR considered all Notice of Preparation (NOP) scoping comments during the preparation of the Draft EIR. The scoping report is provided in Appendix 1A, July 2020 Delta Conveyance Project Scoping Summary Report and Addenda.
409-9	The Commission voted to approve this letter at its meeting on November 17, 2022 on a 6 - 0 vote with two abstentions. We appreciate the opportunity to provide input and are open to continuing dialogue with DWR on how the co-equal goals can be achieved without sacrificing the Delta. Please contact the Commission office at (916) 375-4800 with any questions regarding the comments provided.	This information describes the structure or organization of the comment letter, clarification on the submittal of the comment letter, or 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.
409-10	[ATT 1:] Attachment 1 - Delta Protection Commission Comments, Draft Environmental Impact Report (DEIR) Delta Conveyance Project	Please see Common Response 4, No Project Alternative Description and Analysis, regarding defining the No Project Alternative and commenter preference for the No Project Alternative. Please see Appendix 3A,

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	(DCP). Chapter 3: Proposed Project and Alternatives. No project alternative. The Commission continues to recommend serious consideration of a no project alternative consistent with the Commission’s Economic Sustainability Plan (ESP), which at this time may be more feasible than the tunnel.	Identification of Water Conveyance Alternatives, for an explanation of potentially feasible project alternatives considered in preparing the Draft EIR and those that did not include tunnel facilities.
409-11	[ATT 1:] Proposed Project effects area. The area of project effects (APE) should be revised to incorporate the area of visual effects reported in Section 18.1.1 (page 18-4) and described on page 18-6 as up to 3 miles from potential viewers.	The comment appears to confuse the term “area of potential effects” or “APE” with the term “area of project effects.” The APE is defined under the National Historic Preservation Act (NHPA) section 106 regulations. The U.S. Army Corps of Engineers is leading the Section 106 consultation. Defining the APE is not part of the CEQA process, but part of the federal Section 106 process. Although the comment appears to be discussing the proposed project effects area and referencing Chapter 3, Description of the Proposed Project and Alternatives, but citing to Chapter 18, Aesthetics and Visual Resources, there is no specific citation to Chapter 3 regarding effects area or area of potential effects. Chapter 3 primarily discusses the components of each alternative and their location, as well as construction and operation. Chapter 4, Framework for the Environmental Analysis, provides a broad discussion of how resource analyses address the study area for each resource topic. In addition, please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, for additional information of how the study areas are defined for the resource analysis. As noted in Common Response 1, study areas may differ for resources depending on the nature of the resource and type of effect.
409-12	[ATT 1:] The APE [area of project effects] should also include areas adversely affected by project noise, measured against a more appropriate threshold of significance as recommended in our comments about noise impacts in Chapter 24, section 24.3.2.	Please see response to comment 409-11 regarding the term “area of potential effects” or APE. As described in Chapter 24, Noise and Vibration, the study area is defined as a 2-mile radial distance from all project features and aboveground construction sites. This study area size was used to define a maximum distance where project related noise would

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		attenuate to existing ambient levels. In regard to specific noise thresholds, please see the response to comment 409-33.
409-13	[ATT 1:] Chapter 4: Framework for the Environmental Analysis The DEIR Improperly Limits Thresholds of Significance and Consideration of Impacts. The DEIR framework improperly and unreasonably narrows the threshold of significance such that many resource impacts are found to be less than significant. Chapters with unreasonably narrow thresholds include but are not limited to Chapter 7, Flood Protection; Chapter 8, Groundwater; Chapter 14, Land Use; Chapter 16, Recreation and Chapter 24, Noise. As an example, the Land Use chapter (page 14-17, line 33), claims that California Environmental Quality Act (CEQA) "directs a lead agency to focus on the potential for the proposed project to cause significant impacts on the physical environment:" quoting CEQA Guidelines § 15382. However, this is a selective interpretation of CEQA Guidelines § 15382, which states in full (with emphasis added): 15382. Significant Effect on the Environment. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.	DWR and the EIR appropriately developed and applied thresholds throughout the EIR, including in Chapters 7, Flood Protection; Chapter 8, Groundwater; Chapter 14, Land Use; Chapter 24, Noise and Vibration; and Chapter 16, Recreation. DWR and the EIR do not improperly narrow thresholds in these chapters or other chapters. Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the scope of analysis contained throughout the EIR, as well as a discussion of the development and use of thresholds the EIR. As discussed in Common Response 1, the thresholds were developed based on CEQA requirements in Sections 15064 and 15064.7(a) as well as the environmental checklist in Appendix G of the CEQA Guidelines. Please refer to Chapter 14, section titled Thresholds of Significance, which explains the application and use of three thresholds of significance. As explained in this section, DWR properly focuses the land use analysis, and thresholds, on physical environmental impacts, as required by CEQA. The chapter and thresholds properly acknowledge that conflicts with land use policies, regulations, and plans, even those applicable to DWR, do not by themselves constitute adverse alterations of, or effects on, the physical environment. As further explained in this section DWR properly references other chapters where analyses on recreation, agriculture, and socioeconomic effects occur. As noted in Chapter 14, DWR did consider social and economic changes related to the physical land use changes in Chapter 17, Socioeconomics, not in Chapter 14. Chapter 17 considers the effects on the economics of agricultural production, community character, and recreation. This is appropriate given the CEQA guidance and requirements regarding considerations of social and economic effects. As described in Common Response 1, CEQA provides the lead agency with

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	Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21068, 21083, 21100, and 21151, Public Resources Code; Hecton v. People of the State of California, 58 Cal. App. 3d 653. The Department of Water Resources (DWR) has the discretionary authority, in its impact assessment of the DCP land use impacts, to consider social and economic changes that relate to temporary and permanent physical changes resulting from the project. It is not CEQA that directs this authority. DWR can and should consider the social and economic changes related to the physical land use changes as impacts. Furthermore, the DEIR states (page 14-18, line 2), that "For the purpose of this analysis" the significance thresholds for land use consist of only two criteria-- (1) if the project results in a conflict with any applicable land use plan, policy, or regulation that consequently has an adverse effect on the physical environment, this would be considered a significant effect on land use; (2) any activities lasting longer than 1 year that would cross a community or create physical structures and be considered an adverse effect on the physical environment would also be a significant effect on land use. And at line 8, the DEIR states that "DWR, in preparing this assessment, has framed its conclusions..." These qualifiers clearly demonstrate that the DEIR could give more weight to land use and overall Delta as Place concerns in impact assessment and development of avoidance or mitigation. The	discretion to determine what thresholds to use and how they are discussed and organized in an EIR. Where appropriate, and as described in each of the chapters as relevant (e.g., sections titled Thresholds of Significance in the resource chapters), thresholds are tailored to enable a more detailed and resource specific evaluation in the EIR. For example, flood protection and groundwater are not resources that typically have individual chapters in CEQA documents. Issues related to these two resources are typically folded into the evaluation of a single resource: hydrology and water quality. In the EIR, however, to enable a more thorough analysis of these two resources, flooding and groundwater are included as individual standalone chapters and thresholds beyond those identified in the Appendix G Checklist are included. For groundwater resources, a single threshold is included in the CEQA Guidelines Appendix G Checklist to evaluate impacts on groundwater. However, Chapter 8 includes a total of eight thresholds related to the potential for groundwater impacts to occur. The reason for inclusion and development of these thresholds are described in the Chapter 8 section titled Thresholds of Significance. Use of the seven additional thresholds enables analysis of groundwater resources to be more comprehensive than what might otherwise occur under a single threshold and better informs the public and decision makers if a significant effect would result, better fulfilling the basic requirements of CEQA. Please refer to Chapter 24, which uses three thresholds that closely mirror, but provide an appropriate discussion of potential impacts tailored for the project, as compared to the Appendix G Checklist. In addition, response to comment 409-33 provides additional information regarding noise thresholds. Please refer to Chapter 16, which uses two thresholds that closely mirror, but provide an appropriate discussion of potential impacts tailored for the project, compared to the Appendix G Checklist.

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	Final EIR should correct this deficiency and those noted in other comment sections.	
409-14	[ATT 1:] Chapter 7: Flood Protection Drainage. The Commission’s 2020 EIR Notice of Preparation (NOP) Comments recommended that DWR review construction activities which could have an impact on levees and the drainage systems in the Delta. Drainage is critical to consider, as the foundations of the existing levees can become weak without adequate drainage. However, DEIR Section 7.3.2 has included only two Threshold of Significance limits, one for Water Surface Elevation (WSE) changes and second, for increases to the amount or rate of surface runoff that would result in localized flooding. Including only two limits is inadequate to establish significance of impact to levees, as other issues (such as drainage) could be impacted and compromised by the project’s construction and permanent facilities. For example, there could an inability to siphon or remove flood waters at the toe of a levee because of an increased WSE from the proposed project.	In addition to expected surface water elevation changes provided in Chapter 7, Flood Protection, Chapter 5, Surface Water, provides a summary of the expected changes in surface water flow volumes from implementation of the project. Drainage associated with the Delta Conveyance Project is also addressed in several other resource chapters, including Chapter 8, Groundwater; Chapter 9, Water Quality; and, Chapter 15, Agricultural Resources. Chapter 7 discloses specific levees that would be affected by the project activities and analyzes the impacts. Information used to assess impacts on levees and drainage facilities is described in the Chapter 7 section titled Regional Planning Efforts Related to Delta Flood Management, which summarizes Delta planning efforts addressing flood management, emergency preparedness, response, and mitigation, including the Central Valley Flood Protection Plan, the Delta Stewardship Council’s Delta Plan, and the Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force Report. The project has been designed to ensure that intake structures on the Sacramento River and modifying flood control levees would not reduce the protection afforded by the existing flood control system. The analysis contained in Chapter 7 concludes that the construction and operation of the project would not result in a reduction in flood protection provided by the existing levee system. As described in the Process and Method of Review for Impeding or Redirecting Localized Flood Flow section of Chapter 7, and in the Local Water Supply, Drainage, and Utilities section of Chapter 3, Description of the Proposed Project and Alternatives, and as evaluated in Chapter 7 Impact FP-2, DWR would avoid adversely affecting existing drainage infrastructure. Stormwater runoff and dewatering flows would be captured, treated, stored, and reused on-site (Chapter 3, section titled Local Water Supply, Drainage, and Utilities). In the event water could not be stored, it would be discharged to Delta channels at a rate commensurate with runoff from the previous land uses. As described in

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		Chapter 7, Impact FP-2, ground-disturbing activities at construction sites would avoid adversely affect the operation of existing drainage facilities. Existing facilities would be rerouted to accommodate the project's footprint. Temporary changes in drainage would be minimized or avoided by constructing new facilities or modifying existing facilities. The steps DWR would follow to ensure existing drainage capacity is maintained during and after construction are further described in the Chapter 3 section titled Local Water Supply, Drainage, and Utilities. As noted in this section of Chapter 3, because some of these drainage features are buried, a final cataloging of the location of each will be made as part of final design.
409-15	[ATT 1:] Indemnification of Reclamation Districts (Levee Management Agencies). The DEIR demonstrates (Page 7-49, lines 5-7) that DWR understands the importance of levee maintenance and monitoring for quickly identifying vulnerabilities in or damage to levees during construction. However, the DEIR does not document any commitment by DWR and partner contractors agreeing to defend, indemnify, and hold harmless affected Reclamation Districts (RDs) against all claims, liabilities, charges, losses, expenses, and costs (including their attorneys' fees) that may arise from the project. This statement should be made part of the project description and the analysis in this chapter to confirm that state funding supports this work, rather than creating a new burden on the local RDs.	The issues raised in the comment do not relate to physical effects on the environment but instead relate to property agreements that DWR may enter into with local reclamation districts. The specifics of these agreements will be negotiated as appropriate. The project would not significantly affect levees maintained by Delta reclamation districts as indicated in Chapter 7, Flood Protection. Levees in the vicinity of project features would continue to be maintained following project construction in a manner consistent with current practices. The Chapter 7 text referenced by the comment regarding ongoing and continuous levee maintenance and monitoring is not suggesting that there would be significant impacts on existing levees not already disclosed in Chapter 7. The text acknowledges, as is acknowledged elsewhere in the chapter, that there are numerous levee monitoring and maintenance activities currently implemented by various entities, including reclamation districts and DWR itself, within the Delta as described by the Central Valley Flood Protection Program. These numerous activities would be expected to continue with or without the approval and implementation of the Delta Conveyance Project because with or without the project levee monitoring and maintenance is needed in the Delta. The project would not change DWR's flood control authorities or responsibilities within the Delta. As described in Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, DWR has a role and responsibility along with local governments and special districts to

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		maintain and improve levees that protect the Delta. Chapter 7 discloses specific levees that would be affected by the following project-related activities: construction of the intakes on the Sacramento River for all alternatives, construction of levees along portions of Bouldin Island under Alternatives 1 and 2, levees along portions of Lower Roberts Island under Alternatives 3 through 5, construction of the Southern Forebay spillway for all alternatives except for Alternative 5, operation of the project, and implementation of the CMP. The jurisdictional levees at the intakes would be realigned around the perimeter of the sedimentation basins and will be maintained by DWR as part of the Delta Conveyance Project. These levees will require USACE Section 408 Permits and Central Valley Flood Protection Board permits. At Bouldin and Lower Roberts Island, the levee improvements would be designed in coordination with the local reclamation districts (RD 756 and RD 684, respectively). The improved levees would not increase maintenance requirements that would continue to be provided by the local reclamation districts. At Southern Forebay, the design of the spillway would need to be coordinated with Reclamation District 800. The spillway is part of the Delta Conveyance Project and would be maintained by DWR. Chapter 7, Impact FP-2 evaluates levee reliability in terms of PL 84-99 during construction. Levee improvements would be warranted in the areas described in the chapter to limit long-term flood risk. Additionally, Impact FP-1 discloses the small incremental change in surface water elevation (less than 1 inch) under project operations; this small incremental change would not result in a reduction in the flood capacity of the existing channel or increase the potential for levee overtopping during a 100- or 200-year flood event. As described in Chapter 3, Description of Proposed Project and

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		Alternatives, sections titled, Investigations to Support Section 408 Permitting and Investigations Prior to Construction Phase, DWR will conduct geotechnical investigate or install groundwater monitoring wells near construction sites (e.g., intake locations, shaft sites, and tunnel alignments) to inform design and in-field soil and groundwater conditions, including those related to levee stability. The information contained in Chapter 7 explains and provides feasible mitigation measures to reduce physical environmental impacts on levees or flood control where necessary, as a result of construction and operations of the project, and implementation of the CMP. U.S. Army Corps of Engineers and the Central Valley Flood Protection Board would evaluate the proposed levee improvements for permitting purposes. During the design phase of the project, after a project is approved, DWR will coordinate with the local reclamation districts in the vicinity of the project footprint regarding the design of the levee improvements identified as part of the project. Please also see Common Response 7, Implementation Considerations, for information on potential financial impacts on reclamation districts from construction and operation of the Delta Conveyance Project.
409-16	[ATT 1:] Reusable Tunnel Material (RTM). The Commission has recommended that excavated tunnel material should be handled and stored to segregate material of different quality so it can more easily be reused by RDs [Reclamation Districts]. Costs of hauling tunnel material to reuse sites should be borne by the project, rather than by those who may reuse it. We were unable to find this in the Project Description, nor as a mitigation measure. Instead, permanent RTM stockpiles are proposed to be left in stockpiles 15 feet high occupying over two hundred acres at the Twin Cities Complex and nearly two hundred acres at the Lower Roberts Island Complex, then	As described in Chapter 3, Description of the Proposed Project and Alternatives, section titled Disposal of Reusable Tunnel Material, reusable tunnel material (RTM) and other excavated materials will be tested and hazardous materials treated and disposed of properly. Remaining suitable materials will be reused by the project to the extent possible. Please also refer to Reusable Tunnel Material technical memorandum in the Engineering Project Report (Delta Conveyance Design and Construction Authority 2022d), Section 10.4, Other Uses, regarding making surplus fill available to local agencies for other uses. RTM will be available for use by interested local agencies, including reclamation districts, in the future. However, because of the uncertainty about possible future use of RTM for

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	planted with native grasses (page 7-51, lines 18-23). The cost of fill materials has sky-rocketed in recent years. Increasingly, bids received from RDs [Reclamation Districts] solicitations are consistently higher than the construction estimates. The Commission has heard directly that this impacts how much of a project can be completed and still stay on budget. With heavy competition for fill materials for the many haul roads needed by the project (or the alternatives) this will become a critical issue. All suitable fill materials should be sorted and available for use by local area for the required improvement and continual maintenance of levees.	other projects, the EIR analyses are based on the assumption that RTM will be stored at RTM storage sites as described in the Chapter 3 section titled Disposal of Reusable Tunnel Material.
409-17	[ATT 1:] Equitable Funding of Levee Improvement Operations and Maintenance. As highlighted in its 2012 Economic Sustainability Plan, the Commission supports the improvement and maintenance of all Delta levees to at least the federal PL 84-99 standard. Given the difficulties with PL 84-99 inspections, the Commission would now endorse the (similar) DWR Bulletin 192- 82 standard (page 7-21) instead of PL 84-99. It is notable that two islands’ levees would be brought to PL 84-99 standards (page 7-28 and 7-29) in support of protecting the launch sites and personnel during construction of the tunnels. While this is an improvement of protection over existing conditions, maintenance of a PL 84-99 Levee to the US Army Corps of Engineers exacting inspection standards is borne by the landowners (see page 7-22) and is known to be very costly. We would expect the Final EIR to cover the following: There needs to be a larger broad consensus-building process with local agency officials and on-island agricultural interests on how to implement a new fee structure. This EIR needs to evaluate the value and interests of “tunnel beneficiaries,” and estimate the value of their assets and other interests at risk.	The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR regarding a new fee structure. DWR has reviewed all comments and will consider all comments in its decision-making process. CEQA does not require DWR to implement a new, unspecified fee structure. Please see response to comment 409-15 regarding levee monitoring and maintenance in the Delta and impacts evaluated in Chapter 7, Flood Protection, regarding levees. The EIR assumed conservative levee improvement design criteria in accordance with PL 84-99 rather than the Bulletin 192-82 standards because the disturbances during construction would be greater assuming the PL 84-99 criteria. During the design phase, DWR would work with the reclamation districts to select the most appropriate design criteria based upon the results of future geotechnical investigations.

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	Maintenance fees should not be based simply on a per-acre basis. In addition, the limited subventions funding for Delta levees should not be used for the two islands which will be brought to PL 84-99 standards.	
409-18	[ATT 1:] Equitable Funding of Levee Improvement Operations and Maintenance. As highlighted in its 2012 Economic Sustainability Plan, the Commission supports the improvement and maintenance of all Delta levees to at least the federal PL 84-99 standard. Given the difficulties with PL 84-99 inspections, the Commission would now endorse the (similar) DWR Bulletin 192- 82 standard (page 7-21) instead of PL 84-99. It is notable that two islands’ levees would be brought to PL 84-99 standards (page 7-28 and 7-29) in support of protecting the launch sites and personnel during construction of the tunnels. While this is an improvement of protection over existing conditions, maintenance of a PL 84-99 Levee to the US Army Corps of Engineers exacting inspection standards is borne by the landowners (see page 7-22) and is known to be very costly. We would expect the Final EIR to cover the following: In the Commission’s 2020 EIR NOP Comments, the Commission recommended DWR and the Delta Conveyance and Design Authority (DCA) should pay local RDs [Reclamation Districts] an inspection fee to cover inspection costs, including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter. This would include the time expected for new PL 84-99 standard inspections. However, DEIR Chapter 7 fails to account for the additional time or extra activities associated with inspections, nor are there mitigation measure(s) mentioning cost reimbursement.	The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR regarding payment of local reclamation districts for levee inspection. DWR has reviewed all comments and will consider all comments in its decision-making process. CEQA does not require DWR to pay reclamation districts for levee inspection. Please see response to comment 409-15 regarding levee monitoring and maintenance in the Delta and impacts evaluated in Chapter 7, Flood Protection, regarding levees. Please see response to comment 409-17 regarding levee design standards.

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409-19	[ATT 1:] Chapter 10: Geology and Seismicity Truck traffic on levee roads. Most travel by heavy equipment is proposed to be on rated highways and the DEIR found any use of heavy equipment on levee roads was not sufficient to cause liquefaction (page 10-62). Figure 10-8 shows locations where levees are near a transportation route and where access might be needed. All equipment travel on levee road will be "prohibited" except along State Routes 4 and 12, and 160 during construction of intakes. See Transportation comments regarding lack of enforceability.	The comment does not raise a concern related to geology or seismicity. In regard to enforceability related to transportation, DWR will incorporate roadway limitations into contracts that require the contractor to comply with each condition to reduce potential effects. These types of conditions are regularly used on construction projects, including those completed by the State of California. DWR is committed to enforcing these provisions.
409-20	[ATT 1:] Chapter 14: Land Use The Land Use analysis makes incorrect assumptions about the significance of impacts in a rural setting. Key elements of the Commission's and counties' land use approach are: 1) to preserve the rural lands for agriculture and agricultural-related businesses, 2) allow for rural, visitor serving venues such as wineries and event facilities, marinas and resorts in optimal locations for fishing, pleasure travel and water sports to support recreation, and 3) protect and enhance the legacy communities as retail and residential centers to support agriculture and tourism. The proposed tunnel is incompatible with this fundamental strategy, both during the 13-year construction period and during project operation. Not all Delta communities will be affected in the same way by the project, or perhaps with the same intensity, but all will be affected. For example, construction of intake facilities on the Sacramento River would result in adverse impacts on the communities along State Route 160 including Hood, Clarksburg, and Courtland. Hood would be permanently adversely affected by construction of the intakes. In San Joaquin County, launch shafts, tunnel material handling, and	The land use impact analysis contained in Chapter 14, Land Use, appropriately analyzes physical environmental impacts and provides CEQA impact determinations associated with land use in a rural setting using substantial evidence, including facts and reasonable assumptions predicated on facts. Chapter 14 addresses the issues related to land use and planning that are included in Appendix G of the CEQA Guidelines. Conflicts with land use planning are identified if the project would result in a conflict with an applicable land use plan, policy, or regulation and that conflict would have an adverse effect on the physical environment. Other analyses contained in the EIR address topics identified by the comment. The discussion in Impact AG-1 and Impact AG-2 of Chapter 15, Agricultural Resources, describes the impacts related to conversion of agricultural lands. Chapter 17, Socioeconomics, includes analysis of project effects on tourism in the discussion of ECON-5, the economics of agricultural production in the discussion of ECON-6, and the effects of the displacement of residences on community character in the discussion of ECON-2. Impacts on marinas, boating, and other public and private recreational areas (including Stone Lakes National Wildlife Refuge) are discussed in Chapter 16, Recreation, in the discussions of Impact REC-1 and Impact REC-2. Chapter 8, Groundwater, addresses groundwater quality impacts and Chapter 24, Noise and Vibration, addresses impacts from noise. Please see Common Response 8, Relationship to Other Plans,

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	maintenance and retrieval shafts will convert farmland and disrupt marinas and recreational boating. Contra Costa County communities such as Discovery Bay would suffer major recreation impacts. In Solano County, the economic and cultural impact of required project mitigations from agricultural lands being converted to restoration projects are a major concern, as are water quality impacts on municipal wells for Rio Vista and agricultural users in the Cache Slough region. Construction and operation of the Twin Cities and Lower Roberts Island Complexes and the two concrete batch plants would also alter and adversely affect the current and designated land uses, as well as neighboring areas and the Stone Lakes National Wildlife Refuge. Much of the road construction and widening, bridge modifications and interchange improvements occur within the primary zone, in direct conflict with the most fundamental principles of the land use approach of the Delta Protection Act and the Commission's Land Use and Resource Management Plan. After project construction is completed, pressure will grow for non-farm development at areas adjoining sites that cannot be returned to agriculture. The proposed project will result in significant changes in land use, mainly conversion of agricultural uses to industrial uses related to: -Tunnel intakes -Twin Cities and Lower Roberts Island Double Launch Shaft Complexes and Lambert Road Concrete Batch Plants -Maintenance shafts -New or improved access roads	Projects, Policies, and Programs, for information related relationship between the Delta Conveyance Project and the Delta Protection Act and Delta Plan.

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	Construction of the tunnel intakes will also create significant noise impacts incompatible with the commercial, residential, and community park uses of Hood. Other comparable large state public works projects have addressed land use impacts more appropriately, even at a program level. For example, the California High Speed Rail Authority Final EIR/S describes extensive potential land use incompatibilities and inconsistencies, despite a similar disclaimer that as a state agency they would not be subject to local plans and ordinances: The discussion of potential inconsistencies with planned land uses does not imply that the California High Speed Rail Authority (Authority), a state agency, would be subject to such plans or local ordinances, either directly or through the NEPA or CEQA process. The information is provided in order to indicate potential land use changes that could result in potential environmental impacts (emphasis added)	
409-21	[ATT 1:] The Land Use analysis incorrectly dismisses the project's potential to divide communities. The DEIR cannot help but acknowledge that construction of the conveyance project facilities will permanently convert land uses from residential, agricultural, commercial, recreational open space and other uses. However, it dismissively concludes that the project will not divide communities simply because, for example, "residential structures that would be removed are in areas of scattered residences in agricultural areas." This demonstrates a lack of understanding about what rural agricultural communities are, and a lack of recognition of what the Delta as a Place is. As noted in our comments on Chapters 18 and 19, the Delta itself is a community, a collection of	Chapter 14, Land Use, of the EIR follows the guidance in the CEQA Guidelines Appendix G, which sets the impact threshold as a question of whether the project would "physically divide an established community." The removal of structures in open space or agricultural areas will not result in the division of an established community, even if that removal would have an effect on a community. Please refer to Chapter 17, Socioeconomics, for analysis of the effects of the displacement of residences on community character and the economics of agricultural production.

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	existing and historical communities linked by its waterways and scenic highways, and united by both common and unique features of significance. In a rural landscape, land use changes on the scale of the proposed project are more noticeable and more significant because they are not lost in surrounding urbanization, but instead stand out starkly on the landscape.	
409-22	[ATT 1:] Chapter 15: Agricultural Resources Water Quality: Page 15-52 clearly states the conveyance facilities will alter water quality but that such an impact will be managed by the State Water Resources Control Board proceedings and rulemaking. It is well established that delegating an action to other boards and commissions is unacceptable as mitigation.	Chapter 15, Agricultural Resources, Impact AG-3 evaluates the potential changes to water quality under construction and operation and potential effects on agricultural resources. The section the comment refers to references the electrical conductivity targets during the specific growing season for the Delta as designated by the Bay-Delta Water Quality Control Plan. The section does not delegate an action to other boards as mitigation. The analysis finds that no mitigation is needed because water quality standards per the existing Bay-Delta Water Quality Control Plan are not exceeded. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding effectiveness and adequacy of proposed mitigation measures in the EIR.
409-23	[ATT 1:] DEIR does not use available data. While the DEIR lists the commodities grown in the Delta, treatment of changes in Delta cropping are insufficient to allow appropriate analysis. The significant conversion to high-value permanent crops is not even discussed in the document. More recent information is available in our recent update to the Commission's ESP (https://delta.ca.gov/wp-content/uploads/2020/07/Ag-ESP-update-agricultural-trends-FINAL-508.pdf). This document was published and was provided to DWR's Delta Conveyance Office at their request. Specifically, the following sections deserve an update to reflect the most recent data compiled on Delta crop types: - In several locations, crop conversions over the past 5 years	As described in Common Response 12, Agricultural Resources, and pursuant to CEQA Guidelines Section 15125, the distribution of crop varieties within the study area is the environmental setting and involves a description of physical environmental conditions as they exist at the time of the NOP. DWR analyzed crop distributions in the study area principally based on remote sensing information that was field verified. While the region is currently seeing a trend of crop conversion into orchards and vineyards, there is inadequate information available to answer a series of considerations, including (1) whether this trend is expected to persist into the future, and if so, (2) whether the rate of conversion is expected to continue at its present level or to either accelerate or decelerate. Since future market conditions are difficult to predict, it would be speculative to consider an environmental setting that attempted to predict future distributions of certain crop varieties; however, the EIR does acknowledge such conversions were occurring in the years leading up to the NOP.

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	need to be included in the impact analysis. The significant conversion to high-value permanent crops is not even discussed in the document. - Section 15.1.1.2 references Delta agriculture but omits any discussion of the significant proportion of Delta lands that have been converted to high value crops including almonds, pistachios, cherries, wine grapes, and even corn for distilling purposes. - Section 15.1.1.7 describes crop planting and harvesting times for “major commodities” but then fails to describe the fastest growing Delta commodities such as wine grapes, almonds, and walnuts. Without this data, the DEIR characterization of water needs and harvest times for these important commodities is incomplete and inaccurate. The timing of the project’s water quality impact from operations is critical to understanding the true longer-term impacts to Delta agriculture. The DEIR depends on a model and that model predicts poor water quality only after August 15 of any normal water year. Based on the assumption of late fall as the tipping point, DWR concluded the project operations “would not be expected to trigger a substantial conversion of Important Farmland to nonagricultural uses.” Such analysis is predicated on the assumption that “many of the crops are harvested by early fall” and outlines a series of crop types that no longer exists in the Delta. The model and its output need to include and take into consideration: - The fastest growing commodities including tree nuts and wine grapes are irrigated and harvested in the fall, with some harvest times as late as November. - The DEIR model of impacts assumes normal water years to	Please refer to Chapter 9, Water Quality, which concludes that while there could be some increases in salinity (based on modeled electrical conductivity) at some Delta locations in some months, these effects would be less than significant. Based on the modeling results, no conversion of farmland to nonagricultural use is expected to result from changes in salinity levels in the Delta directly associated with operations of the project. The Summary Comparison of Alternatives section in Chapter 15, Agricultural Resources, provides an overview of the extent of Important Farmland that could be temporarily or permanently converted as a result of the project. This section presents a cumulative total of all potential conversion of Important Farmland associated with the project. All potential conversion includes not only conversion associated with the construction footprint, including RTM storage sites as permanent locations, but also those associated with the Remnant Farmland analysis and those associated with implementation of the Compensatory Mitigation Plan on the DWR I-5 ponds and on Bouldin Island. Mapbooks 15-1 through 15-3 show the footprints considered in the impact analysis. The comment requests information regarding potential effects on farmland that extend beyond the construction footprint. The following provides more details regarding the Remnant Farmland analysis. During project planning and design, the DCA reduced the construction footprint to the extent feasible to minimize conversion of Important Farmland in the Delta, including eliminating or shrinking elements of water conveyance infrastructure elements and appurtenant areas. This process included targeting acquisition of only those portions of agricultural properties needed to directly support construction buildout—in this way, the existing landowner could potentially continue to farm (or lease out for farming) the remaining portion of their property that was not directly needed to

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	calculate the water quality impacts when it actually needs to study the worst (drought) years on record to fully show the impact of the project's operations. - Finally, with climate change affecting the onset of seasonal changes, the use of terms like "early" or "late" fall is an increasingly impractical gauge. The State and Federal governments clearly articulated the need to preserve the irreplaceable Delta. The Delta Protection Act of 1992 ensures that the Delta's agricultural resources do not face the threat of conversion to urban uses. More recently (2019) the Delta unique resources were recognized by Congress as well by creating the Sacramento- San Joaquin Delta National Heritage Area. The Commission felt the DEIR greatly underestimates the impact to agricultural resources in several places including: - We have repeatedly asked for one table to show all the potential impacts to farmland from No Project in comparison to the Proposed Alternatives beyond just the construction footprint. This table should include everything from actual farmland converted due to the construction of the project, to farmland rendered useless due to construction impacts, to those acres lost due to the water quality impacts, and a clear description of the final acres lost permanently inside of the RTM areas. - We are particularly concerned with the cumulative amount for habitat mitigation that will be part of this project's mitigation for construction impacts. In a rough calculation, staff found DWR would be converting thousands upon thousands of acres of agricultural land agriculture to habitat as	support construction of the Delta Conveyance Project. During preparation of the Draft EIR, it was identified that farmland not located within the construction buildout boundary could nonetheless be indirectly affected by project construction. Specifically, areas of farmland located outside of but adjacent to the construction footprint may be too small in size to remain economically viable for continued agricultural use, potentially leading to its conversion to a permanent nonagricultural usage. A remnant farmland area analysis was developed to more closely assess situations where the construction footprint bisected an existing parcel used for agricultural operations identify portions of farmland parcels which could be indirectly affected by project construction. The analysis focused on identifying situations in which remnant farmland areas were potentially too small in size to effectively support ongoing agricultural operations. Information presented in the county-based general plans was used as the basis for determining that 20 contiguous acres under the same property ownership was the minimum agricultural property size adequate to support general commercial agriculture. A geographic information system (GIS) analysis identified all areas where the construction footprint for the project would fragment or sever larger farmland areas (i.e., greater than 20 contiguous acres of Important Farmland) into smaller remnant farmland areas of Important Farmland that were fewer than 20 contiguous acres. The totals of remnant Important Farmland areas were compiled for each project alternative and presented in the EIR. The remnant Important Farmland area analysis conservatively assumed that the remnant areas identified in the EIR would eventually be converted from agricultural to nonagricultural use following commencement of adjacent project-related construction activities. However, much of the remnant Important Farmland acreage identified in the EIR could ultimately remain in agricultural use. During the project's land acquisition phase, DWR would coordinate with remnant farmland area landowners to determine the best use of the remnant farmland areas. If the landowner decides to continue farming

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	mitigation for the construction and operational impacts of this project. On page 15-40, there are 1200 acres noted on Bouldin and other parcels, 18-76 acres for tidal habitat, 1100-1400 for smelt habitat, and another 110-140 for construction impacts. Again, the value ranges are large, and not well presented in the document.	operations or would like to utilize the property for another use, the remnant Important Farmland area would not be acquired for the project. For example, high-value specialty crops (e.g., orchards and vineyards) commonly grown in the Delta are often grown on fewer than 20 contiguous acres. In addition, remnant farmland areas could be leased out to hobby farmers interested in managing small acreages of land at a time or to agricultural operators who are interested in farming a remnant farmland area. Since there is reasonable uncertainty on whether there would be adequate interest by agricultural operators to ensure remnant farmland areas are productive for continued agricultural use, the project is considered to indirectly result in their conversion to nonagricultural use. The remnant Important Farmland area acreage is thereby conservatively considered to be a permanent impact. Implementation of Mitigation Measures AG-1 would mitigate for this potential indirect conversion of remnant areas of Important Farmland, but Chapter 15 concludes the impact remains significant and unavoidable.
409-24	[ATT 1:] Chapter 16: Recreation. Limiting surveys of recreational locations and access points to two days is inadequate to provide a proper baseline. During meetings in 2020 and 2021, Commission staff repeatedly encouraged DWR's Delta Conveyance Office and consultants to conduct surveys at key recreation locations such as marinas and boat ramps. Specific simple, non-contact observational survey techniques used on a multi-state Natural Resource Damage Assessment were recommended to allow data to be gathered safely despite the pandemic conditions. Contact information for the survey designer was provided. However, despite ample time to conduct almost a full year of surveys, only two days field reconnaissance of a handful of project sites were completed, in February 2021. (DEIR, pp. 16A.2-6-20.) Limiting surveys of chosen recreational locations and access points to two days is inadequate to provide a proper baseline.	The comment assertion that the field verification efforts, or field surveys, are inadequate to provide a proper baseline is not supported by the analyses contained in the EIR. As noted in Chapter 16, Recreation, the baseline or affected environment characterization is based on numerous sources of information. For the Delta area, there are numerous recent relevant reports widely available that characterize recreation areas, use, and trends. This information is more than adequate to characterize existing conditions and trends for recreation in the Delta and surrounding areas. Please refer to Chapter 16, specifically the section titled Description of Existing Conditions in the Study Area, for a detailed description of existing conditions in the potentially affected recreation areas of the Delta. Common Response 13, Recreation and Recreational Opportunities, provides further information about the methods used to evaluate specific recreational activities in Chapter 16. As noted in Chapter 16, the reconnaissance survey was undertaken to verify public access routes and locations or physical evidence of recreation use at dispersed recreation

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	As with cultural resource surveys, this brief effort during winter does not accurately reflect activity levels and types at recreational access locations. Recreational activities vary seasonally and even daily based on weather conditions and other considerations. The known recreational locations that would be impacted by the project should have been properly evaluated over a longer period.] The recreation economy in the Delta is second only to the agricultural economy, yet the analysis failed to consult with the extensive pool of experts regarding recreational uses in the Delta. A handful of parks and recreation staff provided input, however none of the data that the Commission developed from interviews with focus groups for the recreation update to the Economic Sustainability Plan in 2020 appears to have been used in the DEIR's analysis of impacts. The minimal effort to characterize the recreation baseline was inadequate to properly analyze the project's environmental impacts.	sites rather than observe or sample potential active or ongoing recreation activity. In addition to the readily available documentation of recreation use, activities and seasonality in the Delta and surrounding areas, several interviews with recreation managers were undertaken to verify reported trends and obtain more site-specific recent information for some locations that would be proximate to potential construction activities. Survey and interview documentation is provided in Appendix 16A, Recreation Resources Inventory Update and Data Collection Documentation.
409-25	[ATT 1:] Chapter 18: Aesthetics and Visual Resources Scenic Highways. Section 18.2 (page 18-15) of the DEIR should be expanded to state relevant provisions of the scenic highway corridor protection program submitted by Sacramento County and approved by Caltrans for Highway 160 and the River Road, especially provisions related to land use, site planning, design review, earthmoving, and landscaping. A similar review of relevant provisions of county scenic highway plans and ordinances affecting locally designated scenic routes should be undertaken. Conflicts with these state and local standards should be noted. The risk of Caltrans' revoking scenic highway designation of Highway 160 should be assessed in consultation with Caltrans and Sacramento County.	The comment assertion regarding the adequacy of addressing regulations and guidelines set forth in the state Scenic Highway Program (Sections 260 to 263, et seq., of the state Streets and Highways Code) is not supported by the analyses and information contained in Chapter 18, Aesthetics and Visual Resources, in the section entitled Applicable Laws, Regulations, and Programs. Impact AES-2 addresses potential damage to scenic resources visible from a state scenic highway. Locally designated scenic highways were inventoried and are listed in the table entitled Delta Scenic Routes near Project Sites in Chapter 18, as well as in Appendix 18A, Expanded Methodology and Setting, in the table also entitled Delta Scenic Routes near Project Sites. Locally designated highways are also considered under Impact AES-1, which analyzes the project's impacts on visual character and quality. The intent of the evaluation of scenic corridors or other scenic resources is

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		to assess the level of physical environmental impact on those resources within view of the designated scenic highway. The policies and guidelines set forth in the scenic highways programs are incorporated into the evaluation to assess those impacts and, as such, are a part of the impact analysis. The analysis in Chapter 18 evaluates the physical characteristics of State Route (SR) 160 because it is designated as a scenic highway under existing baseline conditions. Approximately 50 miles of SR 160 are designated as a state scenic highway, beginning in eastern Antioch and extending to the southern city limit of Sacramento at Freeport Boulevard. The Chapter 18 analysis appropriately evaluates the physical environmental characteristics, as described above in this response, of the section of SR 160 in the Delta (i.e., approximately 4.75 miles) potentially affected by construction and operation of project alternatives. Impact AES-2 concludes that the proposed project and project alternatives would result in a significant and unavoidable impact on scenic resources visible from a SR 160. CEQA does not require a lead agency to speculate whether the Legislature may remove a highway from the state scenic highway system (Streets and Highways Code §§ 263.1–263.8) or whether Caltrans may revoke designation of a county scenic highway pursuant to Streets and Highways Code Section 154. However, given the limited portion of SR 160 designated as a scenic highway that would be impacted by the project alternatives and the mitigation measures (AES-1b and AES-1c) required to limit the visual intrusion, substantial evidence supports the conclusion that SR 160 would continue to be eligible as a scenic highway notwithstanding the significant and unavoidable impact identified in Impact AES-2 the EIR.
409-26	[ATT 1:] Select Key Observation Points (KOPs) in the Area of Visual Effects were incorrectly documented. The value of a Visual Resources section is highly dependent on the photo rendering of the landscape. It is unfortunate that photos taken in November, when agricultural vegetation has been removed or gone dormant, were used as the basis for the	The Federal Highway Administration (FHWA) Guidelines for the Visual Impact Assessment of Highway Projects methodology used for the analysis of project-related visual impacts (see the section titled Methods for Analysis in Chapter 18, Aesthetics and Visual Resources) does not stipulate or suggest that photographs used for visual renderings be taken during a specific season or time period within a year (see Appendix F, Photo Simulations, of Federal Highway Administration 2015). As stated in the EIR,

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	photo simulations used in the KOPs (page 18-28). These images are not representative of the landscape. New KOPs should be developed based on summer-time images and used as the basis for evaluating visual impacts. In addition: -Additional renderings along Highway 160 should be developed to supplement those provided in Figure 18-10. Travelers on this scenic highway are as more likely to draw to view towards the Sacramento River and the adjoining orchards. -The screen of "native" trees depicted in Figure 18-10 does little to either visualize the extent of this damage or encourage confidence about the mitigation value of the proposed planting. A more useful visualization would depict the intakes as viewed from the river and from Highway 160 looking north to south. The quality of the landscape with the project should be rated as "low" in contrast to the No Project alternative. The natural landscape with the project will be "very disrupted ", "very discordant", and will be perceived as an eyesore. Similarly, the cultural landscape with the project lacks design cohesion and any sense of place and will be perceived as blight. The RTM stockpiles remaining on site will substantially degrade significant portions of the landscape. Only a major redesign, such as relocating the RTM stockpiles outside the Delta, can rectify this incompatibility with surrounding environments.	consideration in KOP selection is that late fall through early spring views generally possess the greatest potential for visual impact because many trees and shrubs are dormant and without leaves that act to partially or fully screen project features in the landscape during the late spring to early fall. Vegetation's ability to screen features is dependent upon viewer location in relation to the structure and intervening vegetation and distance from both (i.e., an intake will appear smaller if the viewer is farther away or larger if the viewer is closer to the structure). The landside view from SR 160, as depicted in the EIR in the figure titled Visual Character Element of a Project Environment, is typical of the intake sites. With the exception of a small portion of the Intake C site, which is in an orchard, the remainder of the intake sites are constructed in a vineyard, with rural residences and structures interspersed. For the most part, views of the Sacramento River from SR 160/River Road unobstructed views of the river would be fleeting in a moving vehicle and would be blocked by trees or distance (as is the case at Intake C). As indicated in the analysis of visual resource impacts at the intake sites, even with implementation of landscape screening required in Mitigation Measure AES-1c, the impacts would be significant and unavoidable. Adding KOPs as suggested in the comment would not change that finding. Under CEQA, a project's impact on the environment is based on the existing environmental setting, or baseline, and not the No Project Alternative. This is appropriate as the No Project Alternative takes into account actions proposed by others that would occur in the future, but without the project. Please see Common Response 4, No Project Alternative Description and Analysis, for more information regarding the description of the No Project Alternative and CEQA requirements. The analysis of visual impacts attributable to the project in Impact AES-1 found it would create a strong visual contrast at many project component

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		sites, including the RTM stockpile sites. The RTM stockpiles, even if located in another area, would still be part of the project and would likely not result in a change of the impact findings. To move the stockpiles elsewhere could also exacerbate or create additional environmental impacts currently found to be attributable to the project through longer transport distances, greenhouse gases generated from transport, and visual impacts at the other sites.
409-27	[ATT 1:] Visual resource impacts are not correctly mitigated. A mitigation measure that should be considered is constructing smaller sediment basins that are set back sufficiently from Highway 160 to allow planting of a wide strip of trees, such as pears or walnuts, to screen the basins and associated facilities from views of travelers on the scenic highway. We are told there is no clear estimate of sediment the basins are likely to receive or how often sediment may need to be removed. Reducing the size of the sediment basins, coupled with more frequent sediment removal if needed, would minimize both the visual and the land use impacts. Rather than planting conifers or other "native" trees, as depicted in Figure 18-10, mitigation landscaping should consider palms, Lombardy poplars, or other shade trees typical of agricultural landscapes, mimicking the tree line that the project will remove. Nearby residents should be consulted about preferred options for tree screens and other landscaping.	Reducing the size of the sedimentation basins, setting them farther away from SR 160, and screening the view with agricultural and ornamental trees may provide some reduction in visual mass along this state scenic highway. However, this sedimentation basin size reduction would affect project performance and operations. Chapter 3, Description of the Proposed Project and Alternatives, describes sedimentation basins design and use as well as required ongoing maintenance. The sedimentation basins were sized to capture sediment that would otherwise collect in the tunnel. The size cannot be reduced without allowing sediment to collect in the tunnel, which defeats their intended purpose. The size is not driven by the quantity of sediment collected. As described in Chapter 3, section titled Sedimentation Basins and Drying Lagoons, dredging to remove the collected sediment is expected to occur once a year during the summer when drying conditions are optimal. Increasing the frequency of dredging would increase project operations and associated impacts and would be impractical during wetter times of the year. The estimated volume of sediment to be removed from the sedimentation basins is described in Intake River Sediment Analysis—North Delta Intakes Technical Memorandum (Delta Conveyance Design and Construction Authority 2022c). In addition, the impacts of the proposed mitigation must also be considered, as required in CEQA Guidelines Section 15126.4(a)(1)(D). The proposed mitigation on the river side of the highway would still remove existing trees to accommodate the intake structures, resulting in a strong

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		visual contrast similar to that of the project and a significant and unavoidable impact after mitigation. Therefore, the impact findings for the intake sites would not change. The project's commitment to the use of native vegetation for landscaping is required under mitigation requirements for several resource impacts as well as potential regulatory resource permitting conditions, such as sediment control BMPs. Specifically, the use of native vegetation and trees is consistent with mitigative actions to restore habitat for native terrestrial species. Mitigation Measure AES-1c was written to be consistent with environmental commitments (specifically Environmental Commitment EC-4a) in addition to those mitigation measures addressing other environmental impacts. The use of the agricultural and ornamental trees suggested in the comment would be inconsistent with these project commitments.
409-28	[ATT 1:] Chapter 19: Cultural Resources The DEIR's assessment of impacts on cultural resources is deficient. Assessment of potential impact to cultural resources requires historical research, inventory, and documentation of existing conditions, site analysis and evaluation of integrity and significance, according to the National Park Service's Preservation Brief 36: Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes. As defined by the National Park Service, a cultural landscape is a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or that exhibits other cultural or aesthetic values. DEIR Appendix 19A (page 16) states that "this level of analysis was outside the scope of this project, so these islands were evaluated only for the extent of their built resources only"	The analysis contained in Chapter 19, Cultural Resources, section titled Impacts and Mitigation Approaches, does not support the assertion that the assessment of impacts on cultural resources is deficient. This section of the EIR details the impacts on cultural resources. The analysis contained in Appendix 19A, Historical Resources Survey and Evaluation Report, demonstrates that sufficient research, documentation, and analysis was conducted to identify historical resources within the Area of Impact for Built-Environment Resources (AI-BE). The analysis in the EIR provides a complete historical context for Delta Farmlands. Appendix 19A included a review and application of the historic contexts developed in DWR's Sacramento-San Joaquin Delta Cultural Resources Research Design and Context Statement (RD&CS) (ICF 2019), which DWR developed to serve as a consistent cultural and historical resources framework for the evaluation of the Delta's cultural resources. The RD&CS was incorporated into EIR Appendix 19A by reference and includes historical contexts for farming in the Delta.

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	which confirms the incomplete nature of the DEIR's investigation. To truly evaluate the Delta as a cultural landscape, the Final EIR must: - Identify all the cultural resources at risk from the project not just buildings and structures. - When describing places and features, also mention their role in the overall landscapes or the tracts' other character-defining features, such as orchards, vineyards, crops, and farm buildings. - Provide spatial organization and cluster arrangements of these features. - Provide cultural traditions of the tracts' settlers that influenced these landscapes. - The historical context provided for Delta farmlands is also incomplete, describing the Delta's diverse agriculture in only four paragraphs about "industrial agriculture" in San Joaquin County from the 1910s to 1950s. Entirely ignored is 19th century agriculture, during which patterns of land tenure, farming systems, labor, and agricultural markets were established. - The DEIR would be improved by following the approach of the Bay Delta Conservation Plan (BDCP) EIR, which in its Built Historical Resources Evaluation Report (page 87) identified Grand Island (RD 3) and Netherlands District (RD 99) as significant historic districts and recommended further research and obtaining access to the properties to establish the integrity of their features. - National Register criteria are applied inconsistently in the DEIR's landscapes' evaluation. A useful guide is Caltrans' report Water Conveyance Systems in California, Historical Context Development and Evaluation Procedures. - o Most of the Delta's levees and ditches also retain their	The analysis in the EIR included previously identified historic districts that were located within the AI-BE. The comment indicates that research and a site visit should be conducted at Grand Island (RD 3) and Netherlands District (RD 99). While Grand Island and the Netherlands district are historical resources, they are located outside the AI-BE. The analysis contained in Appendix 19A demonstrates that a sufficient AI-BE was established for evaluating impacts on historical resources. Based on the delineation of the AI-BE and the reconnaissance survey, desktop surveys, expert opinion, and lack of access to private property, DWR evaluated two islands as landscapes. These evaluations are presented in Appendix 19A. Within the AI-BE, the two islands most likely to show the long-standing practices and traditions whose form and function may continue to represent reclamation and agricultural heritage relative to the Delta's important historical themes are Staten Island and Bouldin Island. The whole of these islands are within the AI-BE. Based on the reconnaissance surveys, research, expert opinion, and desktop surveys, DWR evaluated each island as rural historic landscapes, rather than a "historic vernacular landscape," which is a subset of cultural landscapes, as recognized by the National Park Service. The rural historic landscape approach was determined more appropriate for the historic and current use patterns. DWR evaluated the appropriate landscape to support evaluation of the potential project impacts. The EIR established an AI-BE to capture potential impacts on non-archaeological, or built-environment, historical resources. The AI-BE includes the area of potential impacts from physical, auditory, visual, and vibrational impacts and extends beyond the project footprint as described in the Chapter 19 section titled Area of Potential Impact for Built-Environment Resources and as illustrated in the figure in Chapter 19 titled AI-BE for the Delta Conveyance Project. Chapter 19 demonstrates that

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	original designs, with only modest variations to adapt to modern safety standards. We contend they should be evaluated in more detail following the Caltrans "seven aspects." The Delta's landscape also provides context for individual buildings or historic districts that are listed on the National Register of Historic Sites or eligible for listing. Degrading this surrounding landscape would diminish the integrity of specific sites, districts, or landmarks. The Commission contends that the Delta is a landscape that has evolved through use by the people whose activities or occupancy shaped that landscape, which the National Park service calls a "historic vernacular landscape". Examples in the National Park Service guidance documents correspond well to the areas affected by the Delta conveyance project: rural villages, agricultural landscapes such as farms and ranches, including landscapes with a total absence of buildings, and landscapes encompassing linear resources including transportation systems, such as the Sacramento River or the River Road. Appendix 19A fails to assess the degradation potentially brought on by the project to all of the Delta districts and properties eligible and potentially eligible for listing in the National Register. The DEIR improperly restricts its assessment of cultural resources affected by the project to resources "in the project footprint" (page 19-16). It is well-recognized that effects such as noise, scenic degradation, and glare can significantly degrade the setting and integrity of historic properties. The DEIR acknowledges that these project impacts may extend well beyond the project footprint, or the quarter mile boundary proposed for the APE. The DEIR should assess an expanded	temporary construction noise would not impact historical resources due to the temporary nature of the noise. Furthermore, in the Thresholds of Significance section, a significant impact is identified when a resource loses its ability to convey historic significance to the public. If a quiet setting is identified as an aspect of a historical resource's integrity (like a church or concert hall), then a quiet setting is critical to the public's understanding of the resource. None of the built-environment resources identified in Chapter 19 would lose the ability to convey historic significance to the public as a result of noise. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, for a discussion of the study area(s) evaluated in the EIR.

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	area of potential effect as identified in our comments on noise and visual impacts, including glare. Temporary visual and auditory impacts of construction should not be excluded, as proposed in Appendix 19A (page 5). As acknowledged in the BDCP EIR, impacts over the 13- year duration of the project's construction period are effectively permanent and could lead to abandonment of some buildings and land uses, which would constitute fully permanent effects.	
409-29	[ATT 1:] Inadequate consultative outreach. The Commission's 2020 EIR NOP Comments advised outreach to local groups and experts ranging from local transportation authorities to historical societies and representatives of local cultural groups. Despite these recommendations, the DEIR's Appendix 19A, for example, lists no local historical organizations, neighborhood groups, archaeological societies. Local expertise was undocumented, and DWR would be unable to assess the area's historic resources without this information. DWR's decision to not consult with local historical societies and museums (Appendix 19A, p. 10) is contrary to best practices. In addition, the Appendix did not document Traditional Cultural Properties. Such work is done partly through consultation with community representatives. Landowners, local businesses, local historians/preservationists, and local agencies are all helpful as informants, historians, architects, landscape architects, folklorists, sociologists, or anthropologists. Appendix 19A asserts on page 10 that sufficient outreach to local groups for this project had been conducted during past projects. This approach is inadequate as well as inaccurate. Because this preferred alignment has not been the object of prior studies such as BDCP's [Bay Delta Conservation Plan] historical resources reports, it is premature to conclude that	Outreach was conducted as described in Chapter 35, Public Involvement. Where the public offered substantive information during the scoping period, the comments were reviewed and incorporated as appropriate into the Draft EIR. For example, scoping commenters identified potential historical resources, but after analysis, it was determined that these potential historical resources are outside of the AI-BE. Other scoping comments indicated that the analysis in the Draft EIR should consider impacts on cultural resources and this analysis was included in the Draft EIR. The EIR incorporates previously completed outreach to local groups and experts by reference and includes sufficient research for a basis for identification of historical resources in the AI-BE (ICF 2012). As described in Chapter 19, Cultural Resources, sufficient research was conducted using online and in-person repositories to identify historical resources within the AI-BE. Traditional Cultural Properties are a National Register of Historic Places (NRHP) designation and not a resource category under CEQA. Outreach to local historical societies and museums for research and historical resource identification is not mandated by CEQA.

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	additional outreach would not yield new results. Moreover, the methods section of the Built Historical Resources Evaluation Report for the BDCP Project mentions no outreach to important historical societies and cultural resource organizations in key areas directly affected by this project, including the Sacramento River Delta Historical Society, the Locke Foundation, the Rio Vista Museum, the Rio Vista's Dutra Museum of Dredging, Stockton's Filipino American National Historical Society, or the Portuguese Historical Society in Sacramento. All these groups could have information useful to analysis of historic and cultural resources affected by this project. New outreach about this project as described in this DEIR and other new features of this project is warranted.	
409-30	[ATT 1:] Many districts and sites warrant evaluation and avoidance or impact mitigation. Because of the DEIR methodological errors, many districts and sites potentially eligible for the National Register are inadequately or improperly evaluated. Sections 19.1.3-19.1.4.2 (pages 19-10 to 19-27) and Appendix 19A should be revised to identify the following additional resources, at a minimum, as well as others identified by local agencies and local experts. We believe these RDs [Reclamation Districts] and historic sites or areas warrant evaluation as rural historic district or sites as appropriate. A narrative justification for the value of each can be provided upon request: - Sacramento River - Terminous Tract - Sacramento Southern Railroad - Roberts Island - Victory Highway - Jones Tract - Pierson District	Please see responses to comments 409-28 and 409-29 regarding the determination of the study area for cultural resources and the research conducted for potentially eligible historical resources to be evaluated in the EIR. The EIR established an AI-BE to capture potential impacts on eligible historical resources. As described in Chapter 19, Cultural Resources, sufficient research was conducted using online and in-person repositories to identify historical resources within the AI-BE. DWR evaluated the appropriate portions of the following resources, which are listed by the comment, to support evaluation of the potential project impacts: the Sacramento River Levee, Terminous Tract, Sacramento Southern Railroad, Roberts Island, Jones Tract, Pierson District, Bacon Island, Union Island, and the Byron Tract. Impacts on these resources are included in Chapter 19. As shown in the figure titled Built Environment Resources Evaluation Results in Appendix 19A, Historical Resources Survey and Evaluation Report, small sections of the periphery of Hood are within the AI-BE, but the town center of Hood does not fall within the AI-BE as neither the intake structures nor other above-grade project facilities are proposed within the one parcel buffer that defines the AI-BE. The research conducted for the project, as outlined in the Methods section of Appendix 19A, did not reveal

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	- Bacon Island - The 40-mile Orchard - Union Island - Hood - Byron Tract	information about Victory Highway or 40-Mile Orchard. Additional information on the record was submitted (Delta Protection Commission 2023) but does not provide justification for the significance of these resources and does not change DWR's conclusions. Please see response to comment 409-28 regarding information about two islands, Staten Island and Bouldin Island, within the AI-BE.
409-31	[ATT 1:] Impacts on historical resources resulting from project construction and operation. After the identification of historical resources, including significant landscapes, is revised following consultation with local experts, then the Chapter 19 assessment of impacts should be revised accordingly. This should include consideration of impacts of noise, glare, and visual degradation on these settings of the project.	As described in responses to comments 409-28 through 409-30, the identification of historical resources was sufficient in Chapter 19, Cultural Resources, and the supporting appendices, and met all requirements of CEQA. For example, please see response to comment 409-28 regarding the assessment of impacts on cultural resources. The AI-BE includes the area of potential impacts from physical, auditory, visual, and vibrational impacts. In section of Chapter 19 titled Impact Mechanisms, the types of construction activities that could cause noise and visual impacts are considered and analyzed. Potentially significant physical environmental impacts regarding noise, light, and glare are analyzed in Chapter 18, Aesthetics and Visual Resources, and Chapter 24, Noise and Vibration.
409-32	[ATT 1:] Chapter 20: Transportation and Traffic According to the Office of Planning and Research's (OPR) Technical Advisory on Evaluating Transportation Impacts, a proposed project exceeding a level of 15 percent below existing regional Vehicle Miles Travelled (VMT) per employee may indicate a significant transportation impact. The DEIR (page 20-23) should use this 15 percent reduction as the significance threshold for VMT. While the proposed project includes improvements to various roads and bridges as well as new transportation facilities, the cost and responsibility for on-going maintenance and operation of these new facilities should be assessed in the DEIR.	Please refer to Common Response 14, Transportation, regarding the threshold of significance for Vehicle Miles Traveled (VMT) used in the EIR. After construction of the improvements, these new and/or improved transportation facilities along publicly owned roads would be part of the transportation system serving the Delta community and the cost of maintenance would be the responsibility of the corresponding agencies. Several transportation agencies in the study area are identified in Chapter 20, Transportation, section titled Roadways, and in Appendix 20A, Delta Conveyance 2020 Traffic Analysis.

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409-33	[ATT 1:] Chapter 24: Noise and Vibration: Thresholds of significance. The thresholds of significance for construction noise underestimate the harm of construction related noise and should be revised. Impacts reported in Section 24.3.3.2 and Appendix 24A should be revised to adhere to more appropriate noise standards. The DEIR's thresholds are lower than the standards of the US Environmental Protection Agency (US EPA). Noise consistent with the DEIR's thresholds would impair community life in affected Delta communities and affected recreation sites. Noise at the DEIR's thresholds could result in noise twice as loud as current ambient levels. - Instead, thresholds of significance used to assess noise impacts should reflect the Delta's existing conditions and the land use in areas where noise effects would occur. One threshold could be noise that exceeds the background sound level by at least five (5) dBA during daytime or nighttime hours, as proposed. - Noise standards of applicable local government general plans and ordinances should provide another set of thresholds, as these reflect local land use, residents' expectations, and other local conditions. Where local standards are unavailable, or where there are special uses, such as parks, nature areas, recreation sites, schools, libraries, churches, or other especially sensitive uses, the US EPA guidelines should be considered. - Increased noise from the project that exceeds any of the US EPA standards should be considered significant.	Lead agencies have discretion to formulate their own significance thresholds (CEQA Guidelines § 15064.7(b)). Chapter 24, Noise and Vibration, uses noise level standards established by DWR based on a consensus of experts, and local and resource agencies. The basis and source of these thresholds is documented in the Chapter 24 section titled Thresholds of Significance. The thresholds for impact significance were chosen considering the potential inadequacies of jurisdictional standards. For example, it is common practice in many jurisdictions to exempt construction from provisions of noise ordinances during daytime hours, due to construction being a necessary activity for growth and regional development. One example of this is Sacramento County, where Code Section 6.68.090(e) provides that construction is exempt from maximum noise level requirements as long as it is not done during regulated hours. Given this, construction noise in many jurisdictions including those within the project area would not be subject to noise limits. Noise limits for the project were established in consideration of the project's rural setting, geographic scope, and presence of protected species in the area. In establishing the 60 dBA 1-hour L_{eq} noise limit, consideration was given to DWR Specification 05-16 (California Department of Water Resources 2005:01570-12) and State General Plan noise compatibility guidelines, which considers ambient levels of up to 60 dBA L_{dn} (equivalent to 60 dBA daytime/50 dBA nighttime) at residential use to be "normally acceptable" and not requiring sound attenuation measures. The construction noise impact threshold used in Chapter 24 is based on exceedance of these noise limits in addition to an overall noise level increase of 5 dB or more relative to existing daytime ambient noise levels at sensitive receptor locations. It should be emphasized that noise compatibility is generally considered in the context of permanent ambient noise sources such as highways and airports, as construction is a temporary intermittent activity. The comment references U.S. EPA guidance for noise level thresholds. EPA makes reference to a level of 55 dBA L_{dn} for outdoor use areas to "protect public health and

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		welfare with an adequate margin of safety” (U.S. Environmental Protection Agency 1974). The guidance acknowledges that developing noise standards are not a function of the federal government, but rather is the domain of states and their political subdivisions. The EIR evaluates construction noise on an hourly L_{eq} basis, such that equipment noise exceeding 60 dBA 1-hour L_{eq} over an hour would result in a noise impact. In reality noise fluctuates over time, and the energy average method used in the L_{eq} metric inherently accounts for the total energy from noise levels that vary over time.
409-34	[ATT 1:] Ambient noise. The measurements of ambient noise in San Joaquin and Alameda counties reported in the DEIR’s Tables 24-3 (page 24-14) and 24-4 (page 24-15) are insufficient. None measure ambient noise along the preferred route or near the footprint of the preferred project alternative, such as near the Lower Roberts Island Double Launch/Reception shaft, the proposed haul route on Lower Roberts Island, or the Bethany complex. This additional information is essential to determine whether project-related noise exceeds the DEIR’s proposed threshold of significance - an increase in noise exceeding 5 dB relative to existing noise levels. Additional monitoring at these additional sites should be conducted and reported in the Final EIR.	Given the geographic scope and scale of the project, it was not feasible to conduct sound level monitoring in all areas where project-related activities would occur. Monitoring was conducted on private properties that field staff had permission to access for this purpose. The 14 monitoring sites were distributed from the north extent of the project area near Hood to the south extent at Clifton Court Forebay. This distribution allowed for characterization of the setting in different areas, including populated and unpopulated locations. Among all 14 sites, sound levels were measured in the range of 43.5 to 57.6 dBA 1-hour L_{eq} during daytime hours, 38.4 to 53.7 dBA 1-hour L_{eq} during night hours, and 45.7 to 61.5 dBA L_{dn} in terms of 24-hour levels. Considering that 14 sites were sampled, the monitoring data presented in the EIR provides a range of sound levels that is reasonably representative of ambient sound levels in the project area, including along the eastern and Bethany Reservoir alignments. No additional noise monitoring is necessary.
482-1	Department of Water Resources; delta conveyance office, please find the attached transcript of comments pertaining to the Delta Conveyance DEIR submitted for the record by the Legislative Delta Caucus, and an official transmittal letter. If you have any questions feel free to give me a call at [phone number]. Thank you for your attention to this matter.	The information describes the structure or organization of the comment letter, the background of the organization or individual commenter, clarification on the submittal of the comment letter, or general introductory text. 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.

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482-2	The Legislative Delta Caucus, in conjunction with the Delta Counties Coalition, held a public meeting on December 6th in the community of Hood, Sacramento County, for the purpose of receiving comments from the public (including residents, farmers, organizations and business owners), pertaining to DWR's proposed Delta Conveyance Draft Environmental Impact Report (DEIR) now being circulated by the Department. Over 100 individuals were in attendance and more than 20 addressed members of the State Legislature and County Supervisors expressing their concerns about the project and the adequacy of the DEIR. All comments from each speaker were transcribed by a certified court reporter. The official transcript of those comments is attached to this letter. The undersigned members of the Legislative Delta Caucus hereby submit this transcript to be entered into DWR's official record of DEIR public comments. If you have any questions please contact [name] in the Office of Senator Bill Dodd at [phone number]	The information describes the structure or organization of the comment letter, the background of the organization or individual commenter, clarification on the submittal of the comment letter, or general introductory text. 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.
482-3	Hi. I'm [commentor name]. I live on Andrus Island. And I read the environmental impact report, all 200 pages of it, and I note that the conclusions contradict the facts inside of it. In chapter nine, page two, it admits that there will be more harmful algal blooms, yet their conclusion is it won't be impacted. On page three, it admits to increase salinization through lower -- flowthrough, and yet their conclusions state it won't be impacted. So I would very much like us to stop the tunnel, please. It obviously will impact the ecosystem of the Delta that we love as well as the economy and the livelihood of many people here. Thank you.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the project's objectives to improve water supply reliability. Please refer to Chapters 7–32 of the EIR for analyses of potential significant environmental impacts of the project and proposed mitigation measures. Specifically, Chapter 9, Water Quality, assesses the potential impacts of the project alternatives related to electrical conductivity (a measure of salinity) and cyanobacteria harmful algal blooms and concludes that the small changes would result in less-than-significant impacts. Please see Common Response 10, Surface Water Quality and Groundwater Resources, regarding salinity and water quality in the Delta. Please also refer to Chapter 17, Socioeconomics, for a detailed analysis on the socioeconomic conditions in the project area.

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482-4	Thank you, everybody. Speaking on my own behalf, but I am also a member of the Delta Protection Commission Advisory Committee. I'm also one of the directors for the Recreational Boaters of California. They will be making their own statements and their opinions, but I'll be giving you my brief opinion, and it will be easier for me to read it to you instead of me talking too long and rambling.	The information describes the structure or organization of the comment letter, the background of the organization or individual commenter, clarification on the submittal of the comment letter, or general introductory text. 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.
482-5	Being that the tunnel is now aligned closer to the freeway, Interstate 5, the boating recreationalist will have an hour early -- will have to leave an hour early to get through traffic. Then they will trailer their boat or they will go to their marina and then they'll have to leave another hour extra of coming back into town. The time it takes for ingress and egress, your recreationalist likes to come to the Delta to come in quickly, have a good time, go home. If they are going to go longer and spend hours in traffic, they are not going to come to the Delta. If they are not coming down to the Delta as they usually do, the businesses are going to get less business, the marinas are going to get less business, and this EIR, in regards to recreation, takes into consideration -- in my opinion, they are looking at each facility as an island onto itself thinking of what the recreationalist will not -- will be doing without impeding anything of what they do. But the problem is you are stopping the recreationalists, the tourists, from coming into town. That is the main issue.	The EIR provides an impact analysis of the resources mentioned in the comment. As described in Chapter 16, Recreation, the potential impacts analyzed would result in less-than-significant impacts. Chapter 20, Transportation, analyzes impacts of the project on transportation. As described in Chapter 20, although most potential impacts could be mitigated to a less-than-significant level, the analysis discloses that the project is expected to increase average vehicle miles traveled (VMT) as a result of construction, which is identified as significant and unavoidable even with the implementation of mitigation. Appendix 20A includes an analysis of the potential effects on level of service on area roadways; while the analysis does indicate a decline in level of service beyond local thresholds in up to 5 roadways and 5 intersections (depending on the alternative), the time delays would be much shorter than described in this comment. Please see Chapter 17, Socioeconomics, particularly ECON-5, regarding changes in recreational economics in the statutory Delta and project area. Please see Common Response 13, Recreation and Recreational Opportunities, regarding boating in the Delta.
482-6	There has been -- and I haven't seen any - a comprehensive traffic investigation by Cal Trans or anybody of what traffic will really be. We already know what the traffic is like on I-5, even in the evenings when they are doing a little bit of repair work. With the congestion of traffic -- of trailer --tractor-trailers, whatever possible things that could be on the water from -- from barges pulling out the muck, it's just -- we know what	Please see the response to comment 482-5 regarding the EIR chapters that analyze the resources mentioned in the comment, particularly Chapter 20, Transportation. Please see Common Response 14, Transportation, regarding the roadway segment and intersection analysis contained in Appendix 20A, Delta Conveyance 2020 Traffic Analysis, and Appendix 20 C, Delta Conveyance 2040 Traffic.

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	happens when we're behind a farmer's tractor or if you're unlucky to get stuck behind a couple of bridges at the same time. This would be a constant slowing of traffic of tractor-trailers pulling in and out of traffic. They will be going on all day into the night. And it will cause such congestion, very few people will want start to come in. And if this goes on for years, I don't see anything good coming out of the tourism or the area or anything else because of all that traffic congestion. Thank you.	
482-7	[Commentor]: [Commentor name] of the California Delta Chambers and Visitors Bureau.	The information identifies the organization or individual commenter, clarification on the submittal of the comment letter. 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.
482-8	We've [California Delta Chambers of Commerce] been fighting this boondoggle ever since Arnold Schwarzenegger announced it over 15 years ago. It keeps resurrecting itself, and I'm confident that it's not going to be built, but it's going to take all of our efforts, and hopefully it won't outlive me.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
482-9	But besides the California Delta Chambers, tonight I've been asked to represent the Recreational Boaters of California. RBOC is -- recreational boating in California is a \$13 billion-a-year business. It's a significant part of the California economy. A lot of that takes place in the Delta here. There are approximately 10,000 boat slips in the Delta and thousands of boats that travel up here every year. But this is a few comments from the RBOC. They've submitted a letter that: RBOC is the statewide nonprofit advocacy organization that promotes the protection and responsible use of the state's waterways.	The information describes the background of the organization or individual commenter, clarification on the submittal of the comment letter, or general introductory text. 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.

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482-10	We've [Recreational Boaters of California (RBOC)] commented previously and consistently as the state has considered the Bay Delta Conservation Plan, the California Water Fix, and now the Single Delta Conveyance Plan. Recreational Boaters of California opposes the Delta Conveyance Project that would negatively impact the ability of the recreational voting public to navigate in the waterways of the Sacramento, San Joaquin Delta, or as we call it, the California Delta. Their [Recreational Boaters of California (RBOC)] key concerns are disruption of navigable waterways in the Delta for 14-plus years during construction. The project does not adequately address climate change and its impacts on decreased snow melt. And qualified groundwater impacts -- and quantified groundwater impacts, for example, I'll refer you to table eight in nonmeaningful and less than significant impacts of the project. To me, this is an absolute major one. Does not create any new sources of water. All it does is recycling water from one area to the another, from the less equal to the more equal, if you ever follow Animal Farm. It will wreak havoc on aquatic species, wildlife inhabitants, recreational users, and supporting industries. So those are some of the problems of the tunnel. So I strongly urge everybody to stand up and fight it.	The comment assertions regarding impacts are not consistent with the analyses contained in the EIR. Please see Chapter 16, Recreation, regarding potential impacts on recreation. As described in Chapter 16, the potential impacts analyzed would result in less-than-significant impacts. Please also see Chapter 20, Transportation, particularly Impact TRANS-5, which indicates that impacts on marine navigation from construction, operation, and maintenance of the project would be less than significant. Please see Chapter 8, Groundwater, regarding potential impacts on groundwater, which are identified as less than significant. Please refer to Common Response 6, Climate Resilience and Adaptation, for a summary of the various climate change analyses that are found in the EIR and the requirements of CEQA related to climate change. Please see Common Response 13, Recreation and Recreational Opportunities, regarding the evaluation of recreational opportunities. Additionally, please see Common Response 7, Implementation Considerations, regarding effects on community character and the implementation of the Community Benefits Program. Please refer to Common Response 1: CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the consideration of different project objectives—to work within the regulatory framework to protect the ability of the State Water Project, and potentially the Central Valley Project, to deliver water when hydrologic conditions result in the availability of sufficient amounts of water considering the climate change, sea level rise, and seismic risks. 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 also refer to Chapter 17, Socioeconomics, for a description of the socioeconomic conditions in the study area and an analysis of changes that could result from construction, operation, and maintenance of the project.

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482-11	I talked to a fellow today about something else, and I said, "Oh, I'm going to this meeting to help stop the tunnel tonight." And he told me -- he said, "Oh, it's inevitable. It's going to take place." Well, it's not. I know we're going to stop it. So thank you very much for your time and thanks for being here.	The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
482-12	[Commentor]: Good evening, everyone. My name is [Commentor name], and I am a climate water advocate with Restore the Delta. And thank you for the opportunity to comment today.	The information describes the structure or organization of the comment letter, the background of the organization or individual commenter, clarification on the submittal of the comment letter, or general introductory text. 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.
482-13	The proposed tunnel will exacerbate current and very real issues in the Delta and Delta communities, issues that are felt in our environmental justice communities and my community. In communities of minority and low-income families that are discouraged from drinking the water that runs into their homes and that cannot step outside their homes to take a breath of fresh air. These issues need to be addressed first. The quality of life of Delta communities will decline if the Delta tunnel is built and will continue to decline if Delta water issues are not addressed. Harmful algal blooms continue to be a threat to the Delta. HABs toxins are presented in water and air. Aerosolized bloom toxins can cause respiratory issues in a community that already has extremely high levels of asthma. The construction of the tunnel will also introduce yet another source of air pollution to a community struggling with respiratory illnesses. The worst blooms in Stockton can be found in McLeod Lake running through the center of downtown Stockton. I went to	The EIR provides an impact analysis of the environmental resource raised by the comment. Chapter 9, Water Quality, describes the less-than-significant impacts of the project related to water quality and cyanobacteria harmful algal blooms (CHABs). The findings for CHABs follow the applicable water quality criteria or objectives associated with CHABs under CEQA. Please refer to Chapter 23, Air Quality and Greenhouse Gases, for the analysis of potentially significant environmental impacts on air quality and greenhouse gases and mitigation measures to reduce impacts. Please see Appendix 23C, Health Risk Assessment and Ambient Air Quality Analysis Methodology, and Appendix 23D, Criteria Pollutant Health Impact Assessment Methodology, regarding the health risk analyses. Please also refer to Chapter 29, Environmental Justice, for a discussion of environmental justice concerns and the potential effects of the project on environmental justice communities. Please also refer to Chapter 29 regarding state and federal policies for consideration of minority and low-income populations.

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	high school only 200 feet away. Students did not receive warning about the harmful algal blooms, and for the two years, it required PE students that ran miles along the edge of McLeod Lake now finding out that that causes respiratory issues. Some pulling up their shirts past their noses to block some of the foul smells coming from the water. There is no HAB standards for surface water. How will this tunnel project accurately account for the genuine issues around the HABs without a surface water's HAB standard. More research is necessary. We need more monitoring of projects across the Delta that show the true extent of HABs. HABs will likely worsen over time, and we need a plan for that, not a tunnel plan that fails to adequately address water quality challenges. The present DEIR fails on that front.	
482-14	With the rising threat of climate change, we cannot make alterations to the Delta before solving our present water quality problems here. We already have problems with the drought that affect the Delta as a whole because of lessening flows. It would be a better as a whole because of lessening flows. It would be a better investment to help fix these problems first to ensure a healthy estuary for the long-term and to protect a water supply that can be explored at safe quantities. Thank you.	Please see 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, which include among others, protecting the ability of the SWP, and potentially the CVP, to deliver water when hydrologic conditions result in the availability of sufficient amounts of water, consistent with the requirements of state and federal law, including the California and federal Endangered Species Acts and Delta Reform Act, as well as the terms and conditions of water delivery contracts and other existing applicable agreements. Please see Common Response 6, Climate Resilience and Adaptation, regarding climate change and water supply reliability.
482-15	[Commentor]: My name is Captain [Commentor name]. I'm a retired charter boat captain that fished the Delta for over 25 years professionally. I've fished the Delta since the '80s, and I've been involved in what I call the politics of the water since the '80s. I was on the SCC committee for this tunnel project,	The information describes the structure or organization of the comment letter, the background of the organization or individual commenter, clarification on the submittal of the comment letter, or general introductory text. 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.

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	and I'm also on the advisory committee to the Delta Protection Commission.	
482-16	What I've learned in all these years of dealing with DWR is the devil is in what they don't tell you, and there is a lot that's not being mentioned here. One of the biggest things is that they plan on continuing to operate Clifton Court at, what they say, a 50 percent level. Now, they've never explained what 50 percent means. Is that half a year on? Half a year off? Half a day on? Half a day off? Who knows. But the point is is that when they say what the capacity of this tunnel is, you need to know what they are actually planning on exporting, you have to add in what they continue to export out of Clifton Court. So, again, the devil is in what they are not telling you. They are not telling you the total.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. 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 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. Please see Chapter 3, Description of the Proposed Project and Alternatives, section titled Integration of North Delta Intakes with South Delta Facilities, which explains that the project does not propose to increase the total quantity of water permitted for diversion under existing DWR water rights, but would be able to capture additional excess flows when the south Delta exports are limited and unable to capture such valuable flows. Please refer to Common Response 3, Alternatives Development and Description, regarding how the project would be operated to shift diversions from the south Delta to the north Delta (during the summer and fall) or divert water in the north Delta during excess flow conditions while meeting regulatory requirements (during the winter and spring). The analyses provided in the EIR Chapters 5 through 32 evaluate the potential impacts of the proposed operations for all alternatives.

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		Chapter 6, Water Supply discloses the potential changes in total export of SWP water for all alternatives compared to existing conditions.
482-17	And which leads to the biggest point that I want to make is that Clifton Court, as long as it's been in existence, has been the biggest fish-killing spot in the Delta. More fish die there than from pollution or fishing or anything else. For years, this has been known to be the biggest fish-killing spot. It draws the predators in when the pumps are running, which these days is practically always. But the fish are entrained into Clifton Court and cannot get out. There's an estimate of 50,000 striped bass that are all mature fish but are six inches long in Clifton Court. This shows you the effect that that pump has.	Please see response to comment 482-16 regarding the proposed operations of the project. The EIR evaluates environmental impacts of the project and proposed mitigation measures for multiple environmental resources in the Delta, including Chapter 12, Fish and Aquatic Resources. The existing southern Delta pumps operate pursuant to stringent regulatory requirements, such as the Endangered Species Act and Delta water quality objectives, as would the north Delta intakes. This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
482-18	So we're going to design and pay for what they claim to be a state-of-the-art system, but we're going to continue to operate the completely outdated and unprotected Clifton Court. When you ask them: What do you plan to do about Clifton Court, the answer they give you is, it's not part of this project. It's part of your water project. How can it not be? And so this is the part that I don't understand. I would agree, the \$16 billion figure is ridiculous. Just look at the Bay Bridge, how far over budget that went and over time that went. And just the fact that we have to have this meeting here that we put on shows you what they care about. The people that are going to be affected and will see no benefit from this project, they don't care what we think. They are going to do it anyway. And that's why we need to stop this project. Thank you.	Please see response to comment 482-16 regarding the proposed operations of the project. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. As described in Appendix 3G, Community Benefits Program Framework, the Community Benefits Program would include the Delta Community Fund and Economic Development and Integrated Benefits to address local effects that may occur, beyond the mitigation requirements of CEQA. Please refer to Common Response 3, Alternatives Development and Description, regarding the development of the reasonable range of feasible alternatives evaluated in the EIR. Additionally, please refer to Common Response 7, Implementation Considerations, regarding project costs, including taxpayer costs.

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482-19	[Commentor]: Hi. I am [Commentor name]. I am a fifth generation Hood resident. I promised Osha I wouldn't talk too much, so I got a paper. If you know me, you know I talk a lot. So I'm a mother, an artist, an educator, and I'm tired. I am tired of coming to these meetings.	The information describes the background of the organization or individual commenter, clarification on the submittal of the comment letter, or general introductory text. It is not a comment on the contents of the EIR.
482-20	I am tired of hearing people from all over the state and from all over the Delta from all walks of life pour their hearts out in defense of the Delta. I am tired of being one of those people, and I am tired of the nonchalant responses that we receive in return. Even though I've become mentally, emotionally, and physically exhausted from this last two years of this literal life-or-death fight, I can't and won't stop fighting.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
482-21	I don't remember the first time that I ever saw Hood. I was two days old when I was brought home. For me, Hood has always just been. I don't consider Hood just to be my hometown. Hood is quite literally the core of my being. Every major life experience that I've had has either happened here or has been celebrated here. My family built this town into what it is today, and they have continued to thrive here. Both my mom and dad's parents and grandparents came to Hood in the early -- in the late '40s and early '50s. They took the tiny casitas built by Madison Barnes and the Hood Improvement Company and turned them into homes for multiple generations.	The information describes the background of the organization or individual commenter, clarification on the submittal of the comment letter, or general introductory text. 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.
482-22	I grew up here surrounded by unconditional love and support and this is why I fight so hard. It's not for the businesses, the animals, the environment, or recreation, even though those are very important aspects of the Delta. I fight for Hood because the residents are my family. And those that aren't related to me might as well be. Not everyone in town is able to take on DWR, the Metropolitan Water District, and the others that are trying to force this tunnel project on us, but I am. My	The EIR provides an impact analysis of the environmental resource raised by the comment and potential impacts from construction to the town of Hood. The Delta Conveyance Project EIR has been prepared in compliance with CEQA and fully evaluates the range of potential impacts that may result from construction and operation of the proposed project and its alternatives in Chapters 7–32 of the EIR. DWR's analysis meets the CEQA requirement to make a good-faith effort at full disclosure, and every effort has been made to base the analyses on up-to-date and accurate

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	biggest reason for fighting is a quote from my abuelita. She said, "I won't be around when this tunnel is finished, but you, your dad, and the kids will be. You'll have to deal with what happens after." The thought of her and the other elderly residents in town spending the rest of their lives watching everything they have ever known and everything that they have worked for get destroyed breaks my heart. Hood is more than just the buildings or the land. Hood is the people, the community, and the legacy. Hood is multiple generations of people that no matter how far they travel call this place home. Hood is the hope that one day seven, eight, nine, or even ten generations of the same families will call this place home. Hood is the dream that Richland was and that Madison Barnes had. Hood is the blood, sweat, tears, and love that went into creating it. Hood is seeing your cousins during the holidays. It is the sound of basketballs bouncing and children laughing at the park. Hood is the smell of the annual Superbowl bonfire at the Chicones. It's the sound of the big rigs honking at the kids as they make their way from the farms to the freeway in the summer. Hood is the feeling of the river touching your toes at the stairs, the joy you get catching your first fish at the pump, and a hug from your abuelita when you come to visit. Hood is so much more than the land that will be taken or the buildings that will be destroyed and abandoned if this project goes through. Even if I didn't have such a deep connection to this town, I would still help fight for it because how can it be okay to wipe out an entire town for a project that will only benefit a select group of people? How can it be okay to force an entire town composed of mostly elderly, low-income, and marginalized people to move away? How can it be okay to destroy the ecosystem that is the Delta and force future generations to suffer whatever the consequences of this	information. DWR worked diligently in identifying, evaluating, and incorporating ways to avoid or minimize effects of the project, including construction effects, on communities in the Delta. Regarding intake siting, the DCA carefully assessed all possible siting locations along a 26-mile stretch of the Sacramento River. Evaluation of these potential sites included consideration of existing land uses, cultural and historic resources, river depth and geometry, and suitable geotechnical conditions. The sites must also allow for water flows that facilitate better fish passage and appropriate diversion operations. Re-examination of the riverbed and other physical settings of the Sacramento River between the Town of Freeport and the confluence with Sutter Slough affirmed the selection of the candidate sites based solely on technical and scientific siting criteria. It should also be noted that the potential intake site closest to Hood was screened out for further consideration. For more information about the intake location screening process and criteria, please refer to the Intake Site Identification and Evaluation technical memorandum (Delta Conveyance Design and Construction Authority 2022c). Chapter 19, Cultural Resources, in the section titled Area of Potential Impact for Built Environment Resources, describes the methods used for setting the area of impact for CEQA historical resources that are part of the built environment (AI-BE). The project does not propose demolition within the town of Hood. The project calls for widening of an existing bridge and roadway, as well as tunneling in the vicinity of Hood-Franklin Road east of its intersection with Corky Lane. As shown in the figure titled Built Environment Resources Evaluation Results in Appendix 19A, Historical Resources Survey and Evaluation Report, small sections of the periphery of Hood are within the AI-BE, but the town center of Hood does not fall within the AI-BE as neither the intake structures nor other above-grade project facilities are proposed within the one parcel buffer that defines the AI-BE. As described in Appendix 3G, Community Benefits Program Framework, the Community Benefits Fund could be used to support actions to enhance the local Delta economy and tourism and build on the regional vision to support the unique cultural,

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	project will be? The costs and the losses from this project far outweigh any benefit that Hood, the Delta, California, the world, and the future could ever receive. So even though I am tired of doing it, I am begging you to do what you can to help stop this project and any future versions of this project from happening. Save Hood and save the Delta.	recreational, natural resource and agricultural values of the Delta articulated by the Delta Plan, National Heritage Area and Conservancy Grant Program (among many others).
482-23	[Commentor]: Thank you. I'm [Commentor name]. I want to thank the Delta Counties Coalition and the Legislative Delta Caucus for providing this opportunity to comment.	The information is general introductory text. 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.
482-24	As a long time Sacramento County resident, I strongly oppose the Delta Tunnel Project and its inadequate environmental document. The project has no public benefit, but it will lay waste to the West Coast's largest wetland while also ruining the Delta economy, the fishing industry, the recreation industry, and local agriculture.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. Please also see Chapter 2, Purpose and Project Objectives, and Common Response 1 regarding the project's purpose and objectives, which include among others protecting the ability of the SWP, and potentially the CVP, to deliver water when hydrologic conditions result in the availability of sufficient amounts of water, consistent with the requirements of state and federal law, including the California and federal Endangered Species Acts and Delta Reform Act, as well as the terms and conditions of water delivery contracts and other existing applicable agreements. Please also refer to Chapter 12, Fish and Aquatic Resources; Chapter 13, Terrestrial Biological Resources; Chapter 16, Recreation; Chapter 17, Socioeconomics; and Chapter 15, Agricultural Resources for the analysis of potentially significant environmental impacts related to wetlands, recreational economics including fishing, and local agriculture and feasible mitigation proposed to reduce impacts, where appropriate. As described in Appendix 3G, Community Benefits Program Framework, the Community Benefits Fund could be used to support actions to enhance the local Delta economy and tourism and build on the regional vision to support the unique cultural, recreational, natural resource and agricultural values of the Delta articulated by the Delta Plan, National Heritage Area and Conservancy Grant Program (among many others).

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482-25	A few years ago, I was on a bike ride that stopped for lunch at Heringer Vineyard. An attendee asked if the local ag industry was sustainable. The response was, I guess so. We've been doing it here since 1868.	The information describes the structure or organization of the comment letter, the background of the organization or individual commenter, clarification on the submittal of the comment letter, or general introductory text. 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.
482-26	Well, something is dreadfully wrong with a public policy that would end such a success [local agricultures industries continued sustainability]. The tunnel brings no new water and does so at great expense. The beneficiaries are corporate welfare queens like the Resnicks, big oil frackers like Chevron, and sleazy water purveyors like Westlands. I voted no on the peripheral canal, and I'd prefer the no project alternative.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. Please see Chapter 1, Introduction, section titled Public Water Agencies/Project Beneficiaries, for a description of participants in the project. Oil fracking is beyond the scope or consideration of the project and the EIR and is not related to the project. 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, which includes consideration of 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 see Chapter 15, Agricultural Resources, regarding project impacts on agricultural lands.
482-27	[Commentor] Thank you so much, Supervisor Miller and Senator Dodd, Osha Meserve, and the Delta counsel for putting this together. It takes an enormous amount of work to do these hearings, and the full audience today tells me that you all have been very successful. So thank you for that work. My name is David Abelson. You probably have not heard me at prior public hearings on this because I've been retired as an environmental law attorney for a number of years, but briefly, by way of background, I was the executive director of the Planning and Conservation League when the peripheral canal was proposed and eventually, by the citizens, defeated.	The information describes the background of the organization or individual commenter or general introductory text. 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.

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482-28	I was very discouraged to see that an extensive report by what was called the Governor's Water Rights Commission was completely ignored by the legislature, and the problems that were identified [In the Peripheral Canal proposal] have come back to haunt us 40 years later.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
482-29	In addition to serving with PCL, I've also served for a number of years as a deputy attorney general working in the natural resources section. I've served as an environmental law attorney just in general, and most recently I've been teaching full seminars at Sacramento State on the history of water in this state.	The information describes the background of the organization or individual 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.
482-30	My concerns are that the draft environmental impact report is inadequate in so many different ways that I can't begin to describe them, but the piece that troubles me the most, for me, is that the scoping document asked us to identify a reasonable range of alternatives. I wrote an extensive set of comments -- which I will mention as a citation at the very end - - which propose something that has never been proposed before and was not commented on at all in the DEIR. I called the proposal the Yolo Causeway Fremont Weir West Side Proposal. And in very simple terms, what it does is remove whatever conveyance facility is eventually built, removes it entirely from the west side communities that will be so devastated by this. Instead, it takes that facility in the form of a surface river and puts it back where the surface river was in the Yolo Causeway. The water would be diverted at the Fremont weir, which is Sacramento River. Another point of diversion would be the Sacramento weir, which is above the City of Sacramento. It would flow 40-plus miles and eventually join up with the export facilities that are needed.	Please see Chapter 3, Description of the Proposed Project and Alternatives, for an overview of the project scoping phase and the alternatives analyzed in the EIR. Please see Appendix 3A, Identification of Water Conveyance Alternatives, for a detailed discussion of the identification of alternatives and screening process used to determine the reasonable range of feasible alternatives analyzed in the EIR. 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. The proposed project's purpose and objectives are presented in Chapter 2, Purpose and Project Objectives, of the EIR. While the Yolo Causeway Fremont Weir West Side alternative mentioned in this comment may have merit related to Yolo Bypass habitat, it is not clear how such an alternative would meet the stated project objectives to improve seismic, climate change, and water supply resiliency, and increase operational flexibility of SWP Delta facilities.

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	My comments have no relationship whatsoever the quantity of water. This is simply an alignment issue. They don't get the alignment right, they don't get anything right. Finally, I would say that the proposal that I'm offering not only avoids an enormous number of significant impacts that can't really be litigated on the east side, but it also enables us as a community to restore 40-plus miles of riparian habitat that existed here in 1850 on the west side.	
482-31	So I intend personally to file extensive comments objecting to the inadequacy of the draft environmental impact report with regard to the topic I've just mentioned [[DWR not providing reasonable alternatives. See comment 33 for details]. I think it is essential for DWR to issue, at a bare minimum, a revised report which addresses the many, many issues that so many of you have mentioned.	The comment assertion that the EIR fails to analyze a reasonable range of alternatives is not consistent with the contents of the EIR. Please see response to comment 482-30 regarding the reasonable range of feasible alternatives evaluated in the EIR.
482-32	And I just would mention that the comments that I did file, for those of you who are interested, can be found in appendix D 301. It's called comment number 567.	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. Please see response to comment 482-30 regarding the reasonable range of feasible alternatives evaluated in the EIR.
482-33	And I thank you again for all of the work that's been done to pull this together.	The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
482-34	Good afternoon, everybody. I am [commentor name]. I am currently on the Isleton City Council.	The information describes the background of the organization or individual commenter. It is not a comment on the contents of the EIR.
482-35	I've heard this peripheral canal issue - this boondoggle -- for, like, literal decades, you know, since I was a kid. So, yeah, you know, is -- I agree with, like, two speakers before me. It's a corporate welfare project. Follow the money.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project and also for an explanation of the project's purpose and objectives. This comment does not raise a significant environmental issue relating to the proposed project

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		or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
482-36	And it's not like we're landlocked. I mean, we're next to a fricken ocean. I mean, come on, like, desalinate the fricken ocean already. Like, don't take water from here.	Please see Appendix 3A, Identification of Water Conveyance Alternatives, for a detailed discussion of the identification of alternatives and screening process used to determine the alternatives analyzed in the EIR. Please also refer to Common Response 3, Alternatives Development and Description, regarding suggested infrastructure and water management alternatives such as desalination. 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, which include actions that may be pursued by a variety of local, state, and federal agencies, including desalination of seawater or brackish groundwater.
482-37	And I almost cried when [a commentator name] had her speech because, you know, like, I mean, it's going to destroy, like, her whole heritage and that sort of thing. Like, I do -- I do concur that this peripheral canal thing, like, remember that -- I'm showing my age already by saying this. But, yeah, I concur that, you know, we should fight this thing to the end. So like, I don't see why this is even - even brought up because I remember it was put to a vote, like, literally 40-odd decades ago and it should have been put to bed.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
482-38	And -- let's see, and that concludes my report and have a good rest of the day. Thank you.	Please see responses to comments 482-34 through 482-37 regarding general information provided in comments.
482-39	[Commentor]: Good afternoon, everyone. I'm sorry, I'm not really good at public speaking so we're going to do some work today. Okay. So good afternoon. My name is [commentor name], and I am a sustainable agricultural coordinator with Restore the Delta. Thank you all for hosting this today. After hearing some of the comments today, I'd like to add to those who oppose the Delta conveyance tunnel as well.	The information describes the background of the organization or individual commenter or general introductory text. It is not a comment on the contents of the EIR. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. DWR has reviewed all comments and will consider all comments in its decision-making process.

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482-40	The reason being are many, but let's start with the fact that it will put a large amount of prime farmland out of production for many years, if not permanently. After extensively reading the DEIR, or chapter 9, 15, and 17, and the appropriate appendices, many red flags come to mind. But let's start with how it states that the tunnel wouldn't affect the water levels to our agriculture at the beginning of the document, and then later in the chapter, it starts to state all of the huge negative impacts that it will really have, not to mention that none of the maps account for many of the important factors. They admit facts that the salinity levels here will increase significantly when there is not enough flow in the first place due to the ongoing droughts. Delta farmers have the right to their water more than those down south who chose the wrong environment to grow crops such as pistachios and almonds that are sent overseas to other countries.	The EIR provides an impact analysis of environmental resources raised by the comment. Please see Chapter 15, Agricultural Resources, regarding project impacts on agricultural lands. As described in Chapter 15, conversion of agricultural land would result in significant and unavoidable impacts. 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. Impacts are determined to be less than significant. Chapter 9 also evaluates consistency with water quality control plans under Impact WQ-17. Chapter 15 also evaluates salinity and potential impacts on agricultural resources in Impact AG-3 as a result of changes to water quality and determines impacts would be less than significant with mitigation incorporated. As described in Chapter 3, Description of the Proposed Project and Alternatives, in the section titled Key Existing Delta Operations Criteria, the project would be operated consistent with regulatory requirements, specifically State Water Board Water Right Decision 1641 (D-1641). 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.
482-41	But the question stands: How they will go about identifying all of the gas and water wells they cross when they start burrowing?	The process for locating groundwater and natural gas wells is described in the section in Chapter 3, Description of the Proposed Project and Alternatives, titled Location of Buried Groundwater and Natural Gas Wells. Desktop surveys of documented wells would be conducted and would include research of historical topographical mapping that may document the presence of wells that were not identified in the State of California oil and gas database. To identify and/or confirm the location of wells that have not been identified in the published database, wide-area airborne methods (drone, helicopter, and/or fixed-wing aircraft) would be used to conduct magnetic

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		surveys followed by more site-specific walk- or tow-over ground-based magnetic surveys.
482-42	Also, how will they compensate the people whose wells, farmlands, and homes will be disturbed for years or, in some cases, permanently?	Please see Common Response 7, Implementation Considerations, regarding the property acquisition process. Please also see Chapter 8, Groundwater, regarding potential impacts associated with potential changes in groundwater elevation. Mitigation Measure GW-1 has been proposed to ensure groundwater supplies are maintained in affected areas. Please also see Chapter 15, Agricultural Resources, for the project impact analysis of Impact AG-3 and the mitigation approach of Mitigation Measure AG-3, regarding the conversion of farmland for the construction of water conveyance facilities. Please also see Impact LU-1 in Chapter 14, Land Use, for an analysis of displacement of existing residences and effects on population and housing, which concludes that impacts would be less than significant as a result of the project. As described in Chapter 14, where applicable, DWR would provide compensation to property owners for losses due to implementation of the project.
482-43	This dystopian plan is pushing to waste nonrenewable resources; instead, they should spend the \$16 billion -- mind you, that \$16 billion does not account for inflation, but they should be using those \$16 billion on other more renewable systems to help the environment thrive. Thank you for your time.	Please see Chapter 2, Purpose and Project Objectives, and Common Response 1, CEQA Process, General Approach to Analysis, and Other Project Requirements, regarding the project's purpose and objectives. Please also see Common Response 3, Alternatives Development and Description, regarding alternatives considered but eliminated. Appendix 3A, Identification of Water Conveyance Alternatives, provides a detailed discussion of the identification of alternatives and screening process used to determine the alternatives analyzed in the EIR. Please refer to Common Response 7, Implementation Considerations, regarding project costs, including taxpayer costs.
482-44	[Commentor]: Good afternoon. I am [commentor name], the community organizer and government liaison for Restore the Delta, and I'm here today to provide a comment on behalf of the South Stockton Environmental Justice Communities.	The information describes the background of the organization or individual commenter or general introductory text. 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.

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482-45	The Delta Stewardship Council data shows that California is already experiencing warmer temperature, more extreme heat, harsher storms that increase flood risk and rising sea levels. With the combination of these factors, there's a high probability that the intakes will become flooded. If you do not decrease these impacts in San Joaquin County, you will hurt the existing pumps and endanger the lives and homes of environmental justice communities living in one of the most vulnerable floodplains in America. According to the Delta Stewardship Council's climate vulnerability assessment, 17,000 homes will be affected by flooding, and \$28 billion in damages will ensue for critical buildings like hospitals, water management facilities, jails, et cetera. Additionally, families living at Conway Homes behind the levees are just one example of communities that will be affected by this.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding a discussion of seismic risk and the project objectives. The project has been designed to withstand flooding at the intakes and at the shaft sites. Please see Common Response 6, Climate Resilience and Adaptation, regarding the project's ability to adapt to climate change. The EIR evaluates environmental impacts and proposed mitigation measures, regarding multiple environmental resources in the Delta, including flooding in Chapter 7, Flood Protection. Please also see Chapter 30, Climate Change, for discussion of climate change and sea level rise. Please refer to Chapter 29, Environmental Justice, for the analysis of potentially disproportionately adverse effects on environmental justice communities as a result of construction and operation of the project.
482-46	There is no sufficient evidence or analysis in your environmental impact report to suggest that the Sacramento intake pumps will not be affected by sea level rise due to intense, heavy rains that are ensued by climate change. Modeling in the EIR suggests that there will be a very gradual -- sorry about that -- increase of a 0.8 increment of sea level rise, and this will -- they claim that it will not cause massive flooding.	Please refer to Appendix 5A, Modeling Technical Appendix, Section F, Sea Level Rise and Delta Water Quality Modeling, regarding the potential for salinity intrusion as a result of sea level rise to affect the proposed intakes. The analysis concludes that the proposed north Delta intakes would not be vulnerable to salinity intrusion due to sea level rise.
482-47	The EIR acknowledges that Stockton will be affected by Delta flooding as the region is dependent on Delta water supply. Though inland, the Delta is vulnerable to rising seas, the stability of the levees protecting us are tested daily by tides, river inflows, and a rising sea level. However, there is no analysis on how flooding will affect this particular area. Stockton is a port city surrounded by bodies of water with decaying levee systems that were built long ago before climate change in water diversion tactics. These levees will not	The EIR acknowledges that many areas of the Delta are vulnerable to flooding, including areas of Stockton. The EIR also acknowledges that the City of Stockton receives water supplies from the Delta. Please refer to the section titled Regional Planning Efforts Related to Delta Flood Management in Chapter 7, Flood Protection, for a discussion of levee programs that DWR manages that are critical to Delta flood risk management, including levee maintenance and improvements. Please also see Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, regarding other DWR efforts in the Delta such as levee management and water

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	withstand the pressure from the broadly unappreciated risk of severe floods. One moment. For every \$10 Sacramento receives, the City of Stockton sees a dollar for flood control. Additionally, there is no evidence in your environmental impact report to suggest that the Sacramento River intakes will not succumb to flooding; thus raising concerns for Delta communities like Clarksburg, Locke, Isleton, Courtland, and Hood, which need protection from flooding induced by the tunnel and climate change. Environmental justice communities in the Delta like Stockton are also at risk due to possible sediment buildup at the north intakes and the onset effects of climate change that will put our current levees up to the test.	quality monitoring programs. As described in Chapter 7, the CEQA analysis focused on the assessment of flood protection impacts associated with the construction or operation of project alternatives. The analysis examines: (1) changes that may increase flooding or flood risk in the Delta, and (2) changes to the potential rate or amount of runoff that may impede or redirect localized flood flows. A broad evaluation of potential flood risks across the Delta as a result of sea level rise and aging infrastructure is beyond the scope of the CEQA analysis. DWR provides information regarding sea level rise in Chapter 30, Climate Change. Please refer to responses to comments 482-45 and 482-46 regarding climate change and the vulnerability of the proposed north Delta intakes to salinity intrusion. As described in Chapter 3, Description of the Proposed Project and Alternatives, the project facilities would be constructed to withstand flood events. As described in Chapter 3, sediment removal at the intakes would be part of maintenance activities.
482-48	Instead, the state, the NDWR, needs to sit down to discuss the allocation of their resources and time. The DEIR makes it clear that the project is meant to help the Delta while ignoring the needed levee improvements in northern, central, and the lower Delta. There is an urgent need to improve existing Delta conditions outside of this project first to ensure adequate flood protection; yet DWR fails to prioritize levee upgrades while simultaneously downplaying their calculations concerning climate change effects on sea level rise and related water elevations while needlessly inflating confidence in mitigation measures.	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 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. Please also see Chapter 2, Purpose and Project Objectives, regarding the fundamental purpose of restoring and protecting the reliability of SWP water deliveries and, potential, CVP water deliveries south of the Delta, consistent with the State's Water Resilience Portfolio, in a cost effective manner. Please also refer to Common Response 1 regarding the use and incorporation of mitigation as well as the anticipated effectiveness of mitigation measures. Please refer to Common Response 6, Climate Resilience and Adaptation, regarding the climate change assumptions and adequacy of climate change and sea level rise scenarios considered in the

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		EIR. Please also see, Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, which discusses the California Water Resilience Portfolio, which identifies actions to ensure safe and resilient water supplies, flood protection, and healthy waterways, as well as discusses Delta levee management. Finally, please refer to Chapter 7, Flood Protection, section titled Regional Planning Efforts Related to Delta Flood Management for a discussion of levee programs that DWR manages that are critical to Delta flood risk management, including levee maintenance and improvements.
482-49	It is time that DWR protects the lives of the Delta residents from water as much as they prioritize export. Thank you.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. Please see responses to comments 482-45 through 482-48 regarding Delta levee management. This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process
482-50	[Commentor]: Well, hello. I'm [Commentor name]. I'm an environmental lawyer in Sacramento. And I've concluded a past century of law,	The information describes the background of the organization or individual commenter or general introductory text. 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.
482-51	and I have not seen in my life a worst draft environmental impact report. And to come to grips with it, I was astonished when I started reviewing this document. And, I mean, it's a massive water project.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
482-52	So what are the first things they would evaluate under the California Environmental Quality Act? It would be impacts on surface water. We know the Delta is already in trouble. Water quality of standards being violated, fish die-offs, harmful algal	The Delta Conveyance EIR has been prepared in compliance with CEQA and evaluates the full range of potential impacts that may result from construction and operation of the proposed project and its alternatives. The analysis contained in the EIR is not consistent with the assertion by the

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	blooms. It needs more water flowing through it, not less, but this would reduce, as Osha pointed out in her opening remarks, depending on the conditions, up to a third under some conditions and, at other times, half of the Sacramento River flow through the Delta. So issue number one in the draft EIR, what are the impacts of this massive water project on surface water? And I turned to the first few sentences in chapter 5 of the draft EIR of page 5-1. It doesn't evaluate the impacts on surface water under CEQA. 33 I'm going to read one sentence to you. "Changes to surface water resources by themselves are not considered an impact of the project alternatives under CEQA and last" -- "and thus are not evaluated as impacts in this chapter." That's at page 5-1. Now, why would they do that? Because if they did what they are supposed to do under the law and evaluate the impacts of the project under CEQA, they would have to reach the obvious no-brainer conclusion that, yes, this project does have adverse environmental impacts on Delta waters. Now, under CEQA, agencies can still approve projects that have adverse environmental impacts, but a huge purpose of requiring an environmental impact report, it's supposed to be an environmental full disclosure document. You're supposed to tell the people if something is going to be bad for them, that it's going to be bad, how bad, and why it's going to be bad. You're supposed to tell the truth. Why did they not want to simply disclose the truth? Because that would reduce the chances of - that -- with the public out there, that they would ever get to build this tunnel project. So they simply - like one of the speakers said earlier, one of the biggest things that's wrong with this thing is what it doesn't tell you. And right at the start,	commenter that impacts on surface water were not adequately addressed. As stated in Chapter 5, Surface Water, changes to surface water resources, by themselves, are not considered an impact under CEQA. While the EIR does not evaluate impacts within this chapter, the EIR exceeds the standard analysis methodology and has included Chapter 5, Surface Water, and Chapter 6, Water Supply. These two chapters are then used at length to inform the discussion and analysis in the other resource chapters (Chapters 7–32). The resources evaluated in the EIR, those resources that are dependent on understanding and evaluating the changes associated with surface water or water supply under operating conditions (i.e., water-dependent resources), are fully considered. Therefore, potential impacts associated with potential changes to surface water are addressed throughout the EIR. Please also see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the evaluation of water-dependent resources throughout the EIR and the use of information and analysis presented in Chapter 5, and Chapter 6, Water Supply throughout the EIR. As described in Common Response 1, the scope of the analysis contained in the EIR is appropriate and meets CEQA requirements. Please refer to Common Response 3, Alternatives Development and Description, regarding how the project would be operated to shift diversions from the south Delta to the north Delta (during the summer and fall) or divert water in the north Delta during excess flow conditions while meeting regulatory requirements (during the winter and spring).

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	it doesn't tell any of us what the adverse impacts of this project would be on either surface water or water supply.	
482-53	The other thing that they haven't done is given you any alternatives to the tunnel project. The draft EIR includes nine alternatives. They are all simply different tunnels dressed in different outfits. They range in size capacity from 3,000 cubic feet per second to 7,500 cubic feet per second. Those are not alternatives to the project. There's a lot wrong with this, but those two things, they just jump out.	Please refer to Common Response 3, Alternatives Development and Description, regarding the alternatives development process and the range and scope of reasonably feasible alternatives considered in the EIR. Please also see Chapter 3, Description of the Proposed Project and Alternatives, regarding the alternatives analyzed in the EIR. Finally, Appendix 3A, Identification of Water Conveyance Alternatives, provides a detailed discussion of the identification of alternatives and screening process used to determine the alternatives analyzed in the EIR.
482-54	This is truly a terrible, terrible deception on the people of the Delta and the people of the State of California to not address what the impacts of this project would be on reducing flows through the Delta. Thank you.	The EIR provides complete analysis of the project under CEQA. Please see Chapters 7–32 regarding an analysis of potentially significant environmental impacts and proposed mitigation measures on multiple environmental resources. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. Please refer to Common Response 3, Alternatives Development and Description, regarding how the project would be operated to meet regulatory requirements while increasing deliveries during excess flow conditions.
482-55	[Commentor]: My name is [Commentor name]. I'm from Clarksburg. I'm a proud member of North Delta CARES, and I've been fighting this project for almost ten years. I really wish that I wasn't. Today is my birthday, and I'm spending it with you guys.	The information describes the background of the organization or individual commenter or general introductory text. 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.
482-56	So ever since we started this fight -- well, I didn't start it -- joined this fight ten years ago, it's been one version of another version of a pig with different colored lipstick, right? It has never, ever changed the severity of the destruction of the Delta, has never been minimized, except by them. The actual project itself is still as destructive as it was when it was two tunnels, four tunnels, three intakes, two intakes, project, no	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. This comment does not address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.

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	project. It's been the same exact destructive project on this community.	
482-57	I focus on people because that's kind of where my specialty is, and I focus on the communities and all of the things that we will lose if this project goes forward. I'm a member of the Delta Protection Commission or DPAC. I'm also a graduate of the Delta Leadership Program, so thank you to the Delta Protection Commission for supporting people like me to continue this fight and become more and more educated.	The information describes the background of the organization or individual commenter or general introductory text. 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.
482-58	I also survived being on the SEC, the Stakeholder Engagement Committee, which was this faux thing that the DCA put together to supposedly garner all of our input, but the moment that we provided them with input, they muted us literally online. They made us go through Zoom even though most of us in the Delta don't have Internet and didn't have a way to actually access those meetings. So the majority of the people who attended the meetings were people from the DCA or Metropolitan Water District. During those two long years, they muted us. Gia and I got in trouble for Brown Act violations because I would like her posts on Facebook with a thumbs up. They would threaten us. They would call us at home and tell us that we needed to stop speaking out while we were on SEC. Does that sound like an opportunity for me to provide meaningful input for this project? So during this time, the members of the SEC really tried to bring forward the issues that we thought was really, really relevant. And what we discovered is that even after two long years of having this back and forth discussion, none of the things that we suggested, mostly, you know, alternatives, but none of the things that we were suggested -- that we suggested actually were adopted. And so this whole thing is	DWR conducted an extensive outreach program to inform interested parties about the preparation and release of the Draft EIR. Please refer to Common Response 2, Public Outreach Activities, and Chapter 35, Public Involvement, for more information about efforts to inform the public about the development of the environmental document and the outreach activities conducted throughout the EIR process to provide public information and encourage public participation and comment. Please refer to the Efforts to Minimize Delta Community Effects technical memoranda in the Engineering Project Reports (Delta Conveyance Design and Construction Authority 2022a, 2022b) regarding the engineering and design modifications made to reduce Delta community effects, which outlined changes to the project from the Stakeholder Engagement Committee (SEC) process. Please refer to Common Response 3, Alternatives Development and Description, regarding the alternatives development process and the range and scope of reasonably feasible alternatives considered in the EIR. Please also see Appendix 3A, Identification of Water Conveyance Alternatives, for a detailed discussion of the history of Delta water conveyance, the identification of alternatives, and the two-part screening process used to determine the alternatives analyzed in the EIR.

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	just a very disingenuous process. They claim that they asked us for input, but really what they did is had us sit in chairs and have our heads counted.	
482-59	And yet we still persevered forward and still gave them the truth, which was no matter what changes that you make, this project is still going to be as destructive on the communities. There is no way to get around that. There is no way these communities will survive 14 years of construction. And there is no way that you can cut off all of our roads and expect us to continue to survive and farm and be a community.	Please refer to response to comment 482-58 regarding the development of the reasonable range of feasible alternatives and the engineering and design modifications made to reduce Delta community effects which outlined changes to the project from the SEC process. Please refer to Chapter 3, Description of the Proposed Project and Alternatives, regarding construction schedules for each of the project alternatives. As described in Appendix 3G, Community Benefits Program Framework, the Community Benefits Program would include the Delta Community Fund and Economic Development and Integrated Benefits to address local effects that may occur, beyond the mitigation requirements of CEQA. Please see Chapter 17, Socioeconomics, ECON-3, regarding possible relatively minor changes to community character, and ECON-5, regarding changes to recreational experiences and effects on tourism. Please also see Chapter 20, Transportation, regarding transportation effects of the project. The project was developed to incorporate traffic restrictions and road improvements to limit effects on local and regional roadways including Interstate 5; State Routes 160, 99, 12, and 4; Twin Cities Road; and Hood-Franklin Road, as discussed in Chapter 20, in the section titled Impacts of the Project Alternatives on Transportation.
482-60	Recently -- I was at church last Sunday because, you know, I need to pray a lot for this project, and I got a glimpse into what I hope is not our fate. I met a man who lived -- lives in Courtland, but he's originally from Clifton Court Forebay, and tomorrow is the sad anniversary, December 7th, 1979, when his family's farm in Clifton Court Forebay was taken by eminent domain. And this man who is probably 65 or 70 years old began to cry because he lost -- his family lost everything they loved, everything that their family had put into and invested in for multi generations. They lost their farm. They lost their	This information describes the background of the individual commenter or provides general introductory text. 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.

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	community. They lost their contact to what they had known for so many generations. The man was very, very emotional, and he did not feel like he could come tonight, and that's why I wanted to bring up his story. Oh, there he is. He's here. I really appreciate you coming. You're going to make me cry. Sorry.	
482-61	And what I want is for us to remember that. They intend to take your land. They intend to move you off your land, and they intend to not care at all about what happens to us as people and what happens to our community and what happens to our connections.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. Please see Common Response 7, Implementation Considerations, regarding the property acquisition process. This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
482-62	Of course, you guys all know, this project creates no new water and solves no new issues of water supply in any meaningful way. The alternatives have never actually been considered. When we bring up the alternatives, they say, "What project? We don't have a project." Well, we've had a project - And this version of this project will never, ever, ever benefit anybody in the Delta or anyone in Northern California, and it's doubtful that it will actually even benefit the folks who think that they will benefit to the south.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to 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. Please refer to Common Response 3, Alternatives Development and Description, regarding the range, scope, and development of the alternatives considered. Please also refer to Chapter 3, Description of the Proposed Project and Alternatives, section No Project Alternative; Appendix 3C, Defining Existing Conditions, No Project Alternative, and Cumulative Impact Conditions; and Common Response 4, No Project Alternative Description and Analysis, regarding reasonably foreseeable actions that are considered part of the No Project Alternative. This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will

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482-63	he's shaking his head. That's funny. My biggest concern is that we're going to burden our children with this humongous bill that's actually going to turn out to be nothing and not actually supply anyone with any type of benefit.	consider all comments in its decision-making process. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process. Please see Chapter 2, Purpose and Project Objectives, 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. Please also see Common Response 7, Implementation Considerations, regarding project costs, including taxpayer costs.
482-64	I also think that we should not be forsaking these multi generational farms and taking away thousands of prime farmland for a project that they are not even sure how they are going to build it or how it's going to work or how they are going to operate it.	The EIR provides a detailed analysis of the effect of the project on prime farmland and other Important Farmland types in Chapter 15, Agricultural Resources, Impact AG-1 and Impact AG-2. The impact analysis quantifies the potential conversion of designated farmland. Please also see Common Response 12, Agricultural Resources, regarding the methodology and approach to analysis. Please see Chapter 3, Description of the Proposed Project and Alternatives, for information about construction and operation of project alternatives and construction.
482-65	We must continue to fight for this community, we have to continue to band together, and we have to continue to work together to make sure that our voices are heard. So I'm so happy to see so many faces here tonight. There is a solution to this project, and the solution is for us to say "no tunnel,"	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.

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482-66	and our solution is to actually look into viable alternatives, and one really good solution that I have for Mr. Gavin Newsom --if he's listening -- if we actually covered the aqueduct, we would stop losing 30 percent of the water that they are currently shipping to the south to this day, and that would be a step forward.	Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the adequacy of the purpose and objectives statements for the purposes of CEQA. Addressing evaporation loss of water flowing the California Aqueduct would not meet most of the basic objectives for the project. Please refer to Common Response 3, Alternatives Development and Description, regarding the reasonable range of potentially feasible alternatives considered and also Appendix 3A, Identification of Water Conveyance Alternatives, for a detailed discussion of the identification of alternatives and screening process used to determine the alternatives analyzed in the EIR. Please refer to Common Response 6, Climate Resilience and Adaptation, regarding the project's anticipated water supply reliability related to climate change.
482-67	This project doesn't create any new water, and we have to start looking for desalinization or recycled water or -- the answers are out there, and the answers will continue to grow,	Please see Chapter 2, Purpose and Project Objectives, regarding the project's purpose and objectives. Please refer to Common Response 3, Alternatives Development and Description, regarding suggested infrastructure and water management alternatives such as desalination and recycled water. Please also refer to Common Response 4, No Project Alternative Description and Analysis, 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.
482-68	but we cannot have them push a project that literally is older than I am down our throats because -- because they have tunnel vision or that's what they think that they should do. And the funny part is if you talk to the folks at DWR, they don't even really want to do this project anymore. It's just -- it's in forward motion and they've spent so much money. I think we	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. Common Response 1 also describes the project's purpose and project objectives. Please see responses to comments 482-65 through 482-67 regarding the reasonable range of feasible alternatives evaluated in the EIR and the No Project

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	need to remember that this is the largest estuary in the west, and we are very, very blessed to live here, and we must continue to fight this project and continue to support the politicians who have the sense to know that this is a terrible thing and apply pressure to those who don't. Thank you.	Alternative.
482-69	[Commentor]: My name is [Commentor name]. I don't actually live in one of the local Delta communities, but I live in the City of Sacramento. I would like to live out here, but I don't. And my grandparents were migrant workers who traveled around the U.S. working, and they settled in the country outside of Clarksburg, I think, for a reason. So I would go out regularly to visit my grandparents and -- and enjoy the country views. And I think unknowingly a seed was planted in me that grew into a love for the beauty of this area. And so living in the city, I often want to get a break from the concrete and the city lights, and so I can come out often to this area. I recently ran the Clarksburg Run, and I was able to run between the vineyards and the fields and appreciate the beauty of that. And so, again, living in the city, I often come out here, sometimes at night, and, honestly, I just park by the river and look out, and the only lights that I have around me are a local streetlight, the distant lights of Sacramento, and the moonlight and the stars. So I really appreciate that aspect of it. The only noise that I hear are the crickets and the occasional passing car.	The information describes the background of the organization or individual commenter or general introductory text. 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.
482-70	So I can't -- I'm not a water expert, but I can speak to the beauty of this area, and I think that if I were sitting out there at night and there were lights coming from these hundreds of trucks or these trucks constantly going around and the structure being illuminated, it would really destroy the beauty at night here. So basically I'm just opposed to any project that would have noise pollution or light pollution and destroy the beauty of this area.	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general opposition to the project. A detailed description of environmental commitments is included in Appendix 3B, Environmental Commitments and Best Management Practices, which includes measures related to noise reduction. Chapter 24, Noise and Vibration, describes Mitigation Measure NOI-1, which addresses

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		construction noise. Chapter 18, Aesthetics and Visual Resources, Impact AES-4 in the section titled All Alternatives states in detail that construction would occur during daylight hours on a 5-day work week schedule. In the discussion of Operations and Maintenance under Impact AES-4, permanent project facilities would have security and other lighting activated by motion detectors, meaning that lights would be on only as needed. This lighting would be downcast cut-off fixtures to limit light trespass. The analysis discloses that, while this lighting would produce an ambient nighttime luminescence, this lighting would be on only on an as-needed basis and would not contribute to a constant illumination of the nighttime sky.
482-71	[Commentor]: Hi, my name is [Commentor name]. I grew up -- I was lucky to grow up on Steamboat Slough, actually right on the river. And when I first learned about this project, I was in architecture school at Cal Poly, and I thought, what? This is going to ruin my home. So at that point, I decided I had to shift gears and start to learn everything I could about the project, about water in California, and then I decided I should probably focus on what can help the Delta. And I think it's all of the levees. So I went to school for engineering, became an engineer, and now work on levees in the Delta.	The information describes the background of the organization or individual commenter or general introductory text. 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.
482-72	I think it's [the levees] the one thing that keeps the Delta together, and it's the one thing that's missing from the EIR is there's no alternatives looking at the levees. If you fix the levees, you fix your conveyance issue, according to what we hear, that the levees are the problem and they are the reason that we need to build this tunnel. But if you look at the project, it's dual conveyance. So they still need levees no matter what they do, if they build the tunnel or not. And in the time that it takes to go through the permitting process and all of the lawsuits, you're going to need a levee system. So I think the	Please see Chapter 2, Purpose and Project Objectives, regarding the purpose and objectives of the project. Please refer to Common Response 3, Alternatives Development and Description, regarding the alternatives development process and the range and scope of alternatives considered. The EIR evaluates environmental impacts and proposed mitigation measures, regarding multiple environmental resources in the Delta, including flooding in Chapter 7, Flood Protection. Additionally, please refer to the Chapter 7 section titled Regional Planning Efforts Related to Delta Flood Management for a discussion of levee programs that DWR manages that are critical to Delta flood risk management, including levee

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	best alternative to this project is you just fix the levee system. It's a lot cheaper. I think there's been numbers thrown out there from 4 to \$6 billion instead of -- what'd they say, 15? Which, you know, turns into 50 billion if you're financing it. So that's kind of my major comment here is that I think we should focus on fixing what we have, the levee system. It benefits everybody and the ecosystem and the water conveyance. So that's all I've got. Thank you.	maintenance and improvements. Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, also describes other DWR efforts in the Delta such as levee management and water quality monitoring programs. Please refer to Common Response 7, Implementation Considerations, for concerns about project costs, including taxpayer costs.
482-73	[Commentor]: Good evening. My name is [commentor name]. I live in the City of Oakley. I'm kind of new to the Delta. I've only lived here for 40 years, and I know a lot of you have lived here your whole lifetime. I've been involved with Delta issues for quite a while now. I'm a founding board member of Restore the Delta and currently the secretary and the president of the West Delta Chapter of the California Striped Bass Association, and I have been a former president of the Lower Sherman Island Duck Hunters Association. I've done a lot of studies about the Delta, and I did come loaded for bear tonight, but after I heard Osha's presentation, I said, "What more can I say?"	The information describes the background of the organization or individual commenter or general introductory text. 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.
482-74	What I do want to bring up, though, is we have the two alternatives, through the Delta or around the Delta. When the twin tunnels were first proposed, there was a gentleman by the name of Dr. Robert Pike, and he proposed exporting from the West Delta around Sherman Island. His idea was that they could build a pipe rather than a tunnel and export water in the West Delta after it went through the Delta and the salinity would be controlled -- or the pumping would be controlled by the amount of salinity in the water. They don't want that salty water. They want the freshwater above Sacramento right out of here, Hood. But what if they had to take it from the West Delta after it went through the Delta and the water did what it	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 see Appendix 3A, Identification of Water Conveyance Alternatives, for a detailed discussion of the identification of alternatives and screening process used to determine the alternatives analyzed in the EIR. A through the Delta conveyance alternative was screened from further consideration in Appendix 3A because it did not meet screening criteria for seismic, climate change, and water supply resiliency, and would not offer additional facility operations flexibility because of its reliance on one south Delta water diversion location. The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or

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	was supposed to do to keep our ecosystem healthy? I think that is an alternative they must consider. Thank you	completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
482-75	[Commentor]: Hello, everybody. I'd like to read -- or I'd like to direct this as a letter I just wrote, scribbled on, to the current legislators, the young leaders, and the future leaders who have the big votes that will decide on this issue.	The information describes the structure or organization of the comment letter, the background of the organization or individual commenter, clarification on the submittal of the comment letter, or general introductory text. 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.
482-76	Please pay particular attention to the origins and so far the 50-year history of this corporate agenda for redirecting our freshwater with this mega project when placing your very important votes. Let's think about how the Native Americans who were the first residents of this Delta before we built the levees and redirected the water, or our grandparents did, some of you, your great grandparents and great, great grandparents. They probably would look at this issue and see the horrors of redirecting mother nature and mother earth. I don't know for sure, but I'd like to think that Native Americans would have that opinion, and I think there might have been one person here today that had a similar opinion to that, or more than one. Recently we've been all watching on the news the last five, ten years about global warming, hurricanes beyond other years of hurricanes happening more and more frequently, the rising oceans, wildfires, and even the last year or two something called fire tornados. These are all increasing dramatically in the recent micro period of time of people on earth, probably due in large part to manmade, mankind messing with mother earth and mother nature. To those current legislators, young leaders, and future leaders, especially for California where we live right here with this issue, please let the earth rest for a while and let the corporations have to work with what we already messed up to	Please see 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, including concerns about future sea level rise. Please refer to Chapter 2, Purpose and Project Objectives, regarding the purpose and objectives of the project. Please also see Common Response 3, Alternatives Development and Description, regarding the alternatives development process and the range and scope of alternatives considered.

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	this point. Let's not change the Delta any further. And I thank you.	
482-77	[Commentor]: Hey. How's it going? I'm just putting this on record because I did this on the last online public comments, same thing in case anybody heard that one.	The information describes the structure or organization of the comment letter, the background of the organization or individual commenter, clarification on the submittal of the comment letter, or general introductory text. 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.
482-78	[Commentor name], resident of the North Delta, supporter of the No Tunnel Alternative. The people in the ecosystems of California do not need another tunnel project. This Delta tunnel is a greenwashed infrastructure project that will be the nail in the coffin for threatening the national fish species and wildlife in Delta communities, the State of California, wherever you fall on the political spectrum. It has a history of being racist, classless, and anti-environment. This project will negatively impact historically disenfranchised Delta communities disenfranchise in a direct way and will degrade the quality of life for humans and nature alike. People in urban spaces such as Stockton and along the South Delta will experience an increase in harmful algal blooms and degrading water quality while those of us in the North Delta will see a reduction of the Sacramento River outflow, rising salinity, and the decimation of Delta Heritage Communities and these unique and pristine connected ecosystems that we find here. Communities such as the towns of Hood, Courtland, Walnut Grove, Clarksburg, Isleton, and Rio Vista will all experience the negative impacts and the quality of rural existences. People do not need or desire tons of diesel exhaust, endless lines of truck traffic, massive tons of tunnel muck, nor the destruction of natural spaces along the proposed tunnel pumping station sites.	The significant environmental impacts suggested by the comment are not supported by the analysis contained in the EIR. The EIR analyzes all environmental resources identified in the comment. The EIR provides complete analysis of the project under CEQA. Please see Chapters 7–32 regarding an analysis of environmental impacts and proposed mitigation measures on multiple environmental resources, including water quality in Chapter 9, Water Quality; fish and aquatic resources in Chapter 12, Fish and Aquatic Resources; terrestrial biological resources including natural communities in Chapter 13, Terrestrial Biological Resources; traffic in Chapter 20, Transportation; and, air quality and greenhouse gases in Chapter 23, Air Quality and Greenhouse Gases. The analysis in the EIR concludes that impacts would be less than significant, or less than significant with mitigation measures incorporated for resources such as water quality, fish and aquatic resources, and terrestrial biological resources. The analysis also concludes that most impacts related to air quality, greenhouse gases, or transportation would be less than significant or less than significant with mitigation incorporated. The exceptions to these determinations are Impact TRANS-1 and Impacts AQ-5 and AQ-6; however, DWR has proposed feasible mitigation measures to reduce these significant impacts but concludes impacts cannot be reduced to less-than-significant levels for reasons described in Chapters 20 and 23, respectively. Please also refer to Chapter 3, Description of the Proposed Project and Alternatives, regarding the handling and storage of disposal of reusable tunnel material (RTM). Please also refer to Chapter 29, Environmental

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		Justice, for the analysis of potentially disproportionately adverse effects on environmental justice communities as a result of construction and operation of the project, and where appropriate, feasible mitigation measures have been incorporated. Please also refer to the Efforts to Minimize Delta Community Effects technical memoranda in the Engineering Project Reports (Delta Conveyance Design and Construction Authority 2022a, 2022b) regarding the engineering and design modifications made to reduce Delta community effects. As described in Appendix 3G, Community Benefits Program Framework, the Community Benefits Program would include the Delta Community Fund and Economic Development and Integrated Benefits to address local effects that may occur, beyond the mitigation requirements of CEQA.
482-79	In regard to how nature will suffer, we already have seen how the powers that be have handled the Sacramento River during this past drought season and year. The Sacramento River Temperature Management plan in the earlier temporary urgency change conditions all contributed to the death of returning fall run adult Chinook salmon and threatened Central Valley steelhead populations who swam into a Sacramento River only to die of gill rot, bacterial infections, and very extremely low oxygen due to a 78-plus degree river. If you're familiar with, like, the areas north of Knights Landing to Colusa, I believe the Sac actually got to like to 80 or 82. These fish were boiling to death and floating down the river during the late summer through the mid-fall. This is a harbinger of things to come if the Delta Tunnel Project comes to be.	Please see the response to comment 482-78, regarding the EIR chapters that analyze the resources mentioned in the comment, including Chapter 12, Fish and Aquatic Resources. Please see Common Response 3, Alternatives Development and Description, regarding a discussion of Temporary Urgency Change Petitions (TUCPs).
482-80	This is an insult to these majestic animals and all people that are connected to them. By removing an additional 6,000 CFS through the tunnel, we will basically be wiping out the flows to the American River tributaries in the Sacramento River and integral parts of this ecosystem. Salt intrusion, rising water temperatures, and less outflow will lead to a massively	Please refer to Common Response 3, Alternatives Development and Description, regarding how the project would be operated to shift diversions from the south Delta to the north Delta (during the summer and fall) or divert water in the north Delta during excess flow conditions while meeting regulatory requirements (during the winter and spring). As explained in Chapter 3, Description of the Proposed Project and

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	degraded and decimated California Delta and ultimately the ecosystems and communities that connect it through the Bay and the Pacific. Those who support this project and those who stand or who have stood passively on this project are basically on the wrong side of history. It really is that black and white. Leave the California Delta to be. Leave the river ecosystems to be and the estuary. It is not for us to exploit or profit from. Profit-minded individuals have already caused nature and the people connected to it enough historical and current suffering. Thanks.	Alternatives, the project does not propose to increase the total quantity of water permitted for diversion under existing DWR water rights, but would be able to capture additional excess flows when the south Delta exports are limited and unable to capture such valuable flows. The analyses provided in the EIR Chapters 5 through 32 evaluate the potential impacts of the proposed operations for all alternatives. As described in response to comment 482-78 and in Chapter 12, Fish and Aquatic Resources, and Chapter 13, Terrestrial Biological Resources, all potential operation impacts analyzed would result in impacts that are less than significant or less than significant with mitigation incorporated. Please also see Chapter 2, Project Purpose and Objectives, regarding the purpose of the project. Please also see 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. Please also refer to Chapter 3, Description of the Proposed Project and Alternatives, and Common Response 4, No Project Alternative Description and Analysis, regarding reasonably foreseeable actions that are considered part of the No Project Alternative. 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.
482-81	[Commentor], Davis native and resident. I wanted to comment -- to dovetail on the earlier comment about levees.	The information describes the background of the organization or individual commenter, clarification on the submittal of the comment letter, or general introductory text. 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.
482-82	I've designed several homes in the Delta, and whenever I have to design a home in the Delta, I have to meet a setback to the levee because it's considered a structure by the Building Department, National Flood Insurance Program, and DWR all	Please refer to Chapter 19, Cultural Resources, for the evaluation of potential impacts on eligible historical resources that are part of the built environment and identified archaeological resources resulting from the project, which includes eligible historic levees.

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	consider levees a structure. The levee system in the Delta is over a hundred years old, which means it qualifies for national historical preservation. If the levee system were declared a national historical monument, it would have to be preserved and maintained, and I think we are amiss if we overlook the importance of the levee system as a whole. Thank you.	
482-83	[Commentor]: [Commentor name] with the Delta Protection Commission. Really just up here to say a couple things. Thank you to all of you that attended today and provided your comments, but most importantly to the people over here, the County's coalition and the legislators that gave you this opportunity to provide comments. This should have been done by DWR. Should have been done by DWR. So thank you to the County's coalition, legislative caucus for giving these people their voice back.	The information describes the structure or organization of the comment letter, the background of the organization or individual commenter, clarification on the submittal of the comment letter, or general introductory text. 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. DWR conducted an extensive outreach program to inform interested parties about the preparation and release of the Draft EIR. Please refer to Common Response 2, Public Outreach Activities, and Chapter 35, Public Involvement, for more information about efforts to inform the public about the development of the environmental document and the outreach activities conducted throughout the EIR process to provide public information and encourage public participation and comment.
507-1	Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Department of Water Resources (DWR) Delta Conveyance Project (project). The Delta Stewardship Council (Council) understands the stated purpose of the project is to develop new diversion and conveyance facilities in the Sacramento-San Joaquin Delta (Delta) in order to ensure a reliable water supply south of the Delta. Stated project objectives include, but are not limited to: addressing anticipated rising sea levels and other reasonably foreseeable consequences of climate change and extreme weather events; minimizing potential for health and safety impacts from reduced quantity and quality of water deliveries south of the Delta resulting from a major earthquake;	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.

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	protecting the ability of the State Water Project (SWP) (and potentially the Central Valley Project (CVP)) to deliver water under varying hydrologic and regulatory conditions; and providing operational flexibility to improve aquatic conditions in the Delta and better manage impacts of further regulatory conditions on SWP (and potentially CVP) operations (DEIR, Chapter 2, pp. 2-2 -- 2-3).	
507-2	The [Delta Stewardship] Council is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009, codified in Division 35 of the California Water Code, sections 85000-85350 (Delta Reform Act). The Delta Reform Act charges the Council with furthering California's coequal goals of providing a more reliable water supply and protecting, restoring, and enhancing the Delta ecosystem, to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. (Wat.Code, § 85054.)	This information describes the background of the organization or individual 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.
507-3	Pursuant to the Delta Reform Act, the [Delta Stewardship] Council has adopted the Delta Plan, a management framework for the Delta and Suisun Marsh for achieving the coequal goals. The Delta Reform Act grants the Council specific regulatory and appellate authority over certain actions that take place in whole or in part in the Delta and Suisun Marsh, referred to as "covered actions." (Water Code, sections 85022(a) and 85057.5.) The Council exercises that authority through the Delta Plan's regulatory policies (set forth in Title 23 of the California Code of Regulations, Sections 5002 through 5015). State and local agencies are required to demonstrate consistency with Delta Plan policies when carrying out, approving, or funding a covered action. (Water Code, sections 85057.5 and 85225.) In addition, the Delta Plan contains	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR recognizes that the Delta Conveyance Project will be considered a covered action under Water Code Section 85077.5(a). DWR will continue discussions with the Delta Stewardship Council regarding a potential consistency certification for the Delta Conveyance Project, if approved by DWR, through early consultation. For more information on the Delta Reform Act and the Delta Plan see Appendix 3E, Delta Reform Act Considerations, and Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs.

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	recommendations, which are not part of the covered actions process, but articulate actions that the Council strongly encourages agencies to undertake. Covered Action Determination and Certification of Consistency with the Delta Plan Water Code section 85057.5(a) provides a multi-part test to define what activities would be considered covered actions. Based on the project location and scope described in the DEIR, the project appears to meet the definition of a covered action because it: 1. Will occur in whole or in part within the boundaries of the Delta, as defined under Section 12220 of the Water Code, or Suisun Marsh, as defined under Section 29101 of the Public Resources Code. The proposed project alignments (i.e., central tunnel corridor and eastern tunnel corridor) and facilities (i.e., intakes, tunnel reaches and shafts, forebays, pumping plant, and South Delta conveyance facilities) would be located in the Delta. 2. Will be carried out, approved, or funded by the state or a local public agency. DWR, a State agency, would carry out and approve the project. 3. Will have a significant impact on the achievement of one or both of the coequal goals or the implementation of a government-sponsored flood control program to reduce risks to people, property, and State interests in the Delta. The project would construct and operate new conveyance facilities in the Delta, including a single-tunnel facility designed to	

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	increase reliability of water supply, and would add to existing state water project infrastructure. The project proposes new north Delta facilities to convey up to 7,500 cfs of water from the Sacramento River to the SWP facilities in the south Delta to increase reliability of water supply under varying earthquake, climate change, and regulatory conditions. It would also include mitigation and operational characteristics that would contribute to ecosystem restoration. Therefore, the project would have a significant impact on achievement of both of the coequal goals. 4. Is covered by one or more of the regulatory policies contained in the Delta Plan (Cal. Code Regs., tit. 23, sections 5003-5015). Delta Plan regulatory policies that may apply to the project are discussed below.	
507-4	Comments Regarding Delta Plan Policies and Potential Consistency Certification The following information is offered to assist DWR in preparing the Final EIR (FEIR) and an eventual certification of consistency for the project. While not all documentation for a certification of consistency may be relevant or required for the FEIR, we include additional comments that are not specific to California Environmental Quality Act (CEQA) requirements within this letter. This is because some approaches or documentation (such as detailed hydrologic modeling) would be difficult to conduct again after analysis is completed to support the FEIR, and it may be more efficient to include such information in the FEIR, if not already present. We [the Delta Stewardship Council] also acknowledge that the DEIR baseline and environmental setting was established to	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider the comments and continue discussing these topics with the Delta Stewardship Council through early consultation. Please see response to comment 507-3 regarding information contained in the EIR (i.e., Appendix 3E, Delta Reform Act Considerations, and Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs) regarding consistency with the Delta Plan.

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	correspond to the release of the Notice of Preparation (NOP) in January 2020. We have focused our comments and consideration of potential impacts identified in the DEIR to be aligned with this baseline. The comment letter describes regulatory Delta Plan policies that may apply to the project based on the available information in the DEIR. The information below may also assist DWR in describing the relationship between the proposed project and the Delta Plan in the FEIR.	
507-5	General Policy 1: Detailed Finding to Establish Consistency with the Delta Plan Delta Plan Policy G P1 (Cal. Code Regs., tit. 23, section 5002) specifies what must be addressed in a certification of consistency for a covered action. The following is a subset of Policy G P1 requirements that a project must meet to be considered consistent with the Delta Plan: Coequal Goals Delta Plan Policy G P1, subsection (b)(1) (Cal. Code Regs., tit. 23, section 5002, subd. (b)(1)), requires that covered actions, in order to be consistent with the Delta Plan, must be consistent with G P1 and with each of the applicable Delta Plan regulatory policies implicated by the covered action. In certain situations where full consistency with all relevant regulatory policies may not be feasible, Delta Plan Policy G P1, subsection (b)(1), allows for covered actions, in a certification of consistency, to include a specified determination that despite inconsistency with one or more Delta Plan policies, the covered action is consistent with the Delta Plan because, on the whole, it is consistent with the coequal goals. That determination must include a clear	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider the comments and continue discussing the topics with the Delta Stewardship Council through early consultation. Please refer to Appendix 3E, Delta Reform Act Considerations, for a discussion regarding the relationship of the project with the Delta Reform Act and coequal goals.

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	identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. In the event that DWR believes that consistency with all applicable regulatory policies may not be feasible, DWR should consider analyzing and documenting potential impacts -- positive or negative -- on the coequal goals and provide the specific information required by G P1(b)(1) in the record. The Council acknowledges that this information goes beyond that required by CEQA. However, the certification of consistency will need to be supported by substantial evidence in the record. It may be useful to describe the impacts of the project to the public in the FEIR to establish a record for a future certification of consistency. If the impacts are not analyzed in the FEIR, it may be helpful to include information that would support findings for a future certification of consistency relative to the coequal goals.	
507-6	Mitigation Measures Delta Plan Policy G P1, subsection (b)(2) (Cal. Code Regs., tit. 23, section 5002, subd. (b)(2)) requires that actions not exempt from CEQA and subject to Delta Plan regulations must include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan as amended April 26, 2018, or substitute mitigation measures that are equally or more effective. Mitigation measures adopted and incorporated into the Delta Plan are listed in the Delta Plan's Mitigation Monitoring and Reporting Program (Delta Plan MMRP) and are available at: https://www.deltacouncil.ca.gov/pdf/delta-	DWR will consider the comments and continue discussing the topics with the Delta Stewardship Council during early consultation. DWR has reviewed the Delta Plan Mitigation Monitoring and Reporting Program (MMRP) and believes the mitigation measures and Environmental Commitments described in the Delta Conveyance Project Mitigation Monitoring and Reporting Program (MMRP) meet the CEQA requirements for adequacy. Please also see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding mitigation measures.

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	plan/2018-appendix-o-mitigation-monitoring-and-reporting-program.pdf. As the [Delta Stewardship] Council has previously commented on the July 2021 NOP for this project, DWR should review the Delta Plan MMRP and apply the applicable feasible mitigation measures adopted and incorporated into the Delta Plan, or substitute mitigation measures that are equally or more effective. The Draft EIR identifies a number of significant impacts that require mitigation, and less than significant impacts where incorporation of mitigation would lessen impacts. Council staff reviewed the proposed mitigation measures in the DEIR, as well as the measures outlined in Appendix 3B Environmental Commitments and Best Management Practices, and Appendix 3F Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources. Based on this review, we offer the following comments [comments 7-11].	
507-7	Delta Plan Mitigation Measure 3-2 requires, prior to construction, “a survey... of all wells located adjacent to the construction site to determine locations and depths of wells and the groundwater surface.” DEIR Chapter 3, Description of the Proposed Project and Alternatives, describes the use and construction of launch and reception shafts, which would require dewatering activities, as well as post-construction activities. Additionally, in-water or open trenching construction activities related to the project may also require dewatering activities. If significant impacts to local wells or groundwater surfaces are identified in the FEIR, Delta Plan Mitigation Measure 3-2 would apply to the project and should be included in the FEIR as a mitigation measure. Delta Plan Mitigation Measure 3-2 describes actions to implement, monitor, and	DWR will consider the comments and continue discussing the topics with the Delta Stewardship Council during early consultation. DWR has reviewed the Delta Plan MMRP and believes the mitigation measures and Environmental Commitments described in the Delta Conveyance Project MMRP meet the CEQA requirements for adequacy. Please also see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding mitigation measures. As described in Chapter 3, Description of the Proposed Project and Alternatives, section titled Utility Potholing, the location of public and residential utilities would be confirmed prior to construction. As described in Chapter 21, Public Services, Impact UT-2, utilities would be identified prior to construction (e.g., groundwater wells). As described in Chapter 8, Groundwater, there would be no significant impacts on groundwater. The

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	reduce impacts to any local wells or groundwater surfaces from such project activities.	construction of some facilities would not require groundwater dewatering. For example, tunnel shafts would be “wet” constructed such that the shaft walls would be slurry walls that prevent movement of groundwater. Because the water would be removed from a closed system within the tunnel shaft after the concrete liner and plug have been constructed, the adjacent groundwater formations would not be affected during the dewatering of the shaft. No dewatering would occur along the tunnel during tunnel boring. However, construction of other facilities, such as the intakes, would require dewatering. Impacts on groundwater elevations from dewatering as part of project construction would be reduced through the design features such as the use slurry cutoff walls and/or sheet piles, preconstruction surveys of existing wells, and the installation of piezometers outside the slurry wall and/or sheet pile walls. In addition, Mitigation Measure GW-1 would require the monitoring of groundwater levels and require modifications of construction and dewatering practices as needed.
507-8	Delta Plan Mitigation Measure 7-1 requires the establishment of “buffer areas between projects and adjacent agricultural land that are sufficient to protect and maintain land capability and agricultural operation flexibility.” Although many proposed project features will be located adjacent to agricultural land, we could not locate a description of buffer areas that would protect adjacent agricultural land within the project design, within the environmental commitments and best management practices, or within the proposed mitigation measures. If impacts are identified, the FEIR should include a mitigation measure that requires buffer areas between project features and adjacent agricultural land that are sufficient to protect and maintain land capability and agricultural operation flexibility.	Please see comment response 507-6 regarding Delta Plan mitigation measures. As described in Appendix 15B, Agricultural and Land Stewardship Considerations, DWR and DCA worked to minimize impacts on agricultural resources whenever possible through careful project planning, including shrinking design elements whenever possible to reduce the extent of farmland conversion. Adding buffers around project infrastructure elements (i.e., non-restoration elements of the project) was avoided, as many project design elements are located immediately adjacent to Delta farmland, and adding buffers around all such features would have contributed to further conversion of Delta farmland. Additionally, the remnant farmland acreages may also ultimately function as buffers between project infrastructure footprints and adjacent agricultural lands. While DWR intends for these remnant farmland areas to be maintained in active agricultural operations, the remnant Important Farmland area acreage is conservatively considered to be a permanent impact since there is reasonable uncertainty about whether there would be

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		adequate interest by agricultural operators to ensure remnant farmland areas are productive for continued agricultural use. The remnant farmland acreage would be subject to Mitigation Measure AG-1. Furthermore, Impact AG-3 describes other indirect effects on agricultural land not already analyzed under Impacts AG-1 and AG-2, which focus on direct conversion of farmland associated with project implementation. Impact AG-3 considers the project's effects on salinity, drainage, and agricultural infrastructure, which can affect adjacent agricultural areas outside the immediate project construction footprint. Regarding the project's effects on infrastructure servicing neighboring agricultural properties, during project planning, known infrastructure serving agricultural properties were avoided to the greatest extent possible. Construction of the project may result in situations where avoidance of any disruptions to such infrastructure cannot be achieved. As such, the EIR identifies Mitigation Measure AG-3, which would reduce the impacts on agricultural land in the study area associated with infrastructure disruption to a less-than-significant level. Given the above-described analysis in the EIR and after consideration of Mitigation Measure AG-1 and Mitigation Measure AG-3, no buffers around the project footprint associated with the construction of water conveyance infrastructure were determined to be necessary to protect adjacent farmland. In Appendix 15B, restoration actions undertaken as part of the Compensatory Mitigation Plan (CMP) for the project will consider the relevant questions identified in the "Good Neighbor" Checklist as part of the siting, design, construction, and management. The "Good Neighbor" Checklist was originally developed as a series of questions for restoration project management to guide managers to comprehensively consider the impacts of restoration projects on neighboring properties, namely Delta agricultural properties, that may have been overlooked in the past. The "Good Neighbor" Checklist includes considerations of buffers between restoration areas and adjacent agricultural lands.

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507-9	Delta Plan Mitigation Measure 8-1 requires mitigation for certain visual impacts. In order to better align with Mitigation Measure 8-1, DEIR Mitigation Measures AES-1b and AES-1c should include a requirement for development and approval of a post-construction restoration landscaping plan(s) to reduce the aesthetic impacts within a scenic corridor, identified within the EIR Aesthetic and Visual Resources Chapter. Alternatively, the EIR could include an alternative mitigation measure that is equally or more effective than Delta Plan Mitigation Measure 8-1.	Please see response to comment 507-6 regarding Delta Plan mitigation measures. Chapter 18, Aesthetics and Visual Resources, identifies impacts on the visual character and quality of local county scenic corridors in the table titled Delta Scenic Routes near Project Sites and considers them under Impact AES-1. This impact is mitigated through Mitigation Measures AES-1b and AES-1c, which include the development of the post-project (i.e., postconstruction) landscaping plan, and required by Environmental Commitment EC-4a. The landscaping plan will include selecting color for structures, minimizing structure profiles, developing a landscaping plan, developing aesthetic design features, and developing and using landscaping. Mitigation Measures AES-1a through AES-1c meet CEQA requirements; however, even after implementation, the impact would remain significant for some facilities.
507-10	Delta Plan Mitigation Measure 11-6 requires ecosystem restoration projects to include practices that address seepage of nuisance water onto adjacent lands such as performing seepage monitoring studies, developing a seepage monitoring plan, and implementing seepage control measures. We could not locate within the DEIR a mitigation measure that would addresses seepage of nuisance water onto adjacent lands. The FEIR should include an appropriate mitigation measure, if impacts are identified.	Please see response to comment 507-6 regarding Delta Plan mitigation measures, adequacy of the project's mitigation measures, and continued discussions with the Delta Stewardship Council. Please see Chapter 15, Agricultural Resources, regarding analysis of potentially significant impacts of wetland restoration on adjacent agricultural lands. In response to the comment, a revision was made to Appendix 3F, Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources, in the section titled Performance Standards and Monitoring. This revision clarifies the description of monitoring and mitigation of seepage of nuisance water onto adjacent lands from tidal wetlands constructed to provide compensatory mitigation. Clarification was also added to Chapter 8, Groundwater, to cross reference the revisions made to Appendix 3F. These 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

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507-11	Delta Plan Mitigation Measure 21-3 requires that projects "prepare a drainage or hydrology and hydraulics study that would assess the need and provide a basis for the design for ecosystem habitat restoration, including adjacent areas that would allow for migration of the habitat to higher elevations as the surface water elevations increase." The DEIR includes compensatory mitigation options that consider sea level rise, sea level rise accommodation, elevation and climate change for special-status species. However, we could not identify measures in the DEIR that would require a drainage or hydrology and hydraulics study to inform ecosystem habitat restoration design. Although this may be implied by the inclusion of mitigation options, the FEIR should describe if such studies are warranted for habitat restoration associated with the project, and should include, if applicable, mitigation measures that are equally or more effective than Delta Plan Mitigation Measure 21-3.	DWR was unwilling to commit. Regarding the comment requesting more detail about technical studies (e.g., drainage, hydrology, and hydraulics studies) to inform restoration design, 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. It is anticipated that additional design and management planning, including site-specific technical studies, would be refined through the permitting process and design development prior to project initiation, including construction of the CMP actions. Please see response to comment 507-6 regarding Delta Plan mitigation measures, adequacy of the project's mitigation measures, and continued discussions with the Delta Stewardship Council.
507-12	Best Available Science Delta Plan Policy G P1, subsection (b)(3) (Cal. Code Regs., tit. 23, section 5002, subd. (b)(3)) states that covered actions must document use of best available science as relevant to the purpose and nature of the project. The regulatory definition of "best available science" is provided in Appendix 1A of the Delta Plan (https://www.deltacouncil.ca.gov/pdf/delta-plan/2015-appendix-1a.pdf). Six criteria are included in Appendix 1A: relevance, inclusiveness, objectivity, transparency and openness, timeliness, and peer review. (Cal. Code Regs, tit. 23, section 5001, subd. (f).) This policy requires that the lead agency clearly document and communicate the processes and information used for analyzing project alternatives, impacts,	DWR will consider the comments and continue discussing the topics with the Delta Stewardship Council during early consultation. DWR has included information in the record of the EIR to support a potential consistency certification. Please see the table titled Delta Plan Regulatory Policy Crosswalk Table in Appendix 3E, Delta Reform Act Considerations, for information relevant to policy G P1, subsection (b)(3). Please also see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the use of best available science in the EIR. Finally, please refer to DWR's detailed responses to comments regarding detailed comments in attachment 1 to letter 507 (e.g., responses to comments 507-43 through 507-90).

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	and mitigation measures of proposed projects, in order to foster improved understanding and decision making. The criteria for best available science from Table 1A-1 of the Delta Plan can be summarized as follows: • Relevance requires that scientific information used should be, as available, germane to the Delta ecosystem and/or biological and physical components (and/or processes) affected by the proposed decisions. It also requires that quality and relevance of data and information be addressed. • Inclusiveness requires that scientific information used shall incorporate a thorough review of relevant information and analyses across relevant disciplines. • Objectivity requires that data collection and analyses considered shall meet the standards of the scientific method and be void of nonscientific influences and considerations. • Transparency and openness require that sources and methods for analysis are clearly identified and explained, as are limitations and uncertainties. • Timeliness requires that data collection shall occur in a manner sufficient for adequate analyses before a management decision is needed, and that scientific information used be applicable to current situations. • Peer review establishes independent external review as the highest standard for ensuring the quality of the science and requires that it is applied to proposed projects and final project	

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	plans. Peer review should also be applied to project outcomes and products as appropriate. Council staff reviewed the DEIR relative to these criteria, and our comments related to best available science are provided as Attachment 1 to this letter. The comments in Attachment 1 [See Attachment 1] of this letter are not a comprehensive listing of all possible relevant issues with respect to G P1(b)(3), and the absence of a comment in this letter is not an endorsement that the DEIR demonstrates the use of best available science.	
507-13	Adaptive Management Delta Plan Policy G.P1, subsection (b)(4)(Cal. Code Regs., § 5002, subd. (b)(4)), requires that ecosystem restoration and water management covered actions include adequate provisions, appropriate to the scope of the action, to assure continued implementation of adaptive management. This requirement is satisfied through: a) the development of an adaptive management plan that is consistent with the framework described in Appendix 1B of the Delta Plan (https://deltacouncil.ca.gov/pdf/deltaplan/2013-appendix-b-combined.pdf), and b) documentation of adequate resources to implement the proposed adaptive management plan. Considering the water management components of the project, the project will require an adaptive management plan (or plans) that addresses project construction activities, implementation and mitigation, and ongoing operations to comply with Delta Plan Policy G P1, subsection (b)(4). Because this Delta Plan requirement is not a CEQA requirement. We [the Delta Stewardship Council] acknowledge that much of what may constitute an adaptive management plan in the	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider the comments and continue discussing the topics with the Delta Stewardship Council through early consultation. The Delta Conveyance Project has been developed and analyzed to minimize uncertainty using best available science, including incorporation of adaptive management, as described in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues. Adaptive management and the Delta Plan are discussed in several places. Please see Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, for a discussion of the project's relationship to the Delta Plan. Please see Chapter 3, Description of the Proposed Project and Alternatives, in the section titled Adaptive Management and Monitoring Program, for further description of the project's adaptive management process and for a discussion of the Delta Plan, including use of science-based, transparent, and formal adaptive management strategies. Note that CEQA does not mandate that the monitoring program incorporate adaptive

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	record for the Delta Plan certification is not available for review at this time. For aspects of the adaptive management approach that are described in the DEIR, we offer comments below. The DEIR describes an Operations Adaptive Management and Monitoring Plan (OAMMP), which "would be used to monitor and consider the design and operation of the new north Delta intakes and determine whether they result in unanticipated effects that may warrant refinements in design, management, and/or operation." This OAMMP appears to be the means DWR will use to demonstrate a comprehensive adaptive management approach for future operation of the project. This document should outline potential uncertainties related to project effects, the scientific basis for addressing those uncertainties, the programmatic structure for integrating monitoring results into the management process, and a clear statement of how adaptive management of project operations will be staffed and funded.	management. Please also see Common Response 3, Alternatives Development and Description, for a discussion of the Operations Adaptive Management and Monitoring Plan (OAMMP), which addresses uncertainty related to the north Delta intakes, and a description of the OAMMP development and decision-making process. Please see Common Response 11, Terrestrial Biological Resources and Compensatory Mitigation Plan, for a discussion of the adaptive management included in the CMP, which addresses uncertainty related to habitat restoration. The OAMMP is being developed in coordination with other processes (e.g., Endangered Species Act/California Endangered Species Act compliance, including formal consultation), providing further resource agency collaboration and development of a robust adaptive management approach to address uncertainty out the potential effects of the project on aquatic resources and inform the project's operation. Mitigation measures identified in the EIR, such as implementation of the habitat creation and restoration actions in the CMP, would integrate the concept of adaptive management in mitigation plan design. Stand-alone site and/or resources-specific adaptive management plans would be adopted if the project is approved. These plans will be designed to follow the framework outlined in the Delta Plan.
507-14	In addition to the OAMMP [Operations Adaptive Management and Monitoring Plan], DWR should also consider preparing a plan for how it will adaptively manage construction impacts and mitigation to meet project goals and comply with regulations. For example, DEIR Appendix 3B, section 3B.1.4 describes sediment control measures that will be enacted during construction, but does not describe how these control measures could change if they	The EIR includes numerous construction best management practices (BMPs) designed to lessen, reduce, or avoid the type and/or magnitude of an impact. BMPs are well-established, generally applicable practices or requirements that are incorporated into a project's engineering, design, and construction process. The EIR also includes various monitoring efforts intended to track the impact and modify construction activities to limit impacts.

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	are not having the intended effect. An adaptive management plan would help to ensure that the control measures are effective. The description of the plan to monitor and manage sediment during operation of the proposed project in order to protect habitat for Delta smelt (found in section 3B.1.16) provides an example that could be used as a basis for adaptive management focused on mitigating potential construction impacts.	As discussed in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, although not required by CEQA, DWR will include in the Mitigation Monitoring and Reporting Program (MMRP) all environmental commitments and BMPs presented in the EIR resource chapters and Appendix 3B, Environmental Commitments and Best Management Practices. The purpose of the MMRP is to specify who is implementing the mitigation measures and how they will be carried out to reduce significant impacts. The MMRP requires monitoring to ensure implementation of the measures is having the intended effect to reduce impacts. Please see Chapter 3, Description of the Proposed Project and Alternatives, in the section titled Adaptive Management and Monitoring Program, for a discussion of the project's consistency with the Delta Plan. As appropriate, mitigation measures identified in the EIR, such as implementation of the habitat creation and restoration actions in the CMP, would integrate the concept of adaptive management in mitigation plan design, stand-alone site and/or resources-specific adaptive management plans would be adopted if the project is approved. Note that CEQA does not mandate that the monitoring program incorporate adaptive management.
507-15	Future ecosystem restoration undertaken as mitigation for project impacts should also be guided by an adaptive management plan. In the case that those actions are themselves separate covered actions, the adaptive management plan would be required as part of the certification process for those covered actions. For mitigation activities that are not a separate covered action, adaptive management should be addressed in the certification of consistency for this project.	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider this comment when preparing for future Delta Plan consistency efforts. Please refer to Appendix 3F, Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources. As described in this appendix, restoration used to mitigate for habitat impacts would include an adaptive management plan and would be designed to meet monitored performance standards.

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507-16	Water Resources Policy 1: Reduce Reliance on the Delta through Improved Regional Water Self-Reliance Delta Plan Policy WR P1 (Cal. Code Regs., tit. 23, section 5003) requires proposed actions that export water from, transfer water through, or use water in the Delta to contribute to reduced reliance on the Delta and improve regional self-reliance. The DEIR states that the project will restore and protect water supply reliability by constructing new facilities, including an isolated conveyance facility to be used in conjunction with existing through-Delta conveyance. The Council understands that, as proposed, the project would not alter existing water rights or contractual amounts. However, because the project proposes to export water from and transfer water through the Delta, WR P1 applies to the project. We acknowledge that at this time DWR may not know the details of all water suppliers' involvement, including potential federal involvement, and that WR P1 is not a CEQA requirement. However, information to document contribution to reduced reliance could be included in the FEIR and more clearly describe potential project impacts to a range of areas. DWR should identify in detail all water suppliers (defined as both wholesalers and retailers) that would receive water from the Delta as a result of the project, identify in detail how those suppliers have adequately contributed to reduced reliance on the Delta, and describe how each has improved regional self-reliance as required by WR P1. For purposes of WR P1, the information provided for each	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider the comments and continue discussing the topics with the Delta Stewardship Council through early consultation. For more information regarding the coequal goals, please see Appendix 3E, Delta Reform Act Considerations. Please refer to Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, regarding the Delta Plan and reduced reliance on the Delta. As described in Chapter 4, Framework for the Environmental Analysis, Reclamation or a CVP contractor (or contractors) have not expressed interest in participating in the Delta Conveyance Project as project proponents. Please see Chapter 1, Introduction, section titled Federal Agencies, regarding the federal roles/responsibilities associated with the Delta Conveyance Project..

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	water supplier should include: (1) whether the supplier has adopted a current Urban or Agricultural Water Management Plan reviewed and approved by DWR; (2) identification, evaluation, and commencement of implementation activities identified in an Urban or Agricultural Water Management Plan that would reduce reliance on the Delta; and (3) the expected outcome for measurable reduction in Delta reliance and improvement in regional self-reliance as a percentage or amount of water, drawn from the Urban or Agricultural Water Management Plan. DWR should ensure that the record supporting a future certification of consistency for the project specifically addresses the following items: • List each urban and agricultural water supplier that would receive water as a result of the project. • Include quantifiable data documenting reduced reliance, as described by this policy. • Analyze reduced reliance under different alternatives and export scenarios, in light of the current range in physical project capacity described in the DEIR (6,000 cfs with a potential for up to 7,500 cfs, with potentially lower amounts depending on operational scenarios). The Council notes that DWR prepared and distributed an example methodology describing how water suppliers could quantify reduced reliance on the Delta as Appendix C to its 2020 Urban Water Management Plan Guidebook (https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Urban-Water-Management-Plans/Final-2020-	

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	UWMP-Guidebook/UWMP-Guidebook-2020---Final-032921.pdf) and as Section A1.Cof its 2020 Agricultural Management Plan Guidebook (https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Water-Use-And-Efficiency/Agricultural-Water-Use-Efficiency/Files/Draft-2020-AWMP-Guidebook.pdf). These example methodologies identify how documenting reduced reliance on the Delta and improved regional self-reliance at the water supplier level is both practical and possible. DWR and water suppliers should use these or similar methodologies extensively for this project. It is also not clear how the Central Valley Project (CVP) may or may not be involved in the project. The FEIR should clarify involvement of the federal government and CVP and describe which CVP water suppliers would receive water as a result of the project and include the information as described above. If the project will provide water to a CVP water supplier, the requirements of WR P1 will apply to these suppliers as well.	
507-17	Water Resources Policy 2: Transparency in Water Contracting As described in the DEIR, State Water Project (SWP) contract amendments are part of the project. DWR states that the DEIR "also analyzes related amendments to the long-term water supply contracts that may be needed", and that "[t]he contract amendments, as they would directly relate to contract terms and conditions applicable to cost allocation for the Delta Conveyance Project, do not have different impacts from those analyzed for the Delta Conveyance Project" (DEIR, Chapter 3, Description of the Proposed Project and Alternatives, p. 3-1 and p. 3-165). The DEIR describes that DWR and local agencies that contract to receive water (referred to as Public Water Agencies or PWAs) have developed an Agreement in Principle	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider the comments and continue discussing the topics with the Delta Stewardship Council through early consultation. As described in Chapter 3, Description of the Proposed Project and Alternatives, section Contract Amendments, actual water supply contract amendment language would be developed consistent with the Agreement In Principle but only approved if DWR approves the Delta Conveyance Project after completion of the CEQA process. It is required that DWR follow Guidelines for Review of Proposed Permanent Transfers of State Water Project (SWP) Annual Table A Amount (notice 03-09) and Principles Regarding Public Participation Process in SWP Contract Negotiations (notice 03-10) as required by the Settlement Agreement, dated May 5, 2003, referenced in Appendix 2A of the Delta Plan. With

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	(AIP). This AIP covers conceptual approaches to cost allocations and related financial and water management regarding the project (DEIR, Chapter 3, p. 3-164). Delta Plan Policy WR P2 (Cal. Code Regs., tit. 23, section 5004) requires that the contracting process for water from the SWP and/or the CVP be conducted in a publicly transparent manner consistent with applicable DWR and Bureau of Reclamation (Reclamation) policies. For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1) of Chapter 3 of the Delta Plan, this policy covers the following: (1) With regard to water from the State Water Project, a proposed action to enter into or amend a water supply or water transfer contract subject to California Department of Water Resources Guidelines 03-09 and/or 03-10 (each dated July 3, 2003); and (2) With regard to water from the Central Valley Project, a proposed action to enter into or amend a water supply or water transfer contract subject to section 226 of P.L. 97-293, as amended or section 3405(a)(2)(B) of the Central Valley Project Improvement Act, Title XXXIV of Public Law 102-575, as amended, and Rules and Regulations promulgated by the Secretary of the Interior to implement these laws. The Bethany Reservoir alternative was not identified as a project alternative when the existing AIP was developed, and the potential involvement of CVP contractors remains unclear. Either of these conditions may require new terms within the AIP, which would be subject to WR P2 requirements and might require new public negotiation meetings and public	regard to the contracting process for the Central Valley Project (CVP) and the policies outlined in Public Law 97-293 & Public Law 102-575, no CVP contract amendments are part of the Delta Conveyance Project.

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	notifications in accordance with DWR guidelines 03-09 and 03-10 and Reclamation guidelines identified in Public Law 97-293 Title II, Reclamation Act of 1982, Section 226, Public Participation. For existing and any new contract agreements identified as part of the project, DWR should provide thorough documentation of the advance noticing of public meetings, the opportunity for public observation of the negotiations, and describe how the negotiations were conducted in a public environment, to support the record for a future certification of consistency, as described above in the applicability of this policy and guidelines. This information may be provided in the FEIR or via another means within the certification record.	
507-18	Lastly, although not a regulatory requirement, the [Delta Stewardship] Council encourages DWR to add a provision to its water contracts regarding reduced reliance on the Delta as stated in Delta Plan recommendation (WR R2): "[DWR] should include a provision in all [SWP] contracts, contract amendments, contract renewals, and water transfer agreements that requires the implementation of all State water efficiency and water management laws, goals, and regulations, including compliance with Water Code section 85021."	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider the comments and continue discussing the topics with the Delta Stewardship Council through early consultation.
507-19	Ecosystem Restoration Policy 1: Delta Flow Objectives Delta Plan Policy ER P1 (Cal. Code Regs., tit. 23, section 5005) requires the State Water Resources Control Board's (Water Board) Bay-Delta Water Quality Control Plan flow objectives be used to determine consistency with the Delta Plan for a project that could significantly affect flow in the Delta. This policy applies to the project because the project proposes new	Diversions from the Sacramento River would be governed by a comprehensive set of operational criteria and requirements as described in Chapter 3, Description of the Proposed Project and Alternatives, including flow objectives in the State Water Board's Bay-Delta Water Quality Control Plan (WQCP), as implemented through State Water Board Water Rights Decision 1641. The modeling results in Appendix 5C, Simulated Monthly Flows, show substantial differences in river flows under the No Project Alternative in some months and water year types because the No Project

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	intakes at two locations along the Sacramento River, with an alternative for a third intake, which have the potential to significantly affect flow. Even under the No Project Alternative, flows are projected to change significantly at certain locations, especially in wet and dry water year types and under certain operational conditions (for example, as described in Appendix 5C, Table 5C-2, p. 5C- 3). As noted in the DEIR, annual average surface water flows in the Delta could change relatively little, depending on the selected alternative (e.g., DEIR, Chapter 5, p. 5-3, Table 5.0). However, larger relative changes would occur within seasons. The DEIR analyzes how the project may impact or alter Delta flows that are subject to the Bay-Delta Water Quality Control Plan flow objectives. This includes analysis under a range of projected climate impacts and compliance with current flow objectives, described by Water Board Decision 1641 (D-1641). In the DEIR, DWR states that the CalSim3 model was used to assess simulated monthly flows and that no changes were assumed for operational rules (DEIR, Appendix 5C, p. 5C-1). The DEIR also includes statements that although project alternatives could potentially result in higher electrical conductivity at some locations, the project alternatives “would not cause more frequent exceedance of the Bay-Delta WQCP [Water Quality Control Plan] water quality objectives for protection of agricultural, and fish and wildlife beneficial uses” (DEIR, Chapter 9, Water Quality, p. 9-3). While flow objectives are currently described by D-1641, the Water Board is undertaking updates to the Bay-Delta Water Quality Control Plan. In addition, the ongoing voluntary agreements process could influence flow objectives on a timeline similar to the FEIR. The DEIR includes sensitivity analyses that analyze	Alternative simulation is at 2040, when climate change will have significantly affected the Sacramento River basin hydrology. As noted in the comment, the project would have little effect on Sacramento River flows on a long-term average basis. The project also would have little effect on Sacramento River flows on a monthly average basis, as shown in probability of exceedance plots in Appendix 5A, Modeling Technical Appendix, Section B, Hydrology and Systems Operations Modeling. Furthermore, as noted in the comment and demonstrated in Chapter 9, Water Quality, Impact WQ-5, the project would not cause more frequent exceedance of Bay-Delta WQCP electrical conductivity objectives. Please see Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, regarding how ongoing updates to the Bay-Delta WQCP and associated voluntary agreements are addressed in the EIR. For more information on the Delta Reform Act and the Delta Plan see Appendix 3E, Delta Reform Act Considerations, and Common Response 8. Regardless of whether the Delta Conveyance Project is approved or not, DWR will continue to operate the SWP in compliance with existing and future Bay-Delta WQCP standards and requirements.

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	potential compliance with regulations under theoretical flow requirements. This includes some, but not all, provisions from the Voluntary Agreement March 2022 Memorandum of Understanding (DEIR, Appendix 4C, p. 4C-1). These sensitivity analyses are useful. However, if specific changes are made to relevant flow objectives, the future certification should document the project's ability to meet the specific requirements of the Bay-Delta Water Quality Control Plan, as it exists at that time.	
507-20	Separate from the FEIR, the [Delta Stewardship] Council advises DWR to submit a petition for and obtain a Change in Point of Diversion from the Water Board prior to submitting a certification of consistency to the Council. Such documentation would provide clear documentation describing how DWR would comply with applicable standards.	DWR takes under advisement the commenter's suggestion regarding the timing of submittal of the petition to change the point of diversion to the State Water Board and the timing of the certification of consistency to the Delta Stewardship Council. The timing of various activities after the certification of the EIR depends upon numerous variables. The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR.
507-21	Ecosystem Restoration Policy 2: Restore Habitats at Appropriate Elevations Delta Plan Policy ER P2 (Cal. Code Regs., tit. 23, § 5006) requires habitat restoration to be consistent with Appendix 3 (https://deltacouncil.ca.gov/pdf/delta-plan/2013-appendix-b-combined.pdf), which describes the many ecosystem benefits related to restoring floodplains. The elevation map included as Figure 4-1 in Appendix 4 (https://deltacouncil.ca.gov/pdf/delta-plan/2013-appendix-b-combined.pdf) of the Delta Plan should be used as a guide for determining appropriate habitat restoration actions based on an area's elevation. The DEIR describes potential future restoration sites and	Regarding the comment requesting more detail about mitigation site locations, design approach, and mitigation bank credits, the Draft EIR provides sufficient detail for CEQA purposes. Additional details will become available as the proposed project progresses through future regulatory processes. Please see Appendix 3F, Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources, in the Tidal Habitat Mitigation Framework section, regarding consideration of land elevation in the location and design of appropriate wetland habitats. Please see Common Response 11, Terrestrial Biological Resources and Compensatory Mitigation Plan, regarding the necessary level of specificity and anticipated design and management planning. Also discussed in Common Response 11 is the location of tidal habitat mitigation, which is generally planned to occur in the North Delta Arc and which is in the elevation categories identified in figure 4-1 of Delta Plan Policy ER-P2.

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	impacts with climate change in Chapter 3 and Chapter 30. Several maps in DEIR Appendix 3F identify specific alternative restoration site locations and conceptual cross sections and overviews of mitigation sites that include potential habitat types (DEIR, Chapter 3, Appendix 3F, pp. 3F-3, 3F-23, 3F-27, 3F-37, and 3F-48). These locations overlap with elevation categories identified in ER P2, including elevations appropriate for intertidal restoration. It is our understanding that the maps illustrate an approach to siting and designing habitat mitigation. The DEIR states that, "[t]he final compensatory habitat mitigation needs for the project will be determined once all regulatory permits and approvals are secured" (Appendix 3F, p. 3F-1) and "[t]he initial sites described herein are proposed to address the compensatory mitigation needs for many terrestrial and aquatic resources (Figure 3F-1). However, not all compensatory mitigation needs would likely be met through these sites" (p. 3F-2). The FEIR should provide additional detail, if available and aligned with permit schedules, describing specific mitigation locations, describe how sites owned by others may be used for mitigation (for example, Bouldin Island, where an ongoing Delta Islands Adaptation project is in process), design approaches, and use of mitigation credits from approved habitat mitigation banks. This additional detail should also identify the elevation band(s) for each proposed habitat restoration or mitigation site in relation to current or long-term average water levels and best available science for projected sea level rise and inflows, and document how each proposed site aligns with ER P2 or is otherwise an appropriate habitat restoration action.	Regarding the comment questioning the suitability of property owned by others (i.e., Bouldin Island) for compensatory mitigation, there are no legal prohibitions to using the initial mitigation sites, including portions of the Delta Islands Adaptations project identified in the CMP, for Delta Conveyance Project compensatory mitigation. Please see Common Response 11 for a discussion of potential land encumbrances.
507-22	Ecosystem Restoration Policy 3: Protect Opportunities to	This comment does not raise a significant environmental issue relating to

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	Restore Habitat Delta Plan Policy ER P3 (Cal. Code Regs., tit. 23, § 5007) states that within priority habitat restoration areas (PHRAs) depicted in Appendix 5 of the Delta Plan (https://deltacouncil.ca.gov/pdf/delta-plan/2013-appendix-b-combined.pdf), significant adverse impacts to the opportunity to restore habitat at appropriate locations must be avoided or mitigated. All three proposed alignments -- the Bethany, Central, and Eastern alignments -- traverse one or more PHRA(s) and include permanent features such as a water conveyance tunnel, New Hope Tract Maintenance Shaft, and improvement of existing roadways. Specifically, the proposed project (Alternative 5, Bethany Alignment) traverses the center of the Cosumnes-Mokelumne Confluence PHRA with the underground tunnel extending laterally about four miles. Other project features include the New Hope Tract Maintenance Shaft which is primarily underground but contains an approximately 11-acre surface pad, near the center of the PHRA. An existing road, approximately 0.3 miles in length, is located on the western edge of the PHRA and will be improved under the project. A portion of another roadway identified as part of Alternative 5 extends into the western edge of the Lower San Joaquin River Floodplain PHRA by about 2.3 miles. Alternatives 1, 2a, 2b, and 2c for the Central Alignment include the tunnel portion that extends laterally approximately 2.3 miles underground through the center of the Cosumnes-Mokelumne Confluence PHRA. An approximately 11-acre pad at the surface would accommodate the New Hope Tract Maintenance Shaft in the center of the PHRA. These	the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. As noted in the comment, the primary permanent surface footprint identified within the priority habitat restoration areas (PHRAs) for any of the alternatives would be the New Hope Maintenance Shaft. This facility would be approximately 11 acres and sited on existing agricultural land. Additional activities within the PHRAs are identified in the table titled <i>Delta Plan</i> Regulatory Policy Crosswalk Table in Appendix 3E, Delta Reform Act Considerations, and include tunnel, power, road improvements, geotechnical investigations, and associated temporary work areas, which may vary slightly in footprint depending on the alternative. Of the activities within PHRAs, the tunnel (based on its subsurface depth), geotechnical investigations, and temporary work areas would not result in permanent impacts on the opportunity to restore habitat within the Consumnes-Mokelumne Confluence PHRA or San Joaquin River Floodplain PHRA. Conservatively considering the permanent Delta Conveyance Project footprint, the 11-acre permanent footprint of the New Hope Tract maintenance shaft along with the footprint of the supporting activities within the 7,401-acre Consumnes-Mokelumne Confluence PHRA would be minimal and would not significantly impact the opportunity to restore habitat in that PHRA. The permanent footprint of the portion of the access road improvements for Alternative 5 located within the 61,831-acre San Joaquin River Floodplain PHRA would also be minimal and would not significantly impact the opportunity to restore habitat in that PHRA. Additionally, the tidal mitigation framework within the CMP identifies the lower Yolo Bypass, and the Cache Slough Complex (Yolo Bypass PHRA and Cache Slough PHRA) as areas targeted for tidal restoration. As identified in the CMP, restoration as a result of the Delta Conveyance Project would be in or near several PHRAs and, regardless of the alternative, the total acreage of required restoration of habitat would substantially exceed the acreage of the area within PHRAs that would be affected by the project alternatives. The potential for impacts on special-status species and sensitive natural communities have been analyzed in Chapter 13,

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	alternatives would also include the widening of approximately 0.8 miles of West Lauffer Road for better access to the New Hope Tract Maintenance Shaft in the center of the PHRA. The Eastern Alignment that covers Alternatives 3, 4a, 4b, and 4c include the tunnel portion that extends about four miles into the central portion of the Cosumnes- Mokelumne Confluence PHRA. Similar to Alternative 5, the New Hope Tract Maintenance Shaft would include an approximately 11-acre pad on the surface and with proposed roadway improvements leading to the shaft extending approximately 0.3 miles into the PHRA. The DEIR does not appear to analyze whether the potential for construction and operation of the proposed facilities would result in significant adverse impacts on the opportunity to restore habitat in PHRAs, nor does it identify mitigation measures to avoid or mitigate such potential impacts, that we could identify. While this analysis and mitigation, if applicable, is not required under established CEQA thresholds of significance, this information is required under ER P3.	Terrestrial Biological Resources. With mitigation, impacts from all alternatives on terrestrial biological resources are less than significant. In Appendix 3E, Delta Reform Act Considerations, the table titled Delta Plan Regulatory Policy Crosswalk provides the location of information in the Draft EIR and Engineering Project Reports that is potentially to relevant Delta Plan policies. Ecosystem Restoration Policy 3 is included in the table, which provides citations to appendices, mapbooks, Engineering Project Reports, and technical memoranda about the location of facilities relevant to the policy. As described in the appendix, if the proposed project—or any of the project alternatives—is approved, a certification of consistency would be submitted for the approved project. Please see Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, for a discussion of the Delta Plan consistency process.
507-23	Ecosystem Restoration Policy 4: Expand Floodplains and Riparian Habitats in Levee Projects Delta Plan Policy ER P4 (Cal. Code Regs., tit. 23, § 5008) requires levee projects to evaluate and, where feasible, incorporate alternatives to increase floodplains and riparian habitats. This policy applies to the project because modifications of Delta levees will be required to construct the intakes described in the DEIR, potentially to modify levees on Bouldin Island associated with potential tunnel launch shafts, and at other locations in the Delta to support ancillary facilities.	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR has reviewed all comments and will consider all comments in its decision-making process. DWR will consider this comment when preparing for future Delta Plan consistency efforts. As described in Chapter 2, Purpose and Project Objectives, the fundamental purpose of the Delta Conveyance Project is to restore and protect the reliability of SWP deliveries. The proposed project is not a flood control project but has been designed to ensure that intake structures on the Sacramento River and modifying flood control levees would not reduce

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	The policy requires the evaluation of setback levees in several areas of the Delta, which include the Sacramento River between Freeport and Walnut Grove, Steamboat Slough, and Sutter Slough. This evaluation is not required under CEQA thresholds of significance. However, to support a future certification of consistency for the project with ER P4, DWR will need to conduct such an evaluation. The DEIR contains programmatic descriptions of levee designs or considerations for a portion of the Lower Sacramento River. In the FEIR, it would be helpful to clarify specific considerations and project details, to the degree known at the time, that may take place at Roberts Island, the Twin Cities complex, or Bouldin Island (as described in DEIR Chapter 3, p. 3-13). Appendix 3F.4.3.1 includes a programmatic description of the challenges inherent to creating channel margin habitat along the Lower Sacramento River mainstem from Freeport to Rio Vista (pp. 3F-56 through 3F-57). However, this section does not identify, for the specific levee projects along this stretch, how these challenges would preclude such enhancements. The level of relevant levee engineering and schematics provided in reports from the Delta Conveyance Design and Construction Authority are helpful (for example, Central and Eastern Corridor Options, 069 CE, PDF p. 3) but also do not describe consideration of levee alternatives. A future certification of consistency for ER P4 must be supported by substantial evidence in the record: a) describing the evaluation of potential to incorporate setback levees at locations within the areas identified in ER P4 where Delta levees would be modified to accommodate project or ancillary features; b) identifying alternatives that would expand	the protection afforded by the existing flood control system. As described in the Alternative 1—Central Alignment, 6,000 cfs, Intakes B and C section of Chapter 3, Description of the Proposed Project and Alternatives, the Bouldin Island site currently does not comply with the Public Law 84-99 Delta-specific levee design standard, and it is targeted for repairs that would primarily involve levee widening and crown raises to provide 1.5 feet of freeboard above the 100-year flood elevation, minimum 16-foot crest width, exterior slopes of 2H:1V, and interior slopes ranging between 3H:1V and 5H:1V, depending on levee height and peat thickness. The proposed levee improvements on Bouldin Island under Alternatives 1, 2a, 2b, and 2c; Lower Roberts Island under Alternatives 3, 4a, 4b, 4c, and 5; and Twin Cities Complex under all alternatives were included to protect workers during construction of the tunnel launch shaft sites. As described in Chapter 7, Flood Protection, section Areas Subject to Flooding, federal, state, and local regulatory requirements represent the minimum level of compliance needed. As described in Appendix 3E, Delta Reform Act Considerations, if the project—or any of the project alternatives—is approved, a certification of consistency would be submitted for the approved project. Please see Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, for a discussion of the Delta Plan consistency process.

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	floodplains and riparian habitats; and c) describing the feasibility of such alternatives. If the selected alternative includes levee projects in areas identified in ER P4, additional detail should be added to the FEIR or as part of a future certification of consistency.	
507-24	Ecosystem Restoration Policy 5: Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species Delta Plan Policy ER P5 (Cal. Code Regs., tit. 23, § 5009) requires that the potential for new introductions of, or improved habitat conditions for, nonnative invasive species, striped bass, or bass must be fully considered and avoided or mitigated in a manner that appropriately protects the ecosystem. The DEIR references invasive species and their habitat throughout the document, including in Chapter 13, Appendix 3B: Environmental Commitments and Best Practices (p. 3B-27), and Appendix 3F: Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources (e.g., p. 3F-72). More specific standards relevant to mitigation are highlighted in Appendix 3F, section 3F-1. Section 13.3.1.5, Evaluation of Compensatory Mitigation, provides a useful overview of relevant mitigation and focuses on the identified mitigation sites of Bouldin Island and the "I-5 ponds." The FEIR should provide additional detail if available, especially if additional mitigation sites are identified, including analysis of how the project will avoid or mitigate introductions or improved habitat conditions for nonnative invasive species, striped bass, or bass. Proposed mitigation and minimization	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider this comment when preparing for future Delta Plan consistency efforts. As described in Appendix 3F, Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources, a monitoring and adaptive management plan will be prepared to guide post-construction monitoring and management during a 3- to 5-year establishment period. Example metrics include percent cover of invasive nonnative species. In addition, Environmental Commitment EC-14 requires that all equipment used for construction and habitat creation, enhancement, and management be cleaned prior to entering work areas and before moving between work areas. It also requires that equipment used in aquatic habitats be thoroughly cleaned and inspected for aquatic invasive plant propagules and animal species before entering aquatic habitats. Environmental Commitment EC-14 has also been revised to include a commitment to develop an invasive plant species management and control plan prior to construction. The plan will ensure that invasive plant species and populations are kept below preconstruction abundance and distribution levels and will be developed in consultation with CDFW and local experts, (e.g., California Invasive Plant Council). This revision has not resulted in a new significant environmental impact or substantial increase in the severity of an environmental impact or require additional mitigation measures to which DWR was unwilling to commit.

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	measures should be consistent with, and equally or more effective than, those identified in the Delta Plan MMRP (https://www.deltacouncil.ca.gov/pdf/delta-plan/2018-appendix-o-mitigationmonitoring-and-reporting-program.pdf), including Delta Plan Mitigation Measure 4- 1, which requires development and implementation of an invasive species management plan for any project whose construction or operation could lead to introduction or facilitation of invasive species establishment, and describes the required content of the management plan.	Please see Impact BIO-53 in Chapter 13, Terrestrial Biological Resources, for the impact analysis regarding the impact of invasive species on established vegetation resulting from construction and operations. This analysis concludes that the proposed project and alternatives would result in less-than-significant impacts and that implementation of the CMP would have less-than-significant impacts. In addition, the CMP includes mapping and control of invasive species, as do the site-specific maintenance and management plans and monitoring and adaptive management plan. Chapter 12, Fish and Aquatic Resources, offers mitigation measures to minimize effects of barge operations, including controlling spread of invasive species. Please see Impact AQUA-1 for a discussion of the impacts of increased predation caused by project construction on fish and aquatic resources. The impacts of the potential for increased predation as a result of project operations are discussed throughout the chapter. For example, please see Impact AQUA-6 for a discussion of the impacts of predation on delta smelt. Overall, potential impacts on aquatic resources are considered less than significant or less than significant with mitigation. Please see response to comment 507-13 regarding the requirements of CEQA, consistency with the Delta Plan, and the Operations Adaptive Management and Monitoring Plan (OAMMP).
507-25	Delta as Place Policy 1: Locate New Urban Development Wisely: Delta Plan Policy DP P1 (Cal. Code Regs., tit. 23, § 5010) requires that new residential, commercial, and industrial development be restricted to areas described in Delta Plan Appendices 6 and 7. The project does not propose residential, commercial or industrial development as part of the identified alternatives.	This comment does not raise a significant environmental issue relating to the project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider this comment when preparing for future Delta Plan consistency efforts. The Delta Conveyance Project does not include any new urban development.

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507-26	Delta as Place Policy 2: Respect Local Land Use when Siting Water or Flood Facilities or Restoring Habitats: Delta Plan Policy DP P2 (Cal. Code Regs., tit. 23, § 5011) requires water management facilities, ecosystem restoration projects, and flood management infrastructure to be sited to avoid or reduce conflicts with existing uses or those uses described or depicted in city and county general plans for their jurisdictions or spheres of influence when feasible, considering comments from local agencies and the Delta Protection Commission. DP P2 may also apply to mitigation within the Delta. DP P2 is independent of other state law related to local land use authority and the requirements of CEQA. DP P2 requirements extend beyond CEQA requirements and thresholds of significance. While DWR is not required to analyze or provide mitigation measures for impacts beyond those required by CEQA in the DEIR, the certification of consistency for DP P2 will need be supported by substantial evidence in the record. We recommend that where possible, the FEIR include documentation describing how conflicts with uses under DP P2 will be avoided or reduced, when feasible, considering comments from local agencies and the Delta Protection Commission. Such information may be helpful in the record to support a future certification of consistency.	This comment does not raise a significant environmental issue relating to the project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider this comment when preparing for future Delta Plan consistency efforts. The Delta Conveyance Project Final EIR includes detailed analyses of impacts from the proposed project and alternatives that are relevant to the Delta as Place. To the extent that the Delta Conveyance Project would cause potentially significant impacts on the physical environment, such environmental impacts are disclosed and analyzed in the EIR and, where feasible, mitigation measures have been proposed. The practical effect of many of the mitigation measures and environmental commitments is to protect Delta values (including local land use). Effects and mitigation related to Delta values are discussed in Chapter 14, Land Use; Chapter 15, Agricultural Resources; Chapter 16, Recreation; Chapter 17, Socioeconomics; Chapter 18, Aesthetics and Visual Resources; and Chapter 19, Cultural Resources. Please refer to Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, for information related to the Delta Plan. For more information regarding Delta Plan policies please see Appendix 3E, Delta Reform Act Considerations.
507-27	DP P2 [Delta Plan Policy]- Community Benefits Program The DEIR includes a description of a Community Benefits Program. As described in the DEIR, “The Community Benefits Program is a set of commitments made by project proponents and created in coordination with the local community to address local effects that may occur as a result of the Delta	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider this comment when preparing for future Delta Plan consistency efforts. As described in Appendix 3G, Community Benefits Program Framework, no decisions will be made regarding community benefits funding or specific

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	Conveyance Project. These commitments are intended to go beyond traditional concepts of “environmental mitigation” to foster goodwill and address the adverse effects local communities may encounter during long construction periods” (DEIR, Chapter 34, p. 34-1). A framework for the program is also described in Appendix 3G (DEIR, Chapter 3, Appendix 3G). While the proposed Community Benefits Program would not be used to mitigate environmental impacts identified pursuant to CEQA, the program may provide a means to offset some potential conflicts with uses under DP P2 that extend beyond CEQA requirements as part of a future certification of consistency with DP P2. We recommend that in the FEIR Appendix 3G the description of the Delta Community Fund (current described in Community Benefits Program Framework, section 3G.5.1) be supplemented to describe the anticipated funding mechanism(s) and funding amount(s).	actions until the completion of CEQA review and DWR approval of the proposed Delta Conveyance Project. Appendix 3G specifically lists identification of funding limits and potential actions to be financed, developed with community input, as a next step, if DWR approves the proposed project after the completion of CEQA review. Please also refer to Common Response 7, Implementation Considerations, regarding project costs and funding.
507-28	DP P2 [Delta Plan Policy] - Cyanobacteria Harmful Algal Blooms Cyanobacteria Harmful Algal Blooms (CHABs) are known to interfere with existing uses such as agriculture, fishing and recreation, which may constitute a conflict with existing uses for DP P2 purposes. To the extent that new CHABs were to form as a result of the project and create such interference, this could be considered a conflict with existing uses under DP P2. DWR conducted an analysis of CHABs during the peak season. While the DEIR states that "CHABs can form as early as May or June," (Appendix 9E.2.1.8), documented blooms occurred in April in 2021 (e.g. a record of Delta CHAB events is available online from the [Delta Stewardship] Council, https://viewperformance.deltacouncil.ca.gov/index.php/pm/harmful-algal-blooms. Data from California State Water Board Surface Water – Freshwater Harmful Algal Blooms Open Data Portal, CSV file Algae Bloom Report ID 2671). The DEIR	June through November is the focus of the CHABs analysis in Chapter 9, Water Quality, Impact WQ-14 because these are the months that encompass when problem-level blooms typically occur, as discussed in Chapter 9, Impact WQ-14, and Appendix 9E, Cyanobacteria Harmful Algal Blooms. The technical memorandum referenced in the comment (ESA 2022) used visual Microcystis observation data from three monitoring programs collected between 2007 and 2019. This is the largest and most comprehensive Microcystis dataset available for the Delta. Based on synthesis of this data in different regions of the Delta, Microcystis are most frequently in the water column from June through November and problem-level blooms are most likely to occur from July through September. Hence, the data synthesis in the technical memorandum supports the June through November assessment period. The EIR uses site-specific residence time as modeled directly using DSM2 in combination with modeled temperature, modeled velocity, an assessment of nutrients, and irradiance to assess the impacts of the project alternatives on CHABs during the June

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	references a technical memo on CHABs and microcystis. However, due to the observed occurrence of blooms outside the peak season, we recommend that DWR conduct sensitivity analysis which includes earlier months of the year to support the future certification of consistency. In addition, we recommend that DWR include this technical memo or other relevant supporting documents as part of a record for a future certification of consistency.	through November period. Based on these assessments, the project alternatives would not result in increased bloom severity or extent in any of these months at any Delta location, relative to existing conditions. The technical memorandum referenced in the comment (ESA 2022) is part of the administrative record for the EIR. Please see Common Response 8, Relationship to Plans, Projects, Policies, and Programs, regarding the relationship between the EIR and the process for certifying the project is consistent with the Delta Plan.
507-29	DP P [Delta Plan Policy]2 - Recreation. Fishing, boating, swimming, hiking and other recreational uses people currently participate in are considered existing uses for purposes of DP P2. The DEIR's CEQA analysis of recreation impacts (Chapter 16) does not consider local use conflicts as contemplated in DP P2, only that the project would affect the region's ability to support the existing recreational visitors. This is responsive to the CEQA threshold, but DP P2 contemplates existing uses beyond CEQA thresholds of significance. The DEIR analysis does not address the potential loss of existing recreational opportunities due to the project's implementation. DP P2 focuses on conflicts with existing uses, including the potential for the project to impair recreational opportunities within the project site, and for purposes of DP P2, conflicts with these opportunities requiring analysis beyond that required by CEQA.	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider this comment when preparing for future Delta Plan consistency efforts. Please refer to Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, on the relationship between the Delta Conveyance Project and the Delta Plan. Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding CEQA requirements for thresholds of significance. Chapter 16, Recreation, section titled Environmental Setting identifies recreation trends using multiple sources of abundant existing information on Delta Recreation, including those that may be part of potential future plans. Recreation trends are part of the baseline for the impact assessment (particularly Impact REC-1). Further analysis of potential changes to recreation opportunities is also provided in Chapter 17, Socioeconomics, particularly in ECON-5.
507-30	DP P [Delta Plan Policy] 2 - Noise and Vibration: Frequent and/or extended exceedance of a noise standard can, for purposes of DP P2, present a use conflict with residential dwellings, such as disturbing everyday activities and sleep, as well as making some current daily business activities difficult to sustain. In Chapter 24 (Noise and Vibration), Mitigation Measure NOI-1: Develop and Implement a Noise Control Plan	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider this comment when preparing for future Delta Plan consistency efforts. The eligibility requirements for the sound insulation program in Mitigation Measure NOI-1 are listed as follows: (1) Residences where construction

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	(DEIR, Chapter 24, p. 24-64 - 24-66), the FEIR should clarify how the specified duration of the Sound Insulation Program would be determined, as well as clarify the eligibility requirements for the program. For the purposes of DP P2, if DWR relies solely on weekly SLM to determine compliance and responds only after reviewing, that may exacerbate conflicts with nearby residences that will deal with the noise daily. Additionally, for the purposes of DP P2, the FEIR should also identify how residents can reach out to DWR if they believe they are affected by excessive sound levels, rather than waiting for DWR to contact them.	would exceed the daytime criterion of 60 dBA 1-hour L_{eq} for more than 12 months, and (2) Residences where night work would exceed the nighttime criterion of 50 dBA 1-hour L_{eq} for more than 21 days. The duration of the sound insulation program is based on receptors meeting one or more of these conditions for construction activities analyzed in Chapter 24, Noise and Vibration (e.g., see the table titled Land Use Affected by Noise during Construction of Intakes B and C in Chapter 24). The eligibility would be based on sound modeling results as described in the EIR, unless in-the-field monitoring during preconstruction studies (e.g., future field investigations, pile test program) indicates a need to update the modeling. As discussed in Mitigation Measure NOI-1, under the heading Pre-construction Actions. The project ombudsman, a single point of contact for members of the public and other interested parties during construction, would be available to address resident concerns related to noise or vibration, in addition to concerns related to other resources in the EIR.
507-31	The DEIR also describes relocation assistance for property owners for the duration of the exceedance event, in addition to other measures, as proposed mitigation for a "Sound Level Monitoring Exceedance event." The FEIR should clarify how relocation would function to avoid or reduce the use conflict for property owners of businesses who may not be able to fully relocate their place of business, or how such use conflicts may otherwise be addressed, when feasible.	As described in Chapter 3, Description of the Proposed Project and Alternatives, in the section titled Ombudsman, the project ombudsman would be available to address concerns and claims related to noise and relocation, in addition to concerns related to other resources in the EIR. The analysis in Chapter 24, Noise and Vibration, acknowledges that some elements of Mitigation Measure NOI-1 rely on voluntary participation of property owners. As described in Mitigation Measure NOI-1, the sound level monitoring item describes circumstances where relocation assistance would be offered by DWR. If requested, relocation would be addressed on a case-by-case basis. In addition, Mitigation Measure NOI-1 describes other methods that would be used to reduce noise levels at affected locations such as sound insulation, best noise control practices, and installation of temporary sound barriers.

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		For additional information about CEQA requirements and mitigation measures, please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the approach to the scope of the environmental impact analyses and the flexibility needed to ensure mitigation measures are responsive to minimize, reduce, or avoid impacts.
507-32	DP P [Delta Plan Policy] 2 - Public Health, Air Quality, and Environmental Justice Chapter 26 (Public Health) addresses project construction, operation, and maintenance impacts related to vector-borne diseases, substantial mobilization of or increases in chemical constituents, and adverse effects on public health due to exposure of sensitive receptors to new sources of electromagnetic fields and drinking water quality. The chapter does not mention air quality impacts from the project that will remain significant and unavoidable with the implementation of the proposed mitigation measures and environmental commitments (see Impact AQ-5: Result in Exposure of Sensitive Receptors to Substantial Localized Criteria Pollutant Emissions and Impact AQ-6: Result in Exposure of Sensitive Receptors to Substantial Toxic Air Contaminant Emissions).	Chapter 26, Public Health, does not address public health effects related to the project's potential effects on air quality because air quality effects on sensitive receptors including associated public health effects, as well as any applicable best management practices, environmental commitments, and proposed mitigation measures, are fully discussed and analyzed in Chapter 23, Air Quality and Greenhouse Gases, including Impact AQ-5 and Impact AQ-6.
507-33	Furthermore, the Environmental Justice Chapter (Chapter 29) notes that "... the air quality effects would occur in areas with meaningfully greater minority and low-income populations and therefore represent a disproportionately adverse effect on environmental justice." (DEIR Chapter 29, p. 29-29). [Delta Plan Policy] DP P2 does not require specific measures to avoid or reduce potential conflicts with existing uses because they may create a disproportionate impact on low-income and minority communities. However, DP P2 does require that projects be sited to avoid or reduce conflicts with existing uses where	The comment does not address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider the comments and continue discussing the topics with the Delta Stewardship Council through early consultation. For more information regarding the Delta Reform Act and the Delta Plan please see Appendix 3E, Delta Reform Act Considerations. Please refer to response to comment 507-26 regarding local land use. Please refer to Chapter 29, Environmental Justice, section titled Methods for Analysis for a description of the methods used to conduct the environmental justice analysis.

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	feasible. Existing uses may include uses for residential, livelihood, recreational and other purposes. Conflicts with these uses may result from project impacts that are adverse to human health, quality of life, and/or general wellbeing. If nearby low-income or minority communities currently bear high environmental burdens (e.g., high levels of air pollutants), or if community members possess other demographic characteristics that heighten their baseline level of social vulnerability to social and environmental stressors (e.g., disability, lack of housing), they may experience adverse impacts that conflict with their current use of land for residency, livelihood, recreation, or other purposes. These impacts may not be detectable by evaluating environmental impacts at the full project scale. The DEIR draws on impact analyses in other resource chapters to determine which significant environmental impacts have the potential for "disproportionately high and adverse" effects on EJ communities (DEIR Chapter 29, p. 29-1). The DEIR states that "Because minority and low-income residents meeting or exceeding the respective environmental justice thresholds are present in high proportions in the study area census block groups, it is assumed that significant impacts that would not be reduced to a less-than-significant level would constitute a disproportionately adverse effect on environmental justice. Conversely, when impacts can be reduced to a less-than-significant level, effects on minority and low-income populations are likely not to exceed those on the general population; therefore, effects on environmental justice would not be considered disproportionately adverse" (DEIR Chapter 29, p. 29-2).	

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	The DEIR states, "[f]or impacts that were determined not significant, no additional evaluation is needed because those impacts would not result in disproportionate effects on minority and low-income populations" (DEIR Chapter 29, p. 29-36), based on the assumption that where there are no significant impacts there would not be a disproportionately high and adverse impact on EJ communities (DEIR Chapter 29, p. 29-31). However, depending on how thresholds of significance are defined, an impact determined to be "less than significant" based on a significance threshold that considers the whole of the project site may still be adverse in a spatially concentrated area, creating conflict with existing residential, livelihood, recreational and other uses in that area. For example, the DEIR identifies that impacts related to hazardous materials are less than significant with mitigation under alternative 5, yet the DEIR also notes that a nearby school will be exposed to hazardous materials (DEIR, pp. ES-104 -- ES-105). If such impacts are borne by one or a few very localized community(ies) (in this case, a school), and if they interfere with existing or designated uses, this may not represent a significant CEQA impact, but it could still constitute a conflict with an existing use for DP P2 purposes.	
507-34	The DEIR analysis of impacts on recreational fishing opportunities and subsistence fishing for very low-income households (DEIR Chapter 29, p. 29-33) presumes access to "numerous other locations" is possible. This analysis does not address the loss of existing fishing opportunities (an existing use), nor does it consider that those in EJ communities may face barriers to access (e.g., transportation, mobility) that prevent them from accessing alternative locations. These potential conflicts with existing uses should also be addressed	Impacts associated with loss of fishing access are identified in Chapter 29, Environmental Justice, specifically under Fish and Aquatic Resources, and in Chapter 17, Socioeconomics, specifically under ECON-5. These sections explain that although construction of one or more intakes on the Sacramento River would obstruct access to fishing spots along the east riverbank at intake locations, these shoreline areas are very small compared to the total riverine and nearshore areas found alongside the Sacramento River main channel and total shoreline areas found through the Delta and there is ample access to the river for bank fishing from

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	in the FEIR.	numerous other locations on both sides of the Sacramento River in the study area and throughout the Delta. Further, as stated in Chapter 16, Recreation, 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 adjoining roads; anglers would still have abundant choices for accessing desired locations for shoreline fishing in and around the intake locations without these areas.
507-35	The [Delta Stewardship] Council commends DWR for including analyses going beyond the requirements of CEQA, and for acknowledging project impacts that may disproportionately impact the many low-income and minority communities who comprise much of the project area. However, this approach may not identify localized and community-specific impacts in sufficient detail to demonstrate that conflicts with existing uses have been identified and that the project has been sited to avoid or reduce those conflicts where feasible.	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR will consider this comment when preparing for future Delta Plan consistency efforts. An environmental justice analysis is not a requirement of CEQA; therefore, the EIR uses NEPA methodology to consider impacts of the proposed project and its alternatives on environmental justice (minority and low-income) communities, which addresses State directives on environmental justice. Per this methodology, disproportionately high and adverse effects on environmental justice would occur relative to significant impacts of the proposed project and its alternatives identified for other resources (e.g., land use).= Please refer to Chapter 29, Environmental Justice, section titled Methods for Analysis, for a description of the methods used to conduct the environmental justice analysis
507-36	[Delta Plan Policy] DP P2 - Tribal Cultural Resources DWR's review of the California Register of Historical Resources (CRHR) eligibility found the "Delta Cultural Landscape" as eligible for listing, rather than the eligibility of individual resources in the study area that Tribes have identified (habitats, waterways, arch[a]eological sites, mounds, trails, villages, etc.). We understand that this may be because the individual resources are themselves part of the Delta Cultural Landscape. The DEIR notes that "...Tribes may have additional	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider this comment when preparing for future Delta Plan consistency efforts. The section in Chapter 32, Tribal Cultural Resources, 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. DWR is committed to continued consultation and incorporation of Tribal

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	information about resources' significance, location, and description to share with DWR during ongoing consultation..." and that "DWR will consider information provided through consultation about resources of importance to affiliated Tribes and reapply the three-step screening process, as appropriate..." (DEIR Chapter 32, p. 32-21). If, as a result of this process, DWR deems an individual resource as eligible for listing in the CRHR, this may implicate DP P2 related to conflict with existing uses. To demonstrate consistency with DP P2, a future certification of consistency should describe how the project was sited to avoid or reduce conflicts with these existing uses, or that doing so was infeasible, and provide substantial evidence in the record. The DEIR does not report whether Tribes concur with the presentation of impacts to Tribal cultural resources, particularly the decision to recognize and assess impacts to the Tribal Cultural Landscape (TCL). The [Delta Stewardship] Council defers to Tribes on this matter. If consulting Tribes indicate that impacts to both individual resources and the full landscape should be described in the FEIR, the Council strongly encourages DWR to do so.	knowledge through close collaboration and engagement on the implementation of the mitigation measures as described in Chapter 32. 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.
507-37	The DEIR recognizes the immense significance of the Delta to Tribes, stating, "the Delta holds great significance to Tribes and 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" (DEI[R] Chapter 32, p. 32-2). DWR identifies alterations to the Delta TCL resulting from the project as a significant impact, yet mitigation measures are defined in relation to types of character-defining features. This creates a potential mismatch between the scale of impact (landscape) and the	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider this comment when preparing for future Delta Plan consistency efforts. 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. Text has been added to the following chapters in the Final EIR

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	scale of mitigation (character-defining features). The [Delta Stewardship] Council encourages DWR to continue to work with Tribes to achieve a project design that will avoid or reduce conflict with the existing Tribal use of the landscape as a culturally significant and sacred space prior to certifying consistency with the Delta Plan. The DEIR recognizes that mitigation measures associated with other resource chapters may not account for those resources' value as character-defining features of the TCL (DEIR Chapter 32, p. 32-4). As such, mitigation measures proposed in other resource chapters may not avoid or reduce conflicts with existing specific Tribal cultural uses as required by [Delta Plan Policy] DP P2. The Council recommends that DWR affirm in the FEIR which mitigation measures referenced in Chapter 32 that address physical or biological resources elsewhere in the DEIR explicitly account for referenced impacts to Tribal cultural resources or character-defining features of the TCL.	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 resulted in a new significant environmental impact or substantial increase in the severity of an environmental impact or require 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 as described in Chapter 32, DWR has identified a suite of mitigation measures to mitigate impacts on the Delta TCL at various scales. Please see Common Response 16, Tribal Cultural Resources, for further discussion of the adequacy of mitigation for Tribal cultural resources. For example, 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. However, 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. 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 by restoring species habitat on a large scale.
507-38	As part of a future certification of consistency, DWR should demonstrate that all impacts to existing uses associated with known Tribal cultural resources have been considered, as a basis for siting the project to avoid or reduce conflicts when	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider this comment when preparing for future Delta Plan consistency efforts.

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	feasible. Since at present, the DEIR identifies the entire TCL as a tribal cultural resource, and that mitigation measures commit to protect types of character-defining features of the TCL, it is important that all known character-defining features, as determined through consultation with Tribes, be defined in this list in the FEIR (DEIR Chapter 32, Table 32-2) or other documentation prior to the certification of consistency.	DWR is committed to continued consultation 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. 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 the principles and legal requirements for maintaining confidentiality of protected Tribal information. Public Resources Code Section 21082.3(c)(1) states that any information, including, but not limited to, the location, description, and use of Tribal cultural resources that is submitted by a California Native American Tribe during the environmental process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public without prior consent of the Tribe that provided the information.
507-39	As part of Mitigation Measure TCR-1d DWR commits to assisting Tribes with access to lands and waters, including facilitation of access agreements, as appropriate for ceremonial and other spiritual practices, as well as collecting and gathering of resources for traditional uses (DEIR Chapter 32, p. 32-49). The [Delta Stewardship] Council recommends that DWR include specific examples describing how such access may be provided, particularly in cases where barriers to access can be reasonably anticipated.	Please refer to response to comment 507-38 regarding DWR's commitment to continued consultation and incorporation of Tribal knowledge through close collaboration and engagement on the implementation of the mitigation measures. This includes working in partnership with consulting Tribes to inform implementation of compensatory mitigation, including identifying locations within mitigation areas for Tribal access for ceremonial and other spiritual practices or traditional uses and how such access will be arranged.
507-40	Risk Reduction Policies Based on a review of the DEIR, we have not identified circumstances where the project would implicate the Delta Plan's risk reduction policies (RR P1 through RR P4). If the FEIR identifies such circumstances, the Council [Delta Stewardship	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider the comments and continue discussing the topics with the Delta Stewardship Council through early consultation..

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	Council] recommends that DWR engage in early consultation for these policies ahead of a submitting a certification of consistency.	
507-41	Closing Comments We [the Delta Stewardship Council] appreciate the opportunity to review the Delta Conveyance Project DEIR. As DWR proceeds with revisions and development of a FEIR, we invite you to continue to engage Council staff in early consultation to discuss project features and mitigation measures that would promote consistency with the Delta Plan. As part of the Council, the Delta Science Program's Adaptive Management Liaisons are also available to provide further consultation and guidance regarding appropriate application of best available science and adaptive management. In addition, we encourage DWR to continue to present at Council meetings, and to seek similar consultation with the Delta Independent Science Board.	DWR appreciates the Delta Stewardship Council's input and will continue discussions with the Delta Stewardship Council regarding a potential consistency certification for the Delta Conveyance Project, if approved by DWR, through early consultation. DWR will continue to present as requested by the Delta Stewardship Council and the Delta Independent Science Board.
507-42	More information on covered actions, early consultation, and the certification process can be found on the [Delta Stewardship] Council website, http://deltacouncil.ca.gov/coveredactions. Council staff are available to discuss issues outlined in this letter as you proceed in the next stages of your project and approval processes. Please contact Daniel Constable at (916) 902-6470 (daniel.constable@deltacouncil.ca.gov) with any questions.	This information describes the structure or organization of the comment letter, the background of the organization or individual commenter, clarification on the submittal of the comment letter, or 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.
507-43	[Attachment 1] G P1(b)(3) Best Available Science, Detailed Comments The following comments are provided to expand on comments on Delta Plan Policy G P1(b)(3) provided in the [Delta Stewardship] Council's comment letter on the Delta Conveyance Project (project) Draft Environmental Impact	This information describes the structure or organization of the comment letter, the background of the organization or individual commenter, or 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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	Report (DEIR). The Council acknowledges that many of these comments do not directly pertain to California Environmental Quality Act (CEQA) requirements, and may not require response in the Final Environmental Impact Report (FEIR) to comply with CEQA. However, the FEIR may provide a suitable opportunity to address these points to build a record that supports a future certification of consistency with G P1(b)(3).	
507-44	[ATT 1] General Comments Several DEIR chapters include references to Department of Water Resources (DWR) technical memoranda for more information on methodology. However, many of these technical memoranda are not linked within the references and do not appear to be available online. In particular we [Delta Stewardship Council] identified references to unavailable DWR technical memoranda in Chapters 5 (especially Appendix 5A, Section C), Chapter 10 (Section 10.3.3.3 p.10-39), and Chapter 11 (Section 11.3.1.1 p. 11-38). These methodological details should be included explicitly and referenced memoranda should be included as attachments to the FEIR, when possible. (We understand copyright restrictions may limit what can be posted online).	All source materials are cited appropriately in each chapter and full references are provided in Chapter 37, References Cited. DWR made all references available to the public upon request, as described in Common Response 2, Public Outreach Activities. This includes references in Chapter 5, Surface Water. Furthermore, the Engineering Project Reports referenced by the commenter associated with Chapter 10, Geology and Seismicity, and Chapter 11, Soils, are publicly available on the Delta Conveyance Design and Construction Authority website (at https://www.dcdca.org/) as described in Chapter 4, Framework for the Environmental Analysis, and Chapter 35, Public Involvement.
507-45	[ATT 1] Additionally, the [Delta Stewardship] Council recommends that DWR provide additional resources to support the public in providing informed comments regarding the project's use of best available science (BAS). As noted in the journal article Public Participation Methods: A Framework for Evaluation (Rowe and Frewer, 2000), members of the public must have	In support of the public comment period for the Draft EIR, DWR developed several helpful resources as noted in the comment. In 2021, DWR held several informational webinars to inform interested parties about the following topics that would be addressed in the EIR: modeling and operations; fish and aquatic resources; climate change; and environmental justice. DWR regularly posts information to its project website and sends out notices to its mailing list about key issues associated with the development of the project. Please refer to Chapter 35, Public

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	access to adequate information resources, human resources, material resources, and time resources to contribute meaningfully to public processes. The Council appreciates that DWR has already provided many helpful resources to support public involvement, including particularly the July 2022 Draft Environmental Impact Report Explained document and explainer videos available on the project website. However, the DEIR still contains large amounts of technical material that requires additional explanation and interpretation. Ahead of releasing the FEIR, DWR should consider hosting workshops or panels that provide interested parties an opportunity to interact directly with technical experts and science communicators to facilitate public understanding of the methods and findings reported in the DEIR.	Involvement, and Common Response 2, Public Outreach Activities, regarding the outreach activities conducted throughout the EIR process to provide public information and encourage public participation and comment. Please also see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the length and complexity of the EIR and the use of best available science.
507-46	[ATT 1:] Appendix 3G: Community Benefits Program As noted in our [Delta Stewardship Council] main comment letter, while we acknowledge that the Community Benefits Program goes beyond the requirements of CEQA, we also explain that it may provide a means to reduce some potential conflicts with existing uses that extend beyond CEQA requirements as part of a future certification of consistency with DP P [Delta Plan Policy] 2. If so, it would be subject to G P1(b)(3). Moreover, even if not subject to that regulation, applying best available science is a good practice. The DEIR does not describe a scientific basis for the design of the Community Benefits Program (CBP). As described in DEIR Appendix 3G, case studies of other community benefits programs were presented at a November 2021 CBP workshop. The FEIR should describe how these case studies informed the	This comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider this comment when preparing for future Delta Plan consistency efforts. As described in Appendix 3G, Community Benefits Program Framework, the Community Benefits Program is intended to address local effects, separate from, and in addition to, permit conditions and environmental mitigation through CEQA. While interdisciplinary literature regarding environmental governance, human dimensions of natural resource management, stakeholder engagement, political ecology, and environmental psychology might be informative, the most crucial element of the Community Benefits Program is that it should be reflective of the needs of community in which it will be implemented. DWR is committed to developing a Community Benefits Program that is informed by direct input from the Delta community and tailored to the very specific and unique needs of these communities.

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	CBP as conceptualized in the DEIR. There are also extensive, interdisciplinary literature spanning topics such as environmental governance, human dimensions of natural resource management, stakeholder engagement, political ecology, and environmental psychology that are relevant to the design of a Community Benefits Program. Engagement with social scientific literature could inform the design of this program to increase the likelihood that it will achieve its objectives.	Providing a scientific basis for the design of the Community Benefits Program is not required, nor would it necessarily be the best representative of a Community Benefits Program that will best serve the Delta community.
507-47	[ATT 1:] Also, pertaining to the BAS [(best available science)] criterion of transparency and openness, Figure 3G-2 is difficult to interpret. It is not clear how stages of the three process elements (grant program, economic development/integrated benefits, community benefit agreements) relate to one another. For instance, the figure depicts that a draft community benefit agreement relates to public review of parameters of the economic development and integrated benefits, as conveyed by the vertical yellow arrows, but the meaning of the arrows is not explained. [Delta Stewardship] Council staff recommend that the FEIR include a descriptive caption to clarify the intent of Figure 3G-2.	The figure referenced in the comment is intended to illustrate, at a high level, how the next steps for developing the Community Benefits Program relate to the CEQA process. DWR is committed to transparency through regular communication with the community and interested parties and providing numerous opportunities for public review and input.
507-48	[ATT 1:] Chapter 5: Surface Water The DEIR does not explain why inputs for the CalSim3 model were based on stream flows in the period 1922-2015, rather than through 2020, as the balance of the DEIR uses 2020 as a baseline. After review of the DEIR appendices, we [Delta Stewardship Council] understand that this may be due to the use of Coupled Model Interconnected Project (CMIP) 5 projections (e.g., Chapter 30, Appendix 30, p. 30A-3) and because sensitivity analyses conducted include a range of data	The CEQA baseline for assessing significance of impacts of any proposed project is normally the environmental setting, or existing conditions, at the time a Notice of Preparation (NOP) of an EIR is issued. The existing conditions assumptions for the EIR include facilities and ongoing programs that existed as of January 15, 2020 (publication date of the NOP), and are defined further in DEIR Appendix 3C, Defining Existing Conditions, No Project Alternative, and Cumulative Impact Conditions. As explained in Appendix 5A, Modeling Technical Appendix, DWR and Reclamation jointly developed CalSim 3 as a planning model to simulate

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	that may capture similar conditions (Appendix 30). However, if this is accurate, it would be helpful to explicitly describe this within FEIR Chapter 5 rather than only in an appendix. Lastly, related to the BAS [best available science] criterion of transparency and openness, staff recommend that DWR consistently describe the reasoning behind choosing model inputs at appropriate locations in the FEIR.	operations of the SWP and CVP over a range of hydrologic conditions. Extending the hydrology for CalSim 3 is a time-consuming process and is only conducted every 5 years. At the time of the release of the NOP, the hydrology available in CalSim 3 was for the years indicated (1955–2015). Additionally, each resource chapter that relies on modeling data or modeling outputs contains summary descriptions of how modeling was used to assess impacts for that particular resource. In the case of Chapter 5, Surface Water, the CalSim 3 planning model was used to simulate operations over a range of hydrologic conditions. The CalSim 3 model contains a large amount of internal assumptions and processes (see Common Response 9, Hydrologic Modeling and Approach), many of which are relevant to other resource chapters that rely on the modeling data. Therefore, providing the input and assumptions in one consolidated place (i.e., an appendix) provides a central location for readers to review the information.
507-49	[ATT 1:] Appendix 5A, Section B: Hydrology and Systems Operations Modeling Climate models used to generate future conditions hydrology were based on CMIP 5 projections from 2013, not from the newest CMIP 6 projections. Also, the baseline period for the climate normals used in the analysis is from 1981-2010, despite the availability since May 2021 of updated climate normals for 1991-2020 which better reflect current climate conditions (https://www.ncei.noaa.gov/products/land-based-station/us-climate-normals). We [the Delta Stewardship Council] understand that, at the time of modeling for the DEIR, CMIP 6 model data was not available in a form usable by the relevant models. Similarly, we understand that the inclusion of this more recent data may not	The commenter has provided a recommendation that DWR consider updating future hydrology based on CMIP 6 projections. As the comment letter indicates, it is unlikely that using CMIP 6 modeling data would change the results of the impact analysis contained in the EIR. Given the range of the model runs conducted under CMIP 5 and the differences between the two models, CMIP 6 results would be expected to be within the range of results in the EIR. The CMIP 5 projections are retained in the Final EIR.

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	change identified impacts. However, if this data is available prior to certification, we recommend either updating modeling to make use of this data, or conducting a new sensitivity analysis if the CMIP 6 data warrants this.	
507-50	[Attachment 1] Chapter 7: Flood Protection The DEIR evaluates water stage using DSM2, which does not include system wide flood operations. This approach is different than the approach used in the Central Valley Flood Protection Plan. Additionally, the future conditions modeling did not include the projects from the State Systemwide Investment Approach for the middle century scenarios that were modeled. To demonstrate consistency with the BAS [best available science] criterion of transparency and openness, the FEIR should clearly explain why the DSM2 model was selected to support the flood protection analysis when compared to other available options used by DWR for similar studies.	Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the use of best available tools and science in the EIR. Please refer to the Assessing Potential Flood Protection Impacts from Construction section in Chapter 7, Flood Protection, for a description of the model used to evaluate water surface elevations. Impact FP-1 uses a 2-D steady-state Sacramento River system Hydrologic Engineering Center River Analysis System model, that is based on the 1-D model used in the 2022 Central Valley Flood Protection Plan Update, to evaluate water surface elevation increases associated with the project construction and operational phases.
507-51	[ATT 1:] Chapter 9: Water Quality The Cyanobacteria Harmful Algal Blooms (CHABs) impact assessment only considered a June to November timeframe for CHAB formation, offering the explanation that these months are when blooms have been present in the Delta (DEIR Chapter 9, Impact WQ-14, p. 9-154), despite also stating in the DEIR that CHABs can form as early as May or June (Appendix 9E.2.1.8). While June to November may represent the peak time for CHABs in the Delta, blooms do occur beyond this time period (e.g. a record of Delta CHAB events is available online from the Council, https://viewperformance.deltacouncil.ca.gov/index.php/pm/h	Please see response to comment 507-28 regarding the CHAB analysis focus being on the effects of project operations during the months of June through November. The CHAB assessment in Chapter 9, Water Quality, Impact WQ-14 was based on a review of available sources and best available information. The CHAB assessment uses site-specific residence time as modeled directly using DSM2 in combination with modeled temperature, modeled velocity, an assessment of nutrients, and irradiance to assess the impacts of the project alternatives. 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

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	armful-algalblooms. (Data from California State Water Board Surface Water – Freshwater Harmful Algal Blooms Open Data Portal, CSV file Algae Bloom Report ID 2671)). To demonstrate consistency with the BAS [best available science] criterion of inclusiveness, the FEIR's CHABs analysis should be based on a review of available sources, and should consider potential project CHAB impacts based on temperature, velocity, turbidity, and nutrients for the entire year.	locations and months within the central Delta. Residence times in this region are already long and increases in residence time in this region would not be enough to cause Microcystis blooms to substantially increase in size or last substantially longer, relative to existing conditions. There would also be negligible differences in water temperature, nutrients, velocity, and irradiance under the project alternatives relative to the existing conditions. Considering the factors (i.e., temperature, velocity, nutrients, irradiance, and residence time) that drive emergence and subsequent growth and accumulation of CHABs in the Delta, the CHAB analysis found bloom development and magnitude would not be substantially affected by the project alternatives. As such, there would be a less-than-significant impact on CHABs. Regarding turbidity, Chapter 9 addresses effects of project operations on total suspended solids and turbidity of study area waterbodies. As described in the section titled Impacts of the Project Alternatives on Water Quality, project operations would not affect water quality of the rivers upstream of the Delta, including total suspended solids (TSS) and turbidity levels. Furthermore, as described in Impact WQ-13 (TSS and turbidity), it is the high runoff events that contribute to the high TSS and Delta sediment load, which will not change substantially for project operations, relative to existing conditions.
507-52	[Attachment 1]. Chapter 12: Fish and Aquatic Resources. Water Temperature and Inflow Relationship. Recent scientific studies have been published that provide new tools for assessing the role of inflow in affecting Delta water temperatures and provide greater clarity on the relationship between water temperature and inflow. For purposes of BAS [Best Available Science], these studies are appropriate for	The comment provides detailed information on two recent studies assessing the relationship of Delta inflow to Delta water temperature. Please see the discussion of upstream areas Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, which describes that long-term average storage and upstream reservoirs and flows in upstream rivers analyzed under all project alternatives are similar to baseline storage and flows. Therefore, there would be no basis for operations-related changes in Delta water temperature that the comment is focused on. This is also shown with the

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	inclusion and citation in the FEIR to support consistency with the timeliness and relevance BAS criteria. In the research article The Drivers of River Temperatures Below a Large Dam, Daniels and Danner (2020) developed a river temperature model for the Sacramento River from Keswick Dam to Knight's Landing with the capability to test the influence of inflow volume and temperature on downstream temperatures. They found that the influence of dam discharges and discharge temperatures are greatly reduced (but not eliminated) toward the lower reaches of the Sacramento River, such that air temperature is the primary correlate of Sacramento River temperatures at the most downstream region in their study (which terminates at Knight's landing). In a recent research effort on Seasonally variable relationships between surface water temperature and inflow in the upper San Francisco Estuary, Bashevkin and Mahardja (2022) evaluated the relationship between water temperatures and inflow in the Delta and determined that there was a predominantly negative correlation, in which lower inflows are related to higher water temperatures, throughout much of the Delta. Temperature could increase by up to 2°C from high to low inflow years. This study did not assess causation, but it establishes a basis for a potential causal relationship between inflow temperature and/or volume and Delta water temperatures. The authors also review prior studies of inflow-temperature relationships in the Delta that may be of use to DWR in improving the scientific basis of analyses in the FEIR. To demonstrate consistency with the BAS criteria of inclusiveness and transparency and openness, the potential effect of Sacramento River inflows on Delta water	in-Delta water temperature analysis based on DSM2 modeling (see, for example, Impact AQUA-2 in Chapter 12, Fish and Aquatic Resources).

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	temperatures should be assessed and disclosed in the FEIR. It was unclear, based on our review of the DEIR, if such analysis has been completed, since many of the temperature model details are not provided in Appendix 5A Section C, but may be available in DWR technical memos cited in the DEIR but that are not available online. One way to complete this analysis would be to extend the Daniels and Danner (2020) model, to a location downstream of the proposed intakes, and to the Feather and American Rivers.	
507-53	[Attachment 1] Zooplankton The choice of Eurytemora affinis for zooplankton food availability analyses raises a timeliness question, as E. affinis has not constituted a dominant proportion of the zooplankton biomass since the late 1980s (see Shifts in Zooplankton Community Structure: Implications for Food Web Processes in the Upper San Francisco Estuary, Winder & Jassby, 2011; or directly explore the data at https://deltascience.shinyapps.io/ZoopSynth/). Another approach would be to base food availability analysis on currently predominant species like Pseudodiaptomus forbesi, or better yet, on an index of zooplankton biomass available to and consumed by Delta Smelt.	Although there have been changes in E. affinis biomass, as noted in the comment, the species remains an important item of delta smelt prey, as noted in studies cited in Appendix 12A, Environmental Setting Background Information, which conducted sampling long after the decline in E. affinis. Pseudodiaptomus forbesi is also recognized as an important delta smelt prey item and is qualitatively assessed in Impact AQUA-6 in Chapter 12, Fish and Aquatic Resources, following the quantitative analysis for E. affinis.
507-54	[Attachment 1] Modeling. The high variability in model predictions in the outflow-abundance model results for Longfin Smelt and White Sturgeon raise for us some questions about the accuracy of the model. We [the Delta Stewardship Council] could not identify, from the material reviewed, if sensitivity analyses were performed	Details of the models are provided in Appendix 12B, Bay-Delta Methods and Results, wherein the fit to historical data is shown. Covariates are included consistent with hypotheses regarding potential factors affecting the species. Model prediction variability reflects the appropriate inclusion of prediction intervals or consideration of statistical uncertainty propagated across generation in the case of the longfin smelt model.

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	to validate model structure or preclude inclusion of additional covariates. Additional details on model validation would be helpful to improve the transparency and openness.	
507-55	[Attachment 1] Additional Comments Overall, DWR could improve its approach to the BAS [best available science] criterion of transparency and openness by making readability improvements throughout the chapter [Chapter 12]. For example, on page 12-13 the text switches between scientific and common names for species, making it difficult to follow, especially for readers unfamiliar with species names. In addition, the acronym "EC" is used to refer to both "existing conditions" and "electrical conductivity."	With respect to common vs. scientific names in Chapter 12, Fish and Aquatic Resources, the general convention used is consistent with typical practice in the Delta scientific community wherein fish common names are introduced with scientific names at first mention and the common names used thereafter, whereas after first introduction other taxa such as clams or zooplankton are referred to by scientific names. With respect to the abbreviation "EC," it is used for "existing conditions" only in tables or figures and footnotes describe what it means; it is spelled out in full in the text. In contrast, when "EC" is used as an abbreviation in the text, it is representing "electrical conductivity."
507-56	[Attachment 1: Chapter 16: Recreation The DEIR assumes the substitutability of alternate recreational use areas when predicting that project construction would lead to temporary increases in the use of neighboring recreational areas (DEIR Chapter 16, pp. 16-24 and 16-26). The DEIR also states that the DWR opted not to conduct a full survey of recreational users in 2020 and 2021 out of concern that, due to the pandemic, the observations gained through a survey would not be representative of typical recreational use patterns (p. 16-6). In lieu of a user survey, DWR conducted interviews with eight managers from different recreation providers within the Delta. However, the DEIR does not explain why these specific eight managers were chosen, nor whether they are meant to offer a representative perspective regarding the range of recreation types and areas in the Delta potentially affected by the project. Research has shown that changes in outdoor recreation behavior persisted beyond the initial phases of the pandemic (Back to nature: Norwegians sustain increased	Please see Common Response 13, Recreation and Recreational Opportunities, regarding survey methods utilized for the recreation analysis. The Draft EIR does not state that interviews were done in lieu of a user survey. Several existing recreation user surveys were evaluated for the analysis, as discussed in Chapter 16, Recreation, section titled Description of Existing Conditions in the Study Area. Importantly, interviews with recreation managers were undertaken to gather information from informed parties on recreation use, dispersed or informal use areas, recreation management and safety on the Delta. These interviews supplemented the abundant readily available published reports including existing results of user surveys as well as other information used to help verify site specific information related to potential project effects. The selection of the eight managers was based on location, ability to be informed about representative recreation activities, particularly dispersed activity locations that are less documented in existing documentation and selection was also based on recommendations in some cases and availability in other cases.

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	recreational use of urban green space months after the COVID-19 outbreak, Venter et al. 2021). To demonstrate consistency with the BAS criteria of inclusiveness and relevance, DWR should consider the tools available to document the current typical recreation patterns in the Delta following the pandemic.]	
507-57	[ATT 1:] Chapter 17: Socioeconomics When justifying the use of the IMPLAN model, the DEIR states that IMPLAN is the most widely used input-output model system in the U.S. (DEIR Chapter 17, p. 17-38). For statements such as this, which represent the basis for a decision (in this case, the decision to use this particular model), a citation should be provided in order to be transparent about the information that led to the decision. The DEIR also states that the IMPLAN estimate for the share of personal income earned in the region but exported outside the region is 15%, but it is not clear whether this 15% is a hard-coded aspect of the model, or a variable input chosen by DWR (p. 17-41). If the latter, the FEIR should state why DWR chose 15%. If the former, citations would provide to readers an understanding regarding whether that 15% estimate is realistic and would help improve transparency and openness regarding use of this model.	IMPLAN is a widely used economic input-output model used to analyze the economics of water projects in California and socioeconomics in the Delta region specifically. IMPLAN is the input-output software package specified in the DWR Economic Analysis Guidebook for conducting socioeconomic effects analyses (California Department of Water Resources 2008). The Delta Protection Commission uses IMPLAN in the Economic Sustainability Plan for the Sacramento-San Joaquin Delta and its ongoing updates (Delta Protection Commission 2012, 2020a, 2020b). The Delta Stewardship Council has also used IMPLAN in a recent economic analysis of water supply and flood hazard risk within the Delta (Delta Stewardship Council 2021). Chapter 17, Socioeconomics, has been modified to cite the DWR Economic Analysis Guidebook when discussing the choice of using IMPLAN in the socioeconomic analysis. None of the revisions resulted in a new significant environmental impact or substantial increase in the severity of an environmental impact or require additional mitigation measures to which DWR was unwilling to commit. In Chapter 17, section titled Delta Regional Employment and Income, subsection Assumptions and Limitations, the text specifies that the share of income “exported” outside of the modeled region (15%) is an estimate from IMPLAN. IMPLAN is already included in the list of references for this chapter.
507-58	[ATT 1:] The qualitative description of social and community effects could benefit from additional references which would add support relative to the BAS criterion of objectivity (pp. 17-43–	The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. However, DWR will consider this comment when preparing for future Delta Plan consistency efforts.

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	17-44). The DEIR describes how the project could influence social cohesion, sense of place, and other topics in affected communities, but presents no assessment in support of these claims. There are established methodologies for surveying community members to understand how they might react to changes, and information gathered could provide meaningful guidance about the potential socioeconomic impacts of the project. Adding to the analysis here or documenting additional references in the FEIR could contribute towards better demonstrating the BAS best available science] criterion of objectivity.	Conclusions about effects of social cohesion and community character are drawn from effects described in other chapters. A survey of Delta community members was conducted as part of Chapter 29, Environmental Justice, and results are summarized in Appendix 29A, Environmental Justice Community Survey Report. Text has been added to ECON-3 referring to the survey conducted as part of Chapter 29, Environmental Justice. This establishes that the issues discussed in ECON-3 are community priorities identified by actual Delta residents. None of the revisions resulted in a new significant environmental impact or substantial increase in the severity of an environmental impact or require additional mitigation measures to which DWR was unwilling to commit. Please refer to Common Response 2, Public Outreach Activities, for more information regarding public outreach requirements. Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, for information regarding the EIR's use of best available science.
507-59	[Attachment 1] Chapter 19: Cultural Resources Below, we [the Delta Stewardship Council] recommend several revisions that would improve the transparency and openness of the DEIR analysis of impacts on cultural resources: - Develop a visualization that clarifies how the various definitions and regulatory criteria used in this Chapter relate to one another. Suggested terms to include are "cultural resources," "historical resources," the National Register of Historic Places/California Register of Historic Resources (NRHP/CRHR) eligibility criteria, criteria of integrity, and the CEQA thresholds of significance. We also recommend including	The EIR adequately discloses the definitions of key terms and regulatory criteria. Chapter 19, Cultural Resources, section titled Methods for Resource Identification, includes definitions of cultural resources terminology used in the analysis. Chapter 19, section titled Thresholds of Significance, describes the criteria and thresholds used to identify significant impacts on CEQA historical resources. Chapter 19 cites Appendix 19A, Historical Resources Survey and Evaluation Report, which includes detailed descriptions of the methods for resource identification. Appendix 19A, section titled Regulatory Setting, includes information on the regulatory criteria used in the analysis.

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	the NRHP/CRHR criteria in the main chapter narrative, rather than only in Appendix 19A.	
507-60	[Attachment 1] Chapter 19: Cultural Resources Below, we [the Delta Stewardship Council] recommend several revisions that would improve the transparency and openness of the DEIR analysis of impacts on cultural resources: - Explain the NRHP/CRHR criteria codes in a note to Table 19-3.	Please see the response to comment 507-59 regarding the analytical methods and criteria used in Chapter 19, Cultural Resources. In addition, Chapter 19 in the section titled Methods for Resource Identification cites Appendix 19A, Historical Resources Survey and Evaluation Report, which explains the NRHP/CRHR criteria codes under the subsections titled Implementing Regulations for Section 106 of the National Historic Preservation Act and California Register of Historical Resources. To increase the readability of the table titled Built-Environment Historical Resources in Chapter 19, the Final EIR will be revised with the NRHP/CRHR criteria codes added as a note to the table. The revisions to this table 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 was unwilling to commit.
507-61	[Attachment 1] Chapter 19: Cultural Resources Below, we [the Delta Stewardship Council] recommend several revisions that would improve the transparency and openness of the DEIR analysis of impacts on cultural resources: --Explain why some archaeological resources are currently identified but not evaluated for eligibility (p. 19-12).	No pedestrian or subsurface archaeological surveys or testing/evaluation were conducted as part of the identification effort because of property access limitations. Implementation of Mitigation Measures CUL-3a and CUL-3c will ensure that all archaeological resources that may be affected by project activities will be evaluated for eligibility.
507-62	[Attachment 1] Chapter 19: Cultural Resources Below, we [the Delta Stewardship Council] recommend several revisions that would improve the transparency and openness of the DEIR analysis of impacts on cultural resources: --Provide evidence to support the statement that noise would	Chapter 24, Noise and Vibration, section titled Environmental Impacts, shows that the noise impacts from operation of the project would not rise above current ambient noise levels (Impact NOI-1). Chapter 19, Cultural Resources, demonstrates that temporary construction noise would not affect historical resources due to the temporary nature of the noise. Furthermore, in the Thresholds of Significance section, a significant impact is identified when a resource loses its ability to convey its historic significance to the public. If a quiet setting is identified as an aspect of a

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	only affect resources where a quiet setting is critical to the "public's understanding of the resource" (p. 19- 38).	historical resource's integrity (like a church or concert hall) then a quiet setting is critical to the public's understanding of the resource. None of the built-environment resources identified in Chapter 19 would lose the ability to convey historic significance to the public as a result of noise.
507-63	[Attachment 1] Chapter 23: Air Quality and Greenhouse Gases In Appendix 23D, the DEIR states that the BenMAP model used to assess health impacts associated with air quality uses 2010 census data because, at the time of the drafting of this DEIR, the 2020 census data were not yet publicly available (DEIR Appendix 23D, p. 23D- 9). To align with the BAS [best available science] criterion of timeliness, DWR should either update this analysis or provide relevant sensitivity analysis prior to submitting a certification of consistency with the Delta Plan. Ideally this update could be done to inform the FEIR as well.	While the underlying population dataset used in the BenMAP analysis is based on the 2010 census, growth projections are based on county-level projections available to the year 2050. This provides a reasonable estimate of the projected population for future years. For example, the US Census projected from the 2010 census the population for Sacramento County in 2020 as 1,586,000 with an actual count of 1,585,000. Similarly, San Joaquin County projected population was 780,500 with an actual count of 779,200. These relatively small differences show that the growth projections are reasonable but also conservative as the projections are slightly higher than actual. In addition, the U.S. Census Bureau is still working to develop the 2020 Census database to provide detailed spatial information of demographic characteristics. This is slated for release in August 2023. The dataset will include population counts, sex and age statistics that are needed for the BenMAP analysis. While a sensitivity analysis of possible population growth projections could help to estimate the level of uncertainty in the health impact from criteria pollutants, it is unlikely there would be significant differences in the population projections given the relatively modest growth in population between the 2010 and 2020 census data.
507-64	[Attachment 1] Chapter 29: Environmental Justice The analysis in this chapter does not characterize specific localized impacts, potentially overlooking differences in impacts that are important relative to the BAS [best available science] criterion of relevance. Environmental justice (EJ) analyses are known to be sensitive to a spatial scale of analysis, and analyses conducted at larger spatial scales often mask	Please refer to response to comment 507-35 regarding the methodology used to evaluate environmental justice effects and CEQA requirements. The EIR's determination that disproportionately high and adverse effects on environmental justice communities would not occur from resource topics that result in less-than-significant impacts (e.g., hazards and hazardous materials) using the NEPA methodology would not differ at the local or regional level of the study area.

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	disparities in impact that become evident at smaller scales (see, e.g., Scales of justice: is there a geographic bias in environmental equity analysis?, Baden et al. 2007). Commonly, analyses of environmental justice evaluate whether there are correlations between environmental risks/hazards and community socioeconomic or demographic characteristics, such as race or income, with communities defined at a specific, relatively small geographical scale (e.g., Census block group). Many analyses compare communities where hazards or exposures are located, and those where they are not (see., e.g., Racial/ethnic disparities in cumulative environmental health impacts in California: evidence from a statewide environmental justice screening tool, Cushing et al. 2015). This "unit-hazard coincidence method" has been critiqued on various grounds and more sophisticated, e.g., distance-based, analytical methods are increasingly used (see Disproportionate proximity to environmental health hazards: methods, models, and measurement, Chakraborty et al. 2011), but the common relevant feature among these methods is that they start by assuming (and then empirically demonstrating) that impacts can vary at relatively small spatial scales, based on certain Characteristics (e.g., race, income) that are by now established predictors of disproportional environmental burdens. This basic assumption should be used in the DEIR to assess project impacts at the Census block group, Census tract, and/or county level, using community information identified early in the chapter.	
507-65	[Attachment 1] The DEIR considers the entire project area as one environmental justice community because of the "substantial presence throughout the study area" of low-income and	Please refer to response to comment 507-35, which describes how the EIR's applied methodology is used to determine disproportionately high and adverse effects on environmental justice communities. The application of this methodology and the results are not anticipated to vary between

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	minority populations (DEIR Chapter 29, p. 29-43). However, this coarse filter approach masks potentially relevant differences in impact within the project area. The analysis relies on findings in other resource chapters to summarize environmental justice impacts, but the impact analyses in those chapters do not characterize how impacts may vary between EJ- and non-EJ communities, or even between different EJ communities. A more robust environmental justice assessment would not only state that there are impacts on "environmental justice communities" writ large --it would also attempt to describe (qualitatively and/or quantitatively) what those impacts would be and how they would vary between communities. Including more granular information about these impacts would better align with methodologies commonly used in environmental justice analysis, and also produce relevant information that can inform mitigation that is tailored to localized impacts, particularly when those impacts would exacerbate environmental injustices.	the regional or local level. A disproportionately high and adverse effect occurs when the impacts and mitigation measures identified for CEQA resource topics would affect minority or low-income populations (environmental justice communities) more than the general population (non-environmental justice communities). 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 environmental impacts would disproportionately affect environmental justice communities.
507-66	[Attachment 1] Furthermore, the description of the analytical method the DEIR employs is not clear. Below, we [Delta Stewardship Council] recommend a number of revisions that would improve the transparency and openness of the EJ analyses: - Use clear and consistent terms. Define and use terms consistently (e.g., EJ populations, EJ communities, minority and low-income communities). The DEIR term closest to providing an explicit definition of EJ communities in the chapter is "disenfranchised" (p. 29-4). This term should be explained and a citation provided if it is used. Consider defining EJ communities in operational terms, referring to the framework used throughout the chapter (i.e., in terms of race/ethnicity and income).	Chapter 29, Environmental Justice, in the section titled Environmental Justice Context, defines environmental justice populations or communities as significant concentrations of minority and low-income individuals or minority and low-income populations or communities. The terms used throughout Chapter 29 (e.g., environmental justice populations, environmental justice communities, minority and low-income communities) are clearly defined in the chapter and reflect the terms used in the various applicable state legislation, executive orders, and policies on environmental justice. No change to Chapter 29 is required.

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507-67	[Attachment 1] Furthermore, the description of the analytical method the DEIR employs is not clear. Below, we [Delta Stewardship Council] recommend a number of revisions that would improve the transparency and openness of the EJ analyses: - Describe metrics used to identify low-income communities. The definition of low-income community (20% or more of the population has individual household income (MHI) less than 80% statewide MHI, or ~\$60,000) is only provided as a note to Table 29-2. This and other similar definitions should be included in the main narrative. More broadly, the description of the definition could be clarified. The definition of "low-income" (p. 29-15 line 8) refers to the California Public Resources Code definition for a disadvantaged community, as a community with MHI less than 80% statewide average. This 80% community metric is then used to calculate a \$60,000 threshold for individual households. The DEIR applied a community-based metric to set a threshold for individual household income and then this threshold was used to calculate percentages of households within an area (census block group, census tract, and county) at or below this threshold. The change in units (community to household) should be made clearer in the FEIR.	The definition of low-income households is generally defined throughout the narrative of Chapter 29, Environmental Justice, starting in the section titled Identification of Environmental Justice Populations in the Study Area, and a detailed definition of low income is included in the table titled Median Household Income in Study Area by Census Tract Block Groups 2019. Also, please refer to the Chapter 29 section titled Low-Income Populations in which the Draft EIR clearly describes the relationship between low-income households and disadvantaged communities. The analysis in Chapter 29 uses a locally developed standard, defining low income in accordance with the Public Resources Code Section 75005(g) definition of a disadvantaged community as a community with a median household income of less than 80% of the "statewide average." Per this guidance, the analysis (represented in the table titled Median Household Income in Study Area by Census Tract Block Groups 2019) provides the number of total households in a community to calculate the median household income of that community and determines if the community has a median household income of less than 80% of the "statewide average." No change to Chapter 29 is required.
507-68	[Attachment 1] Furthermore, the description of the analytical method the DEIR employs is not clear. Below, we [the Delta Stewardship Council] recommend a number of revisions that would improve the transparency and openness of the EJ analyses: - The FEIR should provide a reference or explain how it defines "statewide average" on page 19-25, lines 12-13.	"Average" for "statewide average" is defined in Chapter 29, Environmental Justice, section titled Low-Income Populations, as the 5-year statewide median household income (MHI) of \$75,235 for a four-person household for 2015–2019 as reported by the U.S. Census. No change to Chapter 29 is required.

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507-69	[Attachment 1] There are also several statements that should be supported by applicable references and/or analysis. These include: - The statement that the DEIR represents the "typical scope of EJ analysis" (p. 29-4).	Chapter 29, Environmental Justice, section titled Introduction states "Beyond the outreach associated with the fair treatment and meaningful involvement, an environmental justice analysis typically assesses whether and to what extent a proposed project would disproportionately locate adverse environmental effects on identified disenfranchised, or "environmental justice," populations (see below for context and background on environmental justice analysis)" and provides the context and background following this statement within Chapter 29, in the sections titled Introduction and Methods for Analysis. No change to Chapter 29 is required.
507-70	[Attachment 1] There are also several statements that should be supported by applicable references and/or analysis. These include: Page 29 28 states that changes to SWP deliveries may benefit SWP receiving minority and low-income communities, and also states that reductions in water deliveries or their reliability would result in disproportionate impacts to the same communities. Similar statements are found in the discussion of groundwater replenishment and water rates on page 20-30, lines 6-16.	The statements on page 29-28 and page 29-30 are discussing water supply in export service areas as it relates to EJ populations because as described on page 29-27 it is "not carried forward for further analysis in Section 29.4.2, because these resource topics are not considered environmental impacts under CEQA. As such, no specific impact assessment results are presented for these resource topics in this Draft EIR". Information about population demographics, including per capita income which supports the statements made in Chapter 29, is provided and in Chapter 17, Socioeconomics with appropriate citations.
507-71	[Attachment 1] There are also several statements that should be supported by applicable references and/or analysis. These include: - The statement that low-income and minority agricultural workers comprise a substantial proportion of environmental justice communities in the Delta (p. 29-41).	Chapter 29, Environmental Justice, provides a reference (Aguirre International 2005) related to this statement earlier in the chapter in the section titled Water Supply.
507-72	[Attachment 1] There are also several statements that should be supported by applicable references and/or analysis. These include: - The assessment of impacts of mitigation measures (p. 29-50).	Chapter 29, Environmental Justice, assesses disproportionately adverse effects on environmental justice from mitigation measures and environmental commitments identified in the resource chapters to reduce significant impacts of the proposed project and its alternatives. The statement regarding the assessment of impacts of mitigation measures in

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		the section titled Environmental Justice Effects of Mitigation Measures is a conclusion that considers the mitigation measures and environmental commitments analysis provided in Chapter 29 and other resource chapters in the EIR.
507-73	[Attachment 1] Several descriptions within the chapter or between statements in the chapter and other sections of the DEIR should be clarified to improve transparency and openness. These include: - The DEIR refers to beneficial effects in the Delta from operations (p. 29-1), but the description of the Community Benefits Program notes that the project's benefits do not accrue to local communities. As such, it is not clear what beneficial effects the DEIR refers to here. Similarly, the DEIR states that when impacts can be reduced to less-than-significant, minority and low-income populations are likely to benefit proportionately (p. 29-2). Evidence is not cited for this statement. As this logic underpins the subsequent EJ analysis, it should be more clearly explained.	Chapter 29, Environmental Justice, begins with a summary in the section titled Summary of Comparison of Alternatives and summarizes the adverse and beneficial effects on minority and low-income communities in the environmental justice study area from implementation of the proposed project and its alternatives. It is only a summary and the information contained in the summary is determined by the subsequent environmental justice analysis provided in the chapter. The summary includes the conclusion demonstrated in the environmental justice analysis that improving water supply and water quality reliability, seismic and climate change resiliency, and operational flexibility to protect aquatic conditions in the Delta would have no adverse effect, and would have potentially beneficial effects, on environmental justice communities within the project's study area. This summary does not indicate that the potential benefits are specific to the Delta; only the "operational flexibility" component is specific to the Delta. Chapter 29 provides a brief explanation that the online environmental justice survey Your Delta, Your Voice conducted as part of the project's outreach to gather perspectives of disadvantaged communities; DWR used this information to help start development of the Community Benefits Program. A Community Benefits Program is a set of commitments made by project proponents and created in coordination with the local community to address local effects that may occur from large infrastructure projects. For more information on the Community Benefits Program and its framework to address the adverse effects on local communities, please refer to Chapter 34, Community Benefits Program Analysis, and Appendix 3G, Community Benefits Program Framework. The summary in the Chapter 29 section titled Summary of Comparison of Alternatives also states that when impacts can be reduced to a less-than-significant level, minority and low-income populations are

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		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. This statement derives from the subsequent environmental justice analysis provided in the chapter of identified impacts from the proposed project and its alternatives that would be reduced to less-than-significant levels with resource-specific mitigation measures, environmental commitments, and compensatory mitigation (i.e., Flood Protection, Groundwater, Soils, Fish and Aquatic Resources, Terrestrial Biological Resources, and Hazards, Hazardous Materials, and Wildfire). This analysis starts in Chapter 29 section titled Environmental Justice Analysis. No change to Chapter 29 is required.
507-74	[Attachment 1] Several descriptions within the chapter or between statements in the chapter and other sections of the DEIR should be clarified to improve transparency and openness. These include: - The definition of minority populations refers to the 1997 guidance from the Council on Environmental Quality, which differs from the categories used in the 2019 American Community Survey (ACS) (i.e., ACS separates Asian from Native Hawaiian/Other Pacific Islander - as also shown in Table 29-1). This discrepancy should be explained and/or reconciled.	The definitions of minority populations in the 1997 guidance from the White House Council on Environmental Quality may apply to more than one minority population included in the 2019 American Community Survey. Minority populations were listed together in the section titled Minority Populations in Chapter 29, Environmental Justice, when the same definition applied. Listing minority populations separately in the table titled Distribution of Minority Populations in the Study Area by Census Tract and Block Group does not affect the overall minority population percentages for each census tract. No change to Chapter 29 is required.
507-75	[Attachment 1] Several descriptions within the chapter or between statements in the chapter and other sections of the DEIR should be clarified to improve transparency and openness. These include: - Figure 29-2 shows Census tracts and Census block groups, not Census blocks as referenced in the narrative on page 29-9.	The suggested change to the section titled Minority Populations in Chapter 29, Environmental Justice, regarding the description of the figure titled Minority and Hispanic Population in the Study Area has been made in the Final EIR. This revision to Chapter 29, does 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 was unwilling to commit.
507-76	[Attachment 1] Several descriptions within the chapter or between statements in the chapter and other sections of the DEIR should be clarified to improve transparency and openness. These include:	Page 29-25 as cited by the comment is describing part of the methodology for categorizing survey participants for the Your Delta, Your Voice online environmental justice survey that DWR conducted in the Delta (included in the EIR as Appendix 29A, Environmental Justice Community Survey Report).

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	- On page 29-25 the DEIR states, "the criteria for [Disadvantaged Communities] DAC are comparable to the criteria for determining an environmental justice community used in this chapter, which are household income below 80% of state-wide MHI or non-white ethnicity of any income bracket, combined with residence in Delta census tracts that contain any part of the project footprint." However, "Non-White ethnicity" is not the same as the definition of minority provided earlier. On page 29-9 it appears that the category "Hispanic" includes White Hispanic people (as the DEIR states this category is defined "regardless of race" and Table 29-1 only includes "Total Hispanic" without differentiating White and non-White Hispanic). Therefore, it appears White Hispanic people are included in the DEIR definition of "minority communities." In contrast, in the EJ survey the racial classification for DACs is "other than white" (p. 29-25), so presumably White Hispanic people were not included in the classification of DAC members. Therefore, the DAC criteria used in the survey do not appear to be directly comparable to the criteria used within the chapter. If comparability of categories is not possible, then, in accordance with the BAS [best available science] criterion of transparency and openness, the DEIR should describe the discrepancy and any resulting limitations for the analysis.	Transparency is provided by describing the methodology for identifying survey participants as compared to the evaluation in the chapter as actually described in the section cited by the comment. The survey was conducted by DWR to gather insights of the priorities, preferences, activities, and concerns of the environmental justice communities who live or work in the Delta region, but is not the analysis for Chapter 29, Environmental Justice, of the EIR. Findings from the survey illuminated a sample of the priorities and concerns of a subset of the Delta environmental justice community that helped inform the environmental justice analysis in Chapter 29. As explained in the Chapter 29 section titled Environmental Justice Survey Findings, the methodology of distribution of the survey resulted in a self-selected, non-random sample of respondents that may not provide a complete proportional representation of the population. Further, the EIR states that Appendix 29A uses the term "disadvantaged community"; this term means generally the same thing as "environmental justice community" used in Chapter 29. Please refer to Appendix 29A and the Chapter 29 section titled Environmental Justice Survey Findings for a description of the methodology used to classify disadvantaged communities for the survey; refer also to the Chapter 29 section titled Identification of Environmental Justice Populations in the Study Area for the methodology of how minority and low-income populations were determined for the environmental justice analysis in the project's study area. The participants and information of the survey informed the analysis contained in Chapter 29 and there is no discrepancy between the criteria used to describe participants of the survey and the environmental justice populations in Chapter 29 that would require modifications in the methodology or analysis. No change to Chapter 29 is required.
507-77	[Attachment 1] Additional relevant content should be included in the environmental justice analysis, including the following: - The DEIR states that EJ impacts on tribal cultural resources	Chapter 29, Environmental Justice, section titled Resource Topics with CEQA Impact Conclusions explains the methods of evaluating environmental justice effects and why effects on Tribal cultural resources cannot be analyzed with the methods used to analyze environmental

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	cannot be analyzed, because there is no control group for the test of disproportionality (p. 29-34). However, the EJ literature widely recognizes that any impact that exclusively affects only one community, a minority ethnic group (such as tribal community members), precisely fits the definition of an environmental justice impact. According to the EJ literature, lacking a control group for comparison does not matter if the proportional impact on a minority community is 100%. Therefore [t]he FEIR should include a discussion of EJ impacts on tribal cultural resources.	justice effects. DWR used proven standard guidance and methods for evaluating environmental justice effects, as described in Chapter 29. The literature identified in the comment is not provided nor explained. Furthermore, 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 the 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 environmental justice communities apply to Native American populations in the study area. Finally, the EIR thoroughly analyzes project impacts on Tribal cultural resources in Chapter 32, Tribal Cultural Resources, demonstrating that DWR recognizes that the significant and unavoidable impact on the Delta Tribal Cultural Landscape is an environmental justice impact, regardless of the methodology used in the EIR's environmental justice analysis.
507-78	[Attachment 1] Additional relevant content should be included in the environmental justice analysis, including the following: - The FEIR should include an assessment of cumulative impacts that accounts for combined impacts of the project as well as other foreseeable environmental hazards and associated health burdens that may simultaneously be experienced by environmental justice communities (see Cushing et al. 2015 for discussion of importance of cumulative impacts analysis).	Because an environmental justice analysis is not a requirement of CEQA, the methodology in the EIR to examine impacts of the proposed project and its alternatives on environmental justice communities applies NEPA guidance to address state legislation, executive orders, and policies that instruct state agencies to consider the impacts of their actions on environmental justice communities. The NEPA methodology used in the EIR generally follows guidance provided in the White House Council on Environmental Quality (CEQ) Environmental Justice Guidance Under the National Environmental Policy Act in 1997 (Council on Environmental Quality 1997). An assessment of cumulative impacts that accounts for combined impacts of the project as well as other foreseeable environmental hazards and associated health burdens that may simultaneously be experienced by environmental justice communities is not a considered method in this guidance.
507-79	[Attachment 1] Chapter 30: Climate Change	Please see Common Response 9, Hydrologic Modeling and Approach, which describes the decisions made in the analysis related to end-of-century upper-end climate change scenarios, and why the H++ scenario

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	Modeling under the H++ scenario of >3 meters of sea level rise appears to assume that the geometry of the streams would be unchanged, which may be unrealistic given the stresses to the Delta's flood management system. However, the FEIR should more fully describe the decisions made in the analysis related to end-of-century upper-end climate change scenarios and Delta geometry, to help clarify the limitations of analysis and levels of uncertainty related to future climate change scenarios.	was chosen. Changes to the DSM2 grid were made to incorporate the Delta Conveyance Project intakes and to incorporate four new restoration areas. These changes are described in Appendix 5A, Modeling Technical Appendix, Section C, One Dimensional Delta Hydrodynamics and Water Quality Modeling Results, in the section titled Changes to DSM2 Grid. No changes to the DSM2 grid were made to account for sea level rise caused stresses on the flood management system and doing so would be speculative.
507-80	[Attachment 1] Chapter 32: Tribal Cultural Resources The Council recognizes that Tribes are the appropriate parties to evaluate whether Tribal cultural resources have been accurately assessed and impacts adequately characterized in the DEIR. Tribal expertise is the core evidence base for assessing impacts to Tribal cultural resources. To ensure that the material in this chapter meets the BAS criteria of relevance and inclusiveness, the Council recommends that DWR ensure Tribal review and endorsement/acceptance of the presentation of the following in the DEIR: Significance criteria. The DEIR states that the significance thresholds were developed to mirror common CEQA language ("materially impair"), but does not state whether the thresholds were informed by consulting Tribes.	The section in Chapter 32, Tribal Cultural Resources, titled Thresholds of Significance documents the considerations of the development and application of the thresholds. Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the lead agency's authority to establish the thresholds of significance used for assessing impacts. The description of the thresholds for evaluating potential impacts on Tribal cultural resources is described in Chapter 32. DWR established the thresholds based, in part, on the understanding gained through extensive consultation with Tribes on the spiritual and ceremonial importance of Tribal cultural resources.
507-81	[Attachment 1] Chapter 32: Tribal Cultural Resources The Council recognizes that Tribes are the appropriate parties to evaluate whether Tribal cultural resources have been accurately assessed and impacts adequately characterized in	Consulting Tribes that contributed to the identification of Tribal cultural resources were offered the opportunity to review the confidential Appendix 32C, Tribal Cultural Resources Identification Report (TCRIR), prior to release of the Draft EIR. Please see the section in Chapter 32, Tribal Cultural Resources, titled Consultation and Engagement with Tribes regarding the consultation process. Please refer to Common Response 16,

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	the DEIR. Tribal expertise is the core evidence base for assessing impacts to Tribal cultural resources. To ensure that the material in this chapter meets the BAS criteria of relevance and inclusiveness, the Council recommends that DWR ensure Tribal review and endorsement/acceptance of the presentation of the following in the DEIR: - Confidential appendix. The DEIR states that this appendix was "reviewed by appropriate DWR officials," but does not state whether the appendix was also reviewed by consulting Tribes.	Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources.
507-82	[Attachment 1] Chapter 32: Tribal Cultural Resources The Council recognizes that Tribes are the appropriate parties to evaluate whether Tribal cultural resources have been accurately assessed and impacts adequately characterized in the DEIR. Tribal expertise is the core evidence base for assessing impacts to Tribal cultural resources. To ensure that the material in this chapter meets the BAS criteria of relevance and inclusiveness, the Council recommends that DWR ensure Tribal review and endorsement/acceptance of the presentation of the following in the DEIR: - Tribal Cultural Landscape (TCL). The DEIR notes that DWR's perspective that individual features contribute to the CRHR eligibility of the landscape as a whole "was shared with Tribes in consultation" and goes on to state, "all of these features are important as part of the Delta TCL and that the information in DWR's record at the time of development of this Draft EIR did not support a finding that these features are CRHR-eligible separate from the Delta TCL" (p. 32-20). The DEIR does not state whether consulting Tribes support this approach.	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 Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources. Please also see Common Response 16 for a discussion regarding the adequacy of the individual resources impact analysis.

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507-83	[Attachment 1] Chapter 32: Tribal Cultural Resources The Council recognizes that Tribes are the appropriate parties to evaluate whether Tribal cultural resources have been accurately assessed and impacts adequately characterized in the DEIR. Tribal expertise is the core evidence base for assessing impacts to Tribal cultural resources. To ensure that the material in this chapter meets the BAS criteria of relevance and inclusiveness, the Council recommends that DWR ensure Tribal review and endorsement/acceptance of the presentation of the following in the DEIR: - TCL character-defining features (e.g., Table 32-2). The DEIR does not state whether this list has been reviewed by Tribes for completeness or whether they agree with the characterization of features.	Please see response to comment 507-81 regarding the opportunities DWR offered to Tribes for review and comment on DWR's analysis including Tribal review of confidential Appendix 32C, Tribal Cultural Resources Identification Report (TCRIR), prior to release of the Draft EIR. The information regarding Delta Tribal Cultural Landscape character-defining features (e.g., Table 32-2) was discussed with Tribes through the consultation process.
507-84	[Attachment 1] Chapter 32: Tribal Cultural Resources The Council recognizes that Tribes are the appropriate parties to evaluate whether Tribal cultural resources have been accurately assessed and impacts adequately characterized in the DEIR. Tribal expertise is the core evidence base for assessing impacts to Tribal cultural resources. To ensure that the material in this chapter meets the BAS criteria of relevance and inclusiveness, the Council recommends that DWR ensure Tribal review and endorsement/acceptance of the presentation of the following in the DEIR: - Upstream impacts. The DEIR states that some consulting Tribes expressed concerns about indirect upstream impacts of	Please see response to comment 507-81 regarding the opportunities DWR offered to Tribes for review and comment on DWR's findings. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding comments that state opinions of general 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 the 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. 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 the Chapter 32, Tribal Cultural Resources, section titled Study Area, no

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	the project. The DEIR cites to modeling analyses showing that "indirect operational changes" upstream would be "negligible" (p. 32-8). The FEIR should describe if and how the modeling outputs referenced here correspond to the impacts of interest or concern to Tribes, and whether Tribes' concerns are addressed by these analyses.	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.
507-85	[Attachment 1] Chapter 32: Tribal Cultural Resources The Council recognizes that Tribes are the appropriate parties to evaluate whether Tribal cultural resources have been accurately assessed and impacts adequately characterized in the DEIR. Tribal expertise is the core evidence base for assessing impacts to Tribal cultural resources. To ensure that the material in this chapter meets the BAS criteria of relevance and inclusiveness, the Council recommends that DWR ensure Tribal review and endorsement/acceptance of the presentation of the following in the DEIR: - Data ownership. It is not clear in the DEIR if Tribes were consulted on the matter of data ownership, if they are comfortable with the way the data has been collected and used, or if they agree with the way data is characterized in this document (e.g., references to DWR "sharing" oral histories or identified Tribal cultural resources with Tribes; describing the confidential appendix as "part of DWR's confidential CEQA administrative record" (p. 13). According to best practices for Tribal data sovereignty (e.g., Tribal data governance and informational privacy: constructing "Indigenous data	Please see response to comment 507-38 regarding DWR's commitment to continued Tribal consultation and to the principles and legal requirements for maintaining confidentiality of protected Tribal information.

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	sovereignty", Tsosie 2019), Tribes own all data collected for, by, and about them.	
507-86	[Attachment 1] To enable transparency and openness for non-Tribal entities and members of the public to make an informed assessment of impacts on Tribal cultural resources, the [Delta Stewardship] Council recommends that DWR disclose how many consulting Tribes reviewed the chapter, generally summarize the Tribes' commentary, and explain how Tribal comments were addressed, in all cases withholding sensitive and confidential information. Additionally, the DEIR seems to suggest consulting Tribes' guidance to define a larger TCL boundary was not followed (lines 26 to 34 of p. 32-24). In this and any similar case where DWR made decisions independent of Tribal consultation or decisions to override the guidance of consulting Tribes, those decisions should be stated transparently and should be justified.	The section in Chapter 32, Tribal Cultural Resources, 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 refer to Common Response 16, Tribal Cultural Resources, regarding Tribal consultation efforts aimed at identification, impacts, and mitigation for Tribal cultural resources as well as a discussion of the Delta TCL boundary. Consulting Tribes that contributed to the identification of Tribal Cultural Resources were offered the opportunity to review the confidential Appendix 32C, Tribal Cultural Resources Identification Report (TCRIR), prior to release of the Draft EIR. DWR has continued to offer consulting Tribes opportunities to consult as well as informational meetings. Appendix 32A, Tribal Consultation and Engagement Log, has been updated for the Final EIR to reflect all Tribal consultation and engagement conducted through closure of CEQA consultation in 2023.
507-87	[Attachment 1] Related to the BAS (best available science) criteria of relevance and inclusiveness, the [Delta Stewardship] Council recommends that DWR provide additional opportunities for active collaboration with interested consulting Tribes, establishing a framework and providing resources that will allow interested Tribes to substantively shape proposed mitigation measures. The DEIR states the Tribal Cultural Resources Management Plan will be prepared by individuals who meet professional standards defined by the Secretary of the Interior for cultural resources (p. 32-49). Council staff recommend that DWR consult with Tribes to determine if they have an interest in leading development of this plan, with DWR	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. 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,

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	providing financial and logistical/coordination support. Additionally, proposed Mitigation Measure TCR-1d describes a passive role for Tribes in development of compensatory mitigation plans (p. 32-48), indicating that Tribes will be invited to respond to a document developed in advance and for other purposes. Council staff recommend that interested Tribes be involved and empowered to take leadership roles in the development of these plans.	including implementation of the Compensatory Mitigation Plan. If contractually feasible, DWR will compensate Tribal subject matter experts for these activities (for example, development of plans that support the Compensatory Mitigation Plan, Tribal monitoring during construction). Per Mitigation Measure TCR-1b, DWR will coordinate with the Tribes that participated in consultation on the project to participate in development of the Tribal Cultural Resources Management Plan, including, but not limited to, how DWR might include Tribes' standard procedures for activities such as conducting surveys, construction monitoring, or resource-specific treatment planning. In addition, 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 Tribes.
507-88	[Attachment 1] [Delta Stewardship] Council staff recommend that the FEIR provide a visualization that depicts how the various definitions and regulatory criteria used to make significance determinations relate to one another. Suggested terms to include are "historic resource," "Tribal cultural resource," "cultural landscape," "Tribal cultural landscape," CEQA/PRC criteria (21074(a)(b)(c) and 5024.1(c)), the CRHR criteria, and the criteria of integrity.	Please refer to Appendix 32D, Principles for the Identification of Tribal Cultural Resources for the Proposed Delta Conveyance Project, and to the section in Chapter 32, Tribal Cultural Resources, titled Thresholds for Significance, which provides both an overview and sufficient detail about the definitions and regulatory criteria to inform the public on how these concepts are used to make significance determinations.
507-89	[ATT 1] Chapter 35: Public Involvement Regarding the BAS (best available science) criterion of transparency and openness, the Council recommends that DWR cite relevant sources in this chapter to demonstrate the	DWR's public outreach and engagement efforts associated with the EIR were developed in compliance with CEQA requirements, consistent with CEQA guidance as described in Chapter 35, Public Involvement, and based on best professional judgement and many years of experience conducting outreach for large infrastructure projects. The outreach strategies, tools, and tactics were also developed and tailored with the specific needs of the audience in mind. Through the Delta Plan certification of consistency

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	robustness of its public engagement efforts. In addition to social scientific literatures referenced above for the Community Benefits Program, there are several practical guides DWR could cite to demonstrate a scientific basis for its public engagement, including the U.S. EPA's Public Participation Guide, the Institute for Local Government's website on Inclusive Public Engagement, and the U.S. Forest Service's Public Engagement Reference Guide for Forest Service Employees.	process, DWR will address the Delta Plan's criteria for transparency and openness.
507-90	[Attachment 1] References Baden, B.M., Noonan, D.S., and Turaga, R.M.R. 2007. Scales of justice: is there a geographic bias in environmental equity analysis? <i>Journal of Environmental Planning and Management</i> 50: 163-185. Bashevkin, S. M., and B. Mahardja. 2022. Seasonally variable relationships between surface water temperature and inflow in the upper San Francisco Estuary. <i>Limnology and Oceanography</i> 67:684-702. California State Water Board Surface Water - Freshwater Harmful Algal Blooms Open Data Portal, CSV file Algae Bloom Report ID 2671 https://data.ca.gov/dataset/ab672540-aecd-42f1-9b05-9aad326f97ec/resource/c6f760beb94f-495e-aa91-2d8e6f426e11/download/fhab_bloomreport_portal.csv Chakraborty, J., Maantay, J.A., and Brender, J.D. 2011. Disproportionate proximity to environmental health hazards: methods, models, and measurement. <i>American Journal of Public Health</i> 101: S27-S36. Cushing, L., Faust, J., August, L.M., Cendak, R., Wieland, W., and Alexeef, G. 2015. Racial/ethnic disparities in cumulative environmental health impacts in California: evidence from a statewide environmental justice screening tool	The commenter provided this attachment 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.

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	(CalEnviroScreen 1.1). American Journal of Public Health 105: 2341-2348. Daniels, M. E., and E. M. Danner. 2020. The Drivers of River Temperatures Below a Large Dam. Water Resources Research 56:e2019WR026751. California Ocean Protection Council. 2018. "State of California Sea-Level Rise Guidance, 2018 Update." http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf Rowe, G., and Frewer, L.J. 2000. Public participation methods: a framework for evaluation. Science, Technology, and Human Values 25: 3-29. California State Water Boards Surface Water - Freshwater Harmful Algal Blooms CSV, AlgaeBloomReportID 2671, observed on April 28, 2021 Tsosie, R. 2019. Tribal data governance and informational privacy: constructing "Indigenous data sovereignty". Montana Law Review 80:4. Venter, Z. S., Barton, D. N., Gundersen, V., Figari, H., & Nowell, M. S. (2021). Back to nature: Norwegians sustain increased recreational use of urban green space months after the COVID-19 outbreak. Landscape and Urban Planning, 214. https://doi.org/10.1016/j.landurbplan.2021.104175 Winder, M., Jassby, A.D. (2011) Shifts in Zooplankton Community Structure: Implications for Food Web Processes in the Upper San Francisco Estuary. Estuaries and Coasts 34, 675-690. https://doi.org/10.1007/s12237-010-9342-x	
515-1	Thank you for the opportunity to comment on the proposed Draft Environmental Impact Report (DEIR) for the newly reconfigured Delta Conveyance project, to be constructed as part of the State Water Project (SWP). The DEIR was released by the California Department of Water Resources on July 27,	This information describes the structure or organization of the comment letter, the background of the organization or individual commenter, clarification on the submittal of the comment letter, or general introductory text. The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy,

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	2022, and originally had a 90-day comment period, which was extended by another 50 days to December 16, 2022, due to requests by the public based on the size and complexity of the DEIR documentation. On April 17, 2020, San Francisco Bay Conservation and Development Commission (BCDC, or the Commission) staff previously provided comments on the Notice of Preparation for the Project. These BCDC staff comments are based on the Commission's laws, the McAteer-Petris Act and the Suisun Marsh Preservation Act, and the Commission's enforceable policies, the San Francisco Bay Plan (Bay Plan) and the Suisun Marsh Protection Plan (Marsh Plan).	or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
515-2	BCDC [San Francisco Bay Conservation and Development Commission] staff recommends that the EIR refine and strengthen the analysis contained in the DEIR to thoroughly evaluate impacts on the San Francisco Bay from increased Delta exports, and corresponding decreased Delta outflows. The Delta and the Bay are part of the same estuarine system, and as a result, impacts in the Delta will necessarily affect the Bay. The physical Delta and the water export activities within the Delta system should be treated as inherently connected to the San Francisco Bay consistent with the current resurgence of adaptive resource management approaches that are more holistic, multi-disciplinary, and cross-jurisdictional. The Delta and the Bay are part of the same system, where impacts to the upstream areas flow down to impact the downstream areas. The quality and quantity of Delta outflow is a well-documented indicator and driver for the health of the lower estuary and the endangered species that live within the Bay and marsh. While the DEIR addresses some impacts to the San Francisco Bay, the impact of water diversions on the Bay lacks detailed analysis. As a result, BCDC staff recommend the EIR include a thorough analysis of the impacts of the Project to	The Delta Conveyance Project EIR was written to comply with CEQA requirements and makes a good-faith effort to disclose potential impacts to decision makers and the public. Please refer to Chapter 3, Description of the Proposed Project and Alternatives, regarding the operational criteria, real-time operational decision making and adaptive management, which seek to avoid impacts on fish and aquatic biological resources. Operation of the project is described in the section titled Intake Operations and Maintenance, which ensures that the operation of the project would be “governed by the applicable regulatory requirements specified under the State Water Board Water Quality Control Plan for the San Francisco Bay/Sacramento–San Joaquin Delta Estuary (Bay-Delta WQCP) and assigned to the SWP in the applicable water right decision, applicable biological opinions under ESA, applicable incidental take permit under CESA, and USACE Clifton Court diversion limits. The operations of the proposed north Delta intakes would remain consistent with these existing regulatory requirements.” Operational criteria for the project is clearly described in the Chapter 3 section titled New Operational Criteria for the Proposed North Delta Intakes and the table titled Delta Conveyance Project Preliminary Proposed Operations Criteria. As described in Chapter 3 and Common Response 3, Alternatives Development and Description, the Delta Conveyance Project would not modify existing water rights and does not

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	entire estuary, including the San Francisco Bay, as further discussed below.	propose to convey water supplies beyond those that are currently allowed by existing water rights or contracts. The EIR fully evaluates the impact mechanisms associated with construction and operation of the project, using multiple models, data, and sources to provide substantial evidence for the CEQA impact analysis on resources contained in Chapters 7 through 32. Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the selection of the study area(s) evaluated in the EIR, including areas upstream of the north Delta diversions. As described in Chapter 12, Aquatic Resources, the study area identified is appropriate and defined in the Environmental Setting section and includes the Delta, Suisun Bay/Marsh with consideration of San Pablo and San Francisco Bays. Please also see Common Response 1 regarding the best available science and tools used. Also see Common Responses 9, Hydrologic Modeling and Approach, and Common Response 10, Surface Water Quality and Groundwater Resources, regarding details about some of the specific hydrologic and water quality models used to evaluate impacts in the EIR.
515-3	BCDC's [San Francisco Bay Conservation and Development Commission] jurisdiction includes San Francisco Bay, including San Pablo Bay, and Suisun Bay, covering all tidal areas and a shoreline band reaching 100 feet inland and Managed Wetlands. In the Suisun Marsh, BCDC has permitting jurisdiction within the Primary Management Area defined in the Suisun Marsh Preservation Act, as well as appellate authority in the Secondary Management Area. In exercising its permitting authority, BCDC is responsible for granting or denying permits for any proposed fill; extraction of materials; or change in use of any water, land, or structure within the Commission's jurisdiction. In evaluating projects, the Commission must find consistency with its laws and policies of	This information describes the background of the organization or individual 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.

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	the McAteer-Petris Act, the San Francisco Bay Plan, the Suisun Marsh Preservation Act, and the Suisun Marsh Protection Plan.	
515-4	While the project facilities proposed in the new project [DCP] as elements of the SWP [State Water Project] lie outside BCDC's jurisdiction, the construction and operation of the new facilities may have impacts farther down the Bay-Delta system on the water quality and natural resources of the San Francisco Bay and Suisun Marsh. These impacts may include changes to water quality, water quantity, salinity, and sediment transfer. Elements of the State Water Project (SWP) located within BCDC's jurisdiction in the Suisun Marsh may be subject to existing BCDC permits. Development of new facilities or modifications to these existing facilities, may require new BCDC permits or modifications to existing BCDC permits.	The Delta Conveyance Project EIR has been prepared in compliance with CEQA and evaluates the full range of potential impacts that may result from construction, operation, and maintenance 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. Please refer to Chapter 5, Surface Water, which describes potential changes to surface water resources that could result from implementation of the project, which are analyzed appropriately in relevant resource chapters. For example, refer to Chapter 9, Water Quality, and its supporting appendices for discussion and analysis of temperature, salinity, harmful algal blooms, and other potentially significant environmental impacts on water quality, which were determined primarily to be less than significant. The San Francisco Bay and Suisun Marsh are included in the study area of the water quality analysis, as described in the section titled Study Area in Chapter 9. In addition, please refer to Chapter 12, Fish and Aquatic Resources, and Chapter 13, Terrestrial Biological Resources; potential impacts analyzed in Chapters 12 and 13 would result in impacts that are primarily less than significant or less than significant with mitigation. As noted by the comment, the project lies outside the BCDC's jurisdiction. Chapter 1, Introduction, in the section titled, Use of this Final EIR by Other Entities, provides a listing of some of the agencies and their respective potential review and approval responsibilities, in addition to those under CEQA, in the table titled Summary of Potential Agencies and Review, Approval, or Other Responsibilities.
515-5	Proposed Project Operations and Bay Impacts The Delta, and the estuary as a whole, will be subject to many different challenges in the future, both known and unknown. These challenges include, but are not limited to, sea level rise, salinity intrusion, seismic risks, climate change, and extreme	The comment provides information consistent with information found in the EIR and consistent with the purpose and objective of the project, which is described in Chapter 2, Purpose and Project Objectives. Please refer to Common Response 6, Climate Resilience and Adaptation, for a description of the climate change and sea level rise analyses in the EIR.

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	weather events. The project is designed to specifically protect the water deliveries of the SWP from catastrophic and extreme events such as the highest projected SLR and Delta levee failures.	
515-6	However, changes in temperature and precipitation are expected to significantly alter California's hydrology in the future. The DEIR states that "having alternative points of diversion in the north Delta would increase resiliency in managing combined effects of sea level rise and changes in upstream hydrology, including changes to timing and quantity of seasonal runoff patterns... [And] operating the proposed north Delta intakes would facilitate the capture of inflow when changing precipitation patterns are expected to generate higher inflow than [in the past]. By being able to capture inflow when it is available, overall exports would be more reliable than with the existing south Delta pumps alone.", The preferred proposed project, the Bethany Reservoir Alignment, would divert up to 6,000 cfs of water from two new north Delta intake facilities - Intakes B and C, each with 3,000 cfs capacity - through state-of-the-art fish screens and convey it via a single tunnel on an eastern alignment directly to a new pumping plant and aqueduct complex called 1the Bethany Complex near Byron Highway in the south Delta. The alignment would continue heading south to the existing Bethany Reservoir on the California Aqueduct. The tural land, cultural resources, and wetlands and waters of the United States, and would provide the same climate resiliency, seismic resiliency, and water supply reliability as the other alternatives but would have fewer or substantially reduced environmental impacts.	The comment reiterates details of the project and Alternative 5 as described by the EIR. The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process. Please refer to Chapter 3, Description of the Proposed Project and Alternatives, and Common Response 3, Alternatives Development and Description, regarding how the project would be operated.

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515-7	The majority of project activities occur outside of BCD's [San Francisco Bay Conservation and Development Commission] jurisdiction. However, the Project could have potential impacts on the San Francisco Bay and Suisun Marsh. The DEIR states, "although initial operating criteria of the proposed project would be formulated during the preparation of the upcoming Draft EIR in order to assess potential environmental impacts and mitigation, final project operations would be determined after completion of the CEQA process, obtaining appropriate water right approvals through the State Water Resources Control Board's change in point of diversion process, and completing the consultation and review requirements of the federal Endangered Species Act and California Endangered Species Act." BCDC requests that the EIR continue to include a detailed assessment of the impacts of the operating criteria to the San Francisco Bay to avoid segmentation of the environmental review between the localized project impacts and the more far-reaching operational impacts of the project. These operations and related impacts should be addressed in tandem in the EIR as a complete project with all related impacts, including a suite of options and alternatives. For regulatory agencies to make a well-informed decision on the preferred alternative, the project should be addressed as a whole. BCDC staff's review of the DEIR description of project operations suggests that, in initial years, freshwater flow will be diverted during wet events. It is not clear how this would impact freshwater flows to the Bay. The DEIR provides that the amount of diversion would be minimal such that it would not impact flows to the Bay, but the analysis is brief and impacts	The EIR addresses the project as a whole and analyzes the project and alternatives based on the description in Chapter 3, Description of the Proposed Project and Alternatives. Impacts in the EIR are not limited to the Delta and the study areas for each resource evaluated in the EIR are appropriately defined and described in the Environmental Setting sections and Methods for Analysis sections of Chapters 7 through 32. The EIR considers both near-field effects associated with construction and operation and far-field effects of construction and operation (for example, Chapter 12, Fish and Aquatic Resources, Impact AQUA-2 explicitly includes subheadings for near-field effects and far-field effects). The EIR fully describes changes to Delta outflow (i.e., flows into San Francisco Bay), and evaluates impacts associated with those changes. CalSim 3, used to model hydrologic conditions under project operations modeled Delta outflow and X2 (assumed reference by the comment to salinity gradient) and presented the results in multiple parts of Appendix 5A, Modeling Technical Appendix. Specifically, Appendix 5A, Section B, Hydrology and Systems Operations Modeling, Attachment 3, CalSim 3 Model Results for Existing Conditions and Alternatives at 2020, section titled Delta Channel Flows and X2 Location, subsections titled Net Delta Outflow Index and Net Delta Outflow, provide modeled results for outflow. This appendix provides a detailed description of modeled changes in flows associated with operation of the project, both upstream of the north Delta intakes and downstream (e.g., the Bay). Chapter 12, Fish and Aquatic Resources, in the section titled Study Area specifically identifies the primary focus area of the analysis is the Delta and Suisun Bay/Marsh, including consideration of San Pablo and San Francisco Bays based on overlapping species distributions (e.g., longfin smelt). Chapter 12 uses information regarding flows presented in Appendix 5A and from other models as described in the Methods for Analysis section of the chapter to evaluate impacts on multiple fish species. For example, Impact AQUA-7 uses Delta Outflow-Abundance to evaluate potential impacts on longfin smelt. Impacts on Bay species such as California Bay Shrimp and Starry Flounder are also evaluated in Chapter 12 (Impacts

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	should be evaluated more thoroughly. Furthermore, it is not clear how the operations would impact sediment levels, salinity gradients, ecology, and water quality in the Bay. While BCDC staff appreciates the analysis of impacts to the San Francisco Bay in the DEIR, the Final EIR should include a more thorough analysis of the impacts to the Bay and the Estuary from the Project, and should not be limited to impacts to the Delta.	AQUA-18 and AQUA-12, respectively). Impacts related to turbidity are evaluated in Chapter 12, Impact AQUA-6 and in Chapter 9, Water Quality, Impact WQ-13, both of which address the Delta (Estuary) and San Francisco Bay. The project description (Chapter 3) includes multiple environmental commitments such as, Environmental Commitment EC-15, which is about sediment monitoring, modeling, and reintroduction adaptive management (see Appendix 3B, Environmental Commitments and Best Management Practices, for detailed descriptions of each environmental commitment). The environmental commitments are analyzed and incorporated into the impact analysis, where appropriate. Environmental Commitment EC-15 is specifically discussed as it relates to the impact analysis. For example, in Chapter 12, sediment entrainment, transport, and Environmental Commitment EC-15 are discussed under Impact AQUA-6. Please also refer to response to comment 515-4 regarding potential impacts on water quality in the San Francisco Bay and Suisun Marsh asserted by the comment. Given the information above and contained in the EIR, sediment, salinity gradients, ecology, and water quality in the Bay and the Delta are evaluated in the EIR, depending on the resource.
515-8	Flow Standards and Species Protections: The San Francisco Bay Plan includes policies on Fish, Other Aquatic Organisms and Wildlife. These policies provide that, "[t]o assure the benefits of fish, other aquatic organisms and wildlife for future generations, to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased." San Francisco Bay is considered essential fish habitat and critical habitat for certain threatened and endangered fish species, including Chinook salmon, steelhead, longfin smelt, and Delta smelt, by the National Marine Fisheries Service and the United States Fish and Wildlife Service, because the Bay plays an essential role in their life cycles. There are currently six different species that are	This comment describes background information and does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. Chapter 12, Fish and Aquatic Resources, evaluates construction and operation impacts on the species listed in the comment. This chapter describes habitat and lifecycle needs of these fish. As shown in the Executive Summary, Summary of Delta Conveyance Project Impacts and Mitigation Measures, impacts on aquatic resources would be less than significant or less than significant with mitigation.

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	listed as critical or endangered in the Bay-Delta system, including smelt and salmon species.	
515-9	BCDC [San Francisco Bay Conservation and Development Commission] staff request that, at a minimum, the EIR should evaluate a range of possible flow standards, and an analysis of any cumulative impacts that may occur due to proposed changes to the system on San Francisco Bay and the Suisun Marsh. San Francisco Bay and Suisun Marsh have been experiencing a decline in important Bay species populations. Diversions located farther up the system may change water flows or have other impacts farther down the system. The EIR should address a range of operational standards for the entire system.	Please see responses to comments 515-2, 515-4, and 515-7 regarding the description of project operations, the water quality and fish analyses and impact determinations, and the study area(s) of the resources analyzed in the EIR. As described in these responses, the EIR provides a description of the criteria used to operate the north Delta intakes (including bypass flow standards) and an accurate modeled representation of operations within the study area(s) evaluated. Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, also provides a description of the approach to evaluating cumulative impacts in the EIR. Changes to the system are evaluated in a number of ways throughout the EIR. Please also see Common Response 9, Hydrologic Modeling and Approach, regarding the hydrologic modeled representation of the system. Please see Common Response 1 for a discussion of existing flow standards considered in the baseline existing conditions for CEQA purposes and Common Response 3, Alternatives Development and Description, and Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, for information regarding the State Water Board's roles and responsibilities for setting flow standards for the Bay-Delta. As identified in those responses, Appendix 4C, Alternate Regulatory Scenario Sensitivity Analysis, is provided to illustrate an alternate regulatory scenario, which may include different flow standards than those currently in place and evaluated as part of the existing conditions baseline.
515-10	As referenced above, the operations of the project in the initial years after construction include a reduction of the Delta outflows during storm events. The existing body of research on the Delta does not specifically assess the biological role of Delta outflows during storm events, and the DEIR does not attempt to provide environmental analysis that adequately considers this unknown impact to the lower estuary. There is a clear, well-documented link between historical declines in	Please see responses to comments 515-2, 515-4, and 515-7 regarding the description of project operations; water quality and fish analyses, as well as changes and impact evaluations associated with Delta outflow; and the study area(s) of the resources analyzed in the EIR. Common Response 3, Alternatives Development and Description, provides clarification of when the project would operate during excess flow conditions. The information contained in Common Response 3 was developed from the hydrologic modeling results used throughout the EIR. The EIR fully evaluates changes

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	Delta outflow and declines in fish populations and water quality in both the Delta and in San Francisco Bay. However, more research is needed _into the role that storm events play in this relationship [Footnote 1: Mac Nally, Ralph, et al. "Analysis of pelagic species decline in the upper San Francisco Estuary using multivariate autoregressive modeling (MAR)." Ecological Applications 20.5 (2010): 1417-1430. "Increases in water exports in both winter and spring were negatively associated with abundance of delta smelt and increases in spring exports with abundance of threadfin shad. "].	in Delta outflow storm events. As described in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, the EIR followed accepted practices for the preparation of such documents.
515-11	Habitat Restoration: As described in the DEIR, the project would promote new habitat restoration projects as mitigation for removing more freshwater from the estuary. However, the new allocations may reduce flows to the Bay and Suisun Marsh before the new habitat is established and functions as mitigation. To remove the water first, before the new habitat is established, would require current species to survive on reduced allocations, which further endanger populations that are currently at nearly undetectable levels. Instead, the temporal lag between constructing the proposed project and mitigating for the adverse impacts of the project should be minimized. If restoration projects cannot be established prior to the project becoming operational, then the agreements and standards should have contingency plans if the habitats do not serve to promote species welfare as designed. The EIR should reference peer-reviewed scientific analysis in developing alternatives should the proposed restoration and mitigation habitat not fulfill the desired outcomes.	The impact assessments contained within the Delta Conveyance Project Draft EIR disclose potentially significant environmental impacts prior to the application of the Compensatory Mitigation Plan (CMP), and then provide discussions of the potential reduction of impacts as a result of implementation of the CMP. As such, the impact analysis provides full disclosure of all potentially significant impacts of the proposed Delta Conveyance Project and alternatives prior to the application of the CMP. Furthermore, the CMP and other mitigation measures associated with sensitive habitats and species include monitoring to assess and ensure effectiveness. The feasibility of CMP actions, including habitat restoration, was evaluated through the application of relevant and objective criteria and ecological restoration practices germane to the Sacramento–San Joaquin Delta (Delta) ecosystem, and is inclusive of relevant information from multiple disciplines. The selection of potential mitigation sites described in this EIR was informed by USACE, EPA, State Water Board, and USFWS mitigation policies and guidance documents and Delta Plan guidance as it relates to site selection and design criteria for special-status species. Please also see Common Response 11, Terrestrial Biological Resources and Compensatory Mitigation Plan, regarding the efficacy and timing of CMP

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		implementation. As stated in Appendix 3F, Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources, DWR is committed to staying ahead of the cumulative, permanent suitable habitat loss such that there will be no lag between constructing the project and mitigating impacts as the comment asserts. Also, as described in Appendix 3F, the compensatory mitigation options and approaches identified have been developed using the best available science to identify the ecological requirements of wetland communities, natural history and habitat requirements of special-status species; and follow relevant guidance and ecological restoration practices for the region from multiple disciplines.
515-12	Sediment Impacts to the San Francisco Bay: USGS research shows that sediment flows into San Francisco Bay have been significantly reduced due, in part, to water control structures, flood protection, and hardening of rivers in the Delta (USGS, Schoellhamer et. al., 2013). Removing additional water from the system potentially reduces sediment transport in and through the system, which could affect turbidity, sensitive habitats, and water quality in the Bay and Suisun Marsh. "Reduction in sediment input from the watershed has the greatest impact on turbidity levels, which are key to primary production and define habitat conditions for endemic species. Sea level rise leads to more sediment suspension and a net sediment export if little room for accommodation is left in the system due to continuous engineering works [Footnote 2: Achete, F., Van der Wegen, M., Roelvink, J. A., & Jaffe, B. (2017). How can climate change and engineered water conveyance affect sediment dynamics in the San Francisco Bay-Delta system? Climatic Change, 142(3-4), 375-389.https://doi.org/10.1007/s10584-017-1951-8]. Thank you for providing a discussion on potential changes to turbidity levels, suspended sediment concentrations, and the potential effects to water quality from the proposed project and	The potential reduction in sediment load to the Delta and associated effects on Delta turbidity is addressed fully in Chapter 9, Water Quality, Impact WQ-13, and Chapter 12, Fish and Aquatic Resources, Impact AQUA-6, which concluded the impact would be less than significant. This conclusion is based on the long-term estimated sediment entrainment by the north Delta intakes being a relatively small proportion (~5%) of Sacramento River sediment entering the Delta and that other factors that contribute to sediment loading and suspension in the Delta would continue. For context on why this would be expected to be a minimal impact on sediment to San Francisco Bay, the 5% reduction in sediment in the Sacramento River would represent approximately a 3% reduction in sediment entering/leaving the Delta because, as discussed in Impact WQ-13, approximately 66% of the sediment entering the Delta enters via the Sacramento River; the contribution of the Delta to San Francisco Bay sediment is around 40% because approximately 60% of the sediment comes from local tributaries (McKee et al. 2013). Thus, the potential reduction in sediment entering San Francisco Bay would be around 1% (5% entrained*66% sediment contribution to Delta from Sacramento River*40% sediment contribution to San Francisco Bay from the Delta). In addition, Environmental Commitment EC-15 would be implemented to monitor and model Sacramento River sediment entrainment, establish performance criteria, and develop and implement a sediment

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	alternatives in the DEIR. While impacts to water quality is extremely important, projects that remove sediment from the SF Bay Delta Estuary should also consider this impact, and how it would affect habitats that benefit from the sediment supply. As you may be aware, the sediment supply to the lower estuary (the San Francisco Bay) has been significantly reduced and is impacting the ability for marshes to adapt to climate change, specifically rising seas. A five percent decrease in sediment supply will further exacerbate this issue. Please include a discussion of this potential impact to the tidal wetlands downstream of the proposed alternatives, and any mitigation or minimization measures that may help address this impact.	reintroduction plan, if determined necessary relative to the performance criteria (Appendix 3B, Environmental Commitments and Best Management Practices).
515-13	Conclusion. Thank you for the opportunity to comment on the DEIR. If you have any questions regarding this letter please contact [name], Planning Manager, directly at [phone number] or by- mail at [email].	This information describes general conclusion 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.
533-1	This memorandum provides comments on the California Department of Water Resources' (DWR) July 27, 2022, Draft Environmental Impact Report (Draft EIR) for the Delta Conveyance Project (Project). The State Water Resources Control Board (State Water Board) and Central Valley Regional Water Quality Control Board (Central Valley Water Board) (collectively Water Boards) appreciate the opportunity to comment on the Draft EIR.	This information describes the structure or organization of the comment letter, clarification on the submittal of the comment letter, or 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.
533-2	General Comments The mission of the Water Boards [State Water Board and Central Valley Water Board] is to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource	This information describes the background of the organization or individual 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.

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	allocation and efficient use for the benefit of present and future generations. The State Water Board administers water rights in California, including those of the State Water Project (SWP) and Central Valley Project (CVP). The State and Regional Water Boards also have primary authority over the protection of the State's water quality and drinking water. To protect water quality, the State and Regional Water Boards develop water quality control plans that designate beneficial uses of water, establish water quality objectives to protect those beneficial uses, and include a program of implementation to achieve the objectives. Water quality control plans also include requirements for monitoring, special studies, and reporting. These water quality control plans include the State Water Board's Water Quality Control Plan for the San Francisco Bay/Sacramento- San Joaquin Delta Estuary (Bay-Delta Plan) and the Central Valley and San Francisco Bay Regional Water Boards' Water Quality Control Plans for the Central Valley and San Francisco Bay.	
533-3	The Water Boards [State Water Board and Central Valley Water Board] will have discretionary approvals over water right and water quality aspects of the Project and are responsible agencies for the Project pursuant to the California Environmental Quality Act (CEQA). As responsible agencies under CEQA, the Water Boards must review and consider the environmental impacts of the Project identified in the EIR that are within their purview and reach their own conclusions on whether and how to approve the Project. (Cal. Code Regs., tit. 14, section 15096, subd. (a).) Specifically, activities that will require approval by the Water Boards include changes to the SWP's and potentially the CVP's water rights to add points of diversion of water to those rights, water quality certification pursuant to Clean Water Act section 401, [Footnote 1: A permit	This comment summarizes the role and responsibilities of the Water Boards and describes issues that the Water Board feels should be addressed in the development of the Draft EIR as stated in the Water Boards' comment letter on DWR's Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the project. The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.

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	pursuant to Section 404 of the Clean Water Act is required from the United States Army Corps of Engineers (USACE) because the Project will involve the discharge of dredged or fill material in navigable waters or wetlands. In connection with the USACE permit required for this Project, a Water Quality Certification must be obtained from the State Water Board], National Pollutant Discharge Elimination System Permits (NPDES), [Footnote 2: If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a NPDES permit. If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a NPDES permit] and potentially other water quality approvals such as a Construction Storm Water General Permit, [Footnote 3: Dischargers whose project disturbs one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ.], an Industrial Storm Water General Permit, [Footnote 4: Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.], Waste Discharge Requirements, [Footnote 5: If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement permit to be issued by the Central	

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	Valley Regional Water Quality Control Board.], and a Dewatering Permit. [Footnote 6: If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Regional Water Quality Control Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145.] The EIR is also expected to provide information necessary to inform the Water Boards' decision making under the California Water Code, including whether and under what conditions needed approvals should be granted.	
533-4	On April 15, 2020, the Water Boards [State Water Board and Central Valley Water Board] submitted a comment letter (attached [Comments 125-155]) on DWR's Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Project. The Water Boards identified issues that should be addressed in the development of the Draft EIR, including issues related to the CEQA baseline upon which alternatives are compared; evaluation of a range of operational alternatives, including alternatives that incorporate possible updates to the Bay-Delta Plan; impacts that should be evaluated on aquatic ecosystems and species, water quality, and legal users of water; evaluation of climate change effects; and monitoring and evaluation actions under the proposed Project. Water Boards staff reviewed the Draft EIR for the major issues identified in the NOP and provide the following general comments and specific comments identified in the attached table.	This comment describes the structure of the comment letter and discusses past comments on the NOP that suggest topics that the State Water Board feels should be included in the EIR. DWR considered all NOP comments and documented the consideration in Appendix 1A, July 2020 Delta Conveyance Project Scoping Summary Report and Addenda. This comment makes introductory references to the baseline, alternatives, impacts on aquatic ecosystems and species, water quality, legal users of the water, climate change effects and subsequent monitoring. All these issues are discussed and addressed in the EIR in multiple locations as identified by the EIR table of contents and the Executive Summary table titled Summary of Delta Conveyance Project Impacts and Mitigation Measures. More specific comments and responses regarding the EIR related to these topics are addressed within the subsequent responses to letter 533.

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533-5	Baseline Regulatory Conditions: For the evaluation of Project impacts, the Draft EIR assumes baseline conditions include State Water Board Decision 1641 (D-1641) implementing the 1995/2006 Bay-Delta Plan, the 2019 Biological Opinions (BiOps) issued by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS), and the 2020 Incidental Take Permit (ITP) issued by the California Department of Fish and Wildlife (CDFW) on the Coordinated Long-Term Operations (LTO) of the SWP and CVP. The State Water Board's comments on the NOP recommended that the EIR evaluate the effects of the Project with and without the recent 2019 changes to the BiOps. The State Water Board indicated that it is important to understand the effects of the 2019 BiOps in combination with the proposed Project because the State has filed suit on the 2019 BiOps which may result in modifications to or invalidations of those BiOps. In addition, the changes to the BiOps are not well understood because they were made recently and have not been fully implemented due to court orders and drought conditions. The 2019 BiOp changes could have large effects on export operations and Delta hydrodynamics as well as aquatic species (Reclamation's Environmental Impact Statement identified that the 2019 BiOp changes could result in increases in exports of up to 600 thousand acre-feet per year on average given existing infrastructure). These effects in combination with the effects of the Project should be evaluated and disclosed. Given the unknown outcome of the litigation and current BiOp reconsultation process, the Water Boards [State Water Board and Central Valley Water Board] continue to recommend evaluation of both regulatory baselines.	The existing baseline conditions were fully and adequately described throughout the EIR pursuant to CEQA requirements. A detailed discussion on the CEQA baseline is provided in Chapter 4, Framework for the Environmental Analysis, and supporting information can be found in Appendix 3C, Defining Existing Conditions, No Project Alternative, and Cumulative Impact Conditions. Please also see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the environmental baseline used for the Draft EIR, which includes a discussion of the selection of the biological opinions included in the baseline conditions for the hydrologic modeling effort and EIR impact assessment. As noted in Common Response 1, the CEQA baseline for assessing the significance of impacts is normally the conditions at the time the EIR's Notice of Preparation is issued. This baseline condition was used in the Draft EIR and was equally applied across all resource topics evaluated in the document.

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533-6	The Draft EIR also does not include an evaluation of recent updates to the Bay-Delta Plan. In 2018, the State Water Board updated the Lower San Joaquin River Flow and southern Delta salinity objectives and associated program of implementation in the Bay- Delta Plan (2018 Bay-Delta Plan). The State Water Board is currently in the process of implementing these updates. Appendix 4C of the Draft EIR (page 4C-2) states that the updated elements of the Bay-Delta Plan are not included in the regulatory baseline conditions in the Draft EIR. The Draft EIR states that 2018 Bay-Delta Plan update elements were not included because the south Delta salinity standards metrics of compliance are not yet developed to the point that they can be modelled. However, this does not explain why flow objectives are not evaluated in the Draft EIR. State Water Board staff are available to assist with the development of scenarios that serve this purpose.	DWR continues to coordinate with all responsible agencies, including the State Water Board, during the preparation of the Final EIR. Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, describes consideration of the existing Bay-Delta WQCP and the Update to the Bay-Delta WQCP in the baseline and cumulative analysis of the EIR. Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, describes the relationship of the Bay-Delta WQCP Update and water quality control planning process with the Delta Conveyance Project. As required by CEQA, expected future conditions of when a project will be operational should only be included for detailed evaluation where such future conditions are, based on substantial evidence, currently known. As the implementation plan of the Bay-Delta WQCP Update (San Joaquin River Flows and Southern Delta Salinity, i.e., Phase 1), has not been adopted by the State Water Board, substantial evidence does not support the conclusion that specific future conditions under Bay-Delta WQCP Update (San Joaquin River Flows and Southern Delta Salinity) are known. Therefore, it was not included in baseline modeling or the No Project Alternative modeling because it has not been implemented and the State Water Board continues to develop implementation requirements for both the flow objectives and salinity objectives that are yet to be made public. As noted in Appendix 4C, Alternate Regulatory Scenario Sensitivity Analysis, is not required by CEQA. Although conditions under the not-yet developed implementation plan for the Bay-Delta WQCP Update (San Joaquin River Flows and Southern Delta Salinity) remain speculative, for public disclosure, Appendix 4C includes a quantitative analysis based on reasonable assumptions concerning future regulatory conditions. Appendix 4C is meant to provide an analysis of how the project could operate under an alternate regulatory scenario that could reflect potential updates to the Bay-Delta WQCP using some provisions from the recent publicly released

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		March 2022 memorandum of understanding that outlines the terms of the Voluntary Agreements to Update and Implement the Bay-Delta WQCP. Based on this publicly available information, Appendix 4C, conservatively assumes the proposed project would not divert excess Delta outflow in January through June during times in which total Delta outflow is less than 29,200 cubic feet per second (cfs). The limitation on the project described in the appendix is a valid assumption related to operations under the potential conditions described in an alternate regulatory scenario. The contribution of the flows listed in Table titled Voluntary Agreements Assumptions Modeled for the Alternate Regulatory Scenario to Delta outflow is modeled identically in the Alternate Regulatory Scenario without and with Alternative 5. Where information is known regarding the San Joaquin River System (e.g., Phase 1) under the most recent publicly released March 2022 memorandum, it is included (e.g., see Footnote c in the table). The assumptions described in Appendix 4C and the modeled conditions using the alternate regulatory scenario are reflective of how the project could operate under an alternate regulatory scenario.
533-7	Project Operational Alternatives: The Draft EIR states that the alternatives evaluated in the EIR are the result of an extensive screening process. However, the Draft EIR only includes construction and conveyance capacity related alternatives, despite comments provided by the State Water Board on the NOP and on other occasions indicating that a reasonable range of operational alternatives should also be evaluated given that the operations of the project will have long term effects on the environment well beyond construction. Instead, the Draft EIR includes alternatives combining three tunnel alignments, three north intake locations, and conveyance capacities ranging from 3,000 cubic feet per second (cfs) to 7,500 cfs. The Draft EIR presents Alternative 5 (Bethany Alignment with 6,000 cfs conveyance	Please refer to Appendix 3A, Identification of Water Conveyance Alternatives, and Common Response 3, Alternatives Development and Description, regarding the alternatives development process and the range and scope of alternatives considered. Common Response 3 addresses facility operations alternatives suggested in comments and explains that the selected operational criteria were developed during an extended process to address project objectives and environmental and water rights conditions assuming the current applicable regulatory requirements. Operational scenarios that could not address these objectives and conditions were not considered further in the EIR analyses.

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	capacity from two north Delta intake locations, Intakes B and C) as the proposed Project.	
533-8	The Draft EIR provides only one set of operations criteria for the Project. The Draft EIR also includes an evaluation of a possible alternate regulatory regime in Appendix 4C that includes provisions from the March 2022 Voluntary Agreements (VAs) Memorandum of Understanding proposing voluntary measures for the update and implementation of the Bay-Delta Plan. However, this scenario does not include specific proposed operating criteria for the Project and includes assumptions that are not proposed operating constraints, as described further below.	Appendix 4C, Alternate Regulatory Scenario Sensitivity Analysis, provides the assumptions for a modified regulatory scenario sensitivity analysis assuming the Delta Conveyance Project operational criteria are implemented as described in Chapter 3, Description of the Proposed Project and Alternatives. This sensitivity analysis is provided for information purposes only to determine the potential for changes in impacts for the described scenario. The results of the analysis indicated that the project compared to a modified regulatory baseline would not result in increased severity of effects compared to those described in the main body of the EIR. Please refer to Common Response 3, Alternatives Development and Description, for additional explanation regarding alternative operations scenarios. The alternative regulatory scenario described in Appendix 4C did not assume a specific set of detailed operating criteria unique to the scenario. As described in Appendix 4C, the assessment of the scenario included some of the provisions of the 2020 Voluntary Agreements Memorandum of Understanding (MOU) and existing water quality requirements. The treatment of the provisions of the 2020 Voluntary Agreements MOU in the scenario is described in Appendix 4C.
533-9	Water Board [State Water Board and Central Valley Water Board] staff recommend the EIR evaluate a reasonable range of operational alternatives in order to provide the Water Boards and other responsible agencies with analyses to inform their decision-making processes. This is particularly important given that pursuant to the Delta Reform Act, the State Water Board will need to include appropriate Delta flow criteria for the Project in any approval of a water right change petition needed for the project. These alternatives should include an evaluation of flow criteria for the Project that would improve conditions for native fish species, which are currently in poor condition given the current cumulative impacts to native fish and wildlife	Please refer to response to comment 533-7 regarding development of the Delta Conveyance Project operational criteria and why additional operations scenarios were not considered further in the EIR. Common Response 3, Alternatives Development and Description, provides additional discussion, in addition to that found in Appendix 3A, Identification of Water Conveyance Alternatives, about the process and focus of proposed new operational criteria. Common Response 3 also discusses the design of operations to comply with regulatory requirements, including flow criteria, and the adequacy of the range of operational criteria to which the project would operate.

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	species resulting from existing flow modifications and other activities explained in the State Water Board's 2017 Scientific Basis Report in support of potential updates to the Bay-Delta Plan. Flow criteria that would improve Delta outflows, reduce fish entrainment and impingement at SWP (and possibly CVP) diversions, and improve cold water management without redirected impacts to native fish species should be evaluated.	Please refer to Common Response 8, Relationships to Other Plans, Projects, Policies, and Programs, regarding the relationship between the Delta Conveyance Project and the Delta Reform Act; please also refer to Appendix 3E, Delta Reform Act Considerations.
533-10	Specifically, the EIR should evaluate a scenario that is consistent with the State Water Board's efforts to update and implement the Bay-Delta Plan to improve protections for native fish species. As mentioned above, the State Water Board updated the Lower San Joaquin River Flow and southern Delta salinity objectives in the Bay-Delta Plan in December 2018 and is proceeding to implement these objectives. In July 2018, the State Water Board released a Framework [Footnote 7: The Framework can be found at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/sed/sac_delta_framework_070618%20.pdf] for potential updates to Sacramento River and Delta tributary inflows and cold-water habitat, Delta outflows, and interior Delta flow provisions included in the plan based on science summarized in the State Water Board's Scientific Basis Report [Footnote 8: The Scientific Basis Report can be found at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2022/201710-bdphasell-sciencereport.pdf]. These possible updates to the Bay-Delta Plan should be evaluated in the EIR as possible operating constraints on the Project that would mitigate the potential impacts of the Project on fish and wildlife. Although the EIR determines that with mitigation operational impacts from the Project would be less than significant, as explained further below, there is scientific uncertainty concerning whether the	The EIR does not contain an analysis of potential future regulatory requirements, for the purpose of determining alternatives impact significance, as it would be speculative to assume the specific future regulatory environment and introduce a high degree of uncertainty to the analysis. The Lower San Joaquin River WQCP updates (i.e., Phase 1) were not included in the modeling of existing conditions or project alternatives because they have not been implemented as of the time of the NOP. The Sacramento River/Delta WQCP updates (i.e., Phase 2) have not been approved and were thus not included for the purposes of project alternative modeling. Nonetheless, the project would conform to or implement all enforceable applicable future federal and state regulatory requirements. Appendix 4C, Alternate Regulatory Scenario Sensitivity Analysis, presents analysis of Alternative 5 under potential future regulatory conditions, for information purposes only. The analysis discloses that the results of this scenario are not substantively different from those provided in the EIR impact analyses. Because alternative criteria do not have the potential to substantially lessen or avoid any of the proposed project's significant unavoidable impacts, alternative criteria were not included in a project alternative. Please refer to Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, regarding the project's relationship to the Bay-Delta Water Quality Control Plan (WQCP) and other statewide water management documents. Please also refer to Common Response 8 regarding a discussion of the Delta Reform Act, the Delta Plan, and other statewide water management planning considerations. Also see Appendix 3E, Delta Reform Act Considerations,

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	habitat restoration actions proposed as mitigation for reduced Delta outflows and other impacts from the Project will be capable of reducing impacts to less than significant levels, particularly with respect to cumulative impacts. Further, while more stringent operational constraints on the Project would not be expected to have additional significant impacts that require evaluation under CEQA, specific evaluations of possible interactive effects would confirm this conclusion and ensure adequate CEQA documentation for the Board's decision-making processes, thereby avoiding possible delays in processing DWR's, and possibly Reclamation's, water right change petition. An analysis of the amount of water that would be available for export using Project facilities if more stringent flow criteria were imposed would also serve to inform the Board's [State Water Board and Central Valley Water Board] determination concerning what flow criteria are appropriate for the Project.	regarding Delta Conveyance Project consistency with the Delta Plan. Please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding how substantial evidence was used in the impact analyses and to develop feasible mitigation measures to reduce significant impacts. While uncertainties exist, they do not undermine the substantial evidence that supports the impact conclusions of less than significant with mitigation measures. Please refer to Common Response 3, Alternatives Development and Description, regarding operational criteria and analysis of effects on aquatic species and mitigation measures to reduce impacts to less-than-significant levels. Common Response 3 also explains that an Operations Adaptive Management and Monitoring Plan (OAMMP) is being prepared as part of the permitting effort to inform real-time decision making and address uncertainty related to the north Delta intakes. Refer also to Common Response 11, Terrestrial Biological Resources and Compensatory Mitigation Plan, for a discussion of the adaptive management included in the CMP, which addresses uncertainty related to habitat restoration. Note that CEQA does not mandate that the monitoring program incorporates adaptive management; however, it is the desired approach of the Delta Reform Act to reduce the ecological uncertainty associated with the management of the Delta system. It's also important to note that applicable impacts identified in the EIR are reduced to less-than-significant levels without incorporation of adaptive management.
533-11	In addition to more stringent flow criteria, the Water Board's [State Water Board and Central Valley Water Board] NOP [Notice of Preparation] comments also recommended evaluation of possible VA [Voluntary Agreement] measures proposed by DWR and various water agencies. Although the	Modeling results for operation of the Delta Conveyance Project are an accurate representation of the proposed project and alternatives related to diversion of excess flow under varying yearly and seasonal flow conditions and the analyses in Appendix 4C, Alternate Regulatory Scenario Sensitivity Analysis, are a reasonable depiction of proposed operations under

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	March 2022 VA was evaluated as a possible alternate regulatory regime in Appendix 4C, that modeling "conservatively assumes the proposed project would not divert excess Delta outflow in January through June during times in which total Delta outflow is less than 29,200 cubic feet per second (cfs)." However, this assumption does not appear to be an operating constraint for the proposed Project. While the assumption is not a proposed operating constraint, the high bypass flow assumption significantly affects the results of the modeling and other analyses, making the evaluation of limited utility in understanding how the proposed Project would interact with a VA and what the proposed operating rules should be to ensure VA flows provide intended benefits. The EIR should evaluate specific proposed operating constraints for the Project with a possible VA regulatory regime. While the Water Boards understand that the term of the VA is proposed to be 8 years, there are also provisions in the VA that would provide for extension of the VA. As such, it is important to understand how this and other proposed new water supply infrastructure would interact with the VA, particularly in cases where the projects involve the same water right holders and water rights involved in the VA.	potential future regulatory changes, including Voluntary Agreement assumptions As described in Appendix 4C, Alternate Regulatory Scenario Sensitivity Analysis, 29,200 cfs was selected because under the 2022 Memorandum of Understanding, the Voluntary Agreement flows are to be protected from diversion. However, DWR does not know the volume of water that may be protected from diversion and what the State Water Board would require under a future Alternate Regulatory Scenario. Therefore, 29,200 cfs was used in Appendix 4C. The effects disclosed in Appendix 4C are dependent on the assumptions about future conditions under the Alternate Regulatory Scenario. The scenario described in Appendix 4C is based on DWR's best understanding of potential Voluntary Agreements and Bay-Delta WQCP requirements at the time the appendix was prepared. The section titled Real-Time Operational Decision-Making Process in Chapter 3, Description of the Proposed Project and Alternatives, acknowledges that additional operational considerations are possible based on actual fish data during north Delta diversion operations and that an ongoing decision process would be implemented to protect sensitive fish species Please also see Common Response 3, Alternatives Development and Description, for additional discussion of the Operations Adaptive Management and Monitoring Plan (OAMMP) that would be used to inform potential future operational changes. The Delta Conveyance Project is based on executing the proposed new and current operational criteria within the real-time operations and OAMMP process to ensure protection of fish species.
533-12	In addition to the above, operations criteria during continuous, multi-year extreme drought conditions similar to the 2012-2016 and the current (2020-2022) periods should be evaluated. This is particularly important given the challenges meeting water quality and flow requirements which have occurred	The range of water-year types over the 94-year simulation period is represented in the CalSim 3 modeling results used for resource impact analyses. Please refer to Section B, Timestep and Period of Simulation, in Appendix 5A, Modeling Technical Appendix. Extreme drought periods are represented in the modeling period used for the EIR and provide existing

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	during recent drought conditions and the effect that reducing Delta outflows could have on future water quality conditions.	conditions and project condition results used for impact analyses. Please also refer to the section titled Extreme Conditions for a discussion of the approach and modeling limitations. Common Response 9, Hydrologic Modeling and Approach, also indicates that drought periods 1976–1977, 1987–1992, 2008–2009 and 2014–2015 are represented in the modeling period and provides further description for the approach to these drought periods and temporary urgency change petitions (TUCPs). Please also refer to Common Response 3, Alternatives Development and Description, for an explanation regarding TUCPs. The proposed project and alternatives scope does not include TUCPs and project operations would not result in an increase in TUCPs.
533-13	Operations of the North Delta Intakes: In addition to the above, the EIR should address the following topics related to the proposed operating criteria for the Project as part of alternate operating criteria or as part of the Project (including possible mitigation). Sweeping and Approach Velocities The Draft EIR states that the north Delta intakes would be subject to a maximum approach velocity of 0.2 feet per second and a minimum sweeping velocity of 0.4 feet per second at the proposed fish screens (3.16.1.1 Approach and Sweeping Velocity Requirements). Additionally, the sweeping velocity would be at least double the approach velocity to minimize fish drawn to the intakes. The Draft EIR (Section 3.17.2.1 Real-Time Decision-Making Framework) identifies that the average river velocity downstream of the north Delta intakes, estimated as the flow (upstream flow less the diversion flow) divided by the river’s cross-sectional area, could be used as a surrogate for the sweeping velocity (page 3-158). The two north Delta	Recommendations regarding sweeping and approach velocities at the intakes will be considered as design proceeds. For the EIR, the sweeping and approach velocities are described in Chapter 3, Description of the Proposed Project and Alternatives. These are sweeping and approach velocities that were considered as part of the analysis of impact on aquatic resources in the EIR. An additional discussion of the sweeping and approach velocities is provided Common Response 3, Alternatives Development and Description, sections on real-time operational decision making and the proposed Operations Adaptive Management and Monitoring Plan (OAMMP) being developed in coordination with fisheries agencies that will be adopted. Please also refer to the real-time decision-making framework for the north Delta diversions in Chapter 3 further describing how the north Delta intakes will be operated according to weekly, daily and sub-daily data informing real-time actions and compliance. At all times, the intakes would be subject to the maximum approach velocity and minimum sweeping velocity requirements informed by real-time hydrologic data. Sweeping velocities will be informed by the real-time operations monitoring program and adjusted if needed, in consultation with fish agencies. Monitoring data would also be used to determine if criteria for operating the proposed diversions should be more protective for sensitive fish species or if operating criteria could be relaxed

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	intakes would be located in different channel alignments with Intake B on an outside bend of the channel and Intake C on a straight reach. Fish screens located at these locations would experience different hydraulic conditions, e.g., sweeping and approach velocities, even under the same flow conditions. Water Board [State Water Board and Central Valley Water Board] staff recommend the inclusion of a monitoring strategy to measure and integrate these hydraulic parameters into real-time operational decision making. The Draft EIR indicates that the approach/sweeping velocity criteria could be relaxed (e.g., allowing for higher approach velocity) when the presence and entrainment risk of Delta smelt at the north Delta intakes is expected to be low based on temperature/calendar off-ramps (page 3-158). However, such relaxation of approach/sweeping velocity criteria without field monitoring for fish presence would risk entrainment of fish species, including Delta smelt and juvenile salmonids. The Project should incorporate fish monitoring to inform relaxation of operating criteria along with a consultation process with regulatory agencies (fisheries agencies and the State Water Board).	under certain conditions and with approval from regulatory agencies (e.g., when risk to covered species is low or absent, such as 0.3 feet per second approach velocity based on temperature/calendar off-ramps when smelt are unlikely to be in the intake reach). Please refer to Chapter 3, subsection titled Proposed Real-Time Actions and Compliance. If more significant deviations from what was analyzed in the EIR were to be proposed or identified through the OAMMP process in the future, consultation and potentially new CEQA review (and public input) could be required. Effects of operations on fish are discussed in Chapter 12, Fish and Aquatic Resources.
533-14	Operations of the North Delta Intakes: In addition to the above, the EIR should address the following topics related to the proposed operating criteria for the Project as part of alternate operating criteria or as part of the Project (including possible mitigation). Bypass Flow Criteria Sub-Table A (pages 3-152 through 3-154) provides bypass flow	Please refer to the section in Chapter 3, Description of the Proposed Project and Alternatives, on the real-time decision-making framework for the north Delta diversions, describing how the north Delta intakes will be operated according to weekly, daily and sub-daily data informing real-time actions and compliance. At all times, the intakes would be subject to all regulatory criteria and informed by real-time hydrologic data, including far field actions and compliance to minimize flow-survival effects. Please note that the assumptions of the 2018 study by Perry et al. cited by the commenter (Perry et al. 2018) greatly differed from the proposed Delta

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	criteria for operations of the north Delta intakes and related Sacramento River flow conditions. The bypass flow criteria in the Draft EIR are the same as those provided in the California WaterFix Project which proposed three north Delta intakes with a maximum diversion capacity of 9,000 cfs. The proposed Project (Alternative 5) would have a maximum diversion capacity of 6,000 cfs. In a study evaluating the effects of the north Delta water diversions proposed as part of the California WaterFix, Perry et al. [Footnote 9: Perry, R.W., J.G. Romine, A.C. Pope, and S.D. Evans. 2018. Effects of the proposed California WaterFix North Delta Diversion on flow reversals and entrainment of juvenile Chinook salmon (<i>Oncorhynchus tshawytscha</i>) into Georgiana Slough and the Delta Cross Channel, northern California: U.S. Geological Survey Open File Report 2018-1028, 46 p., https://doi.org/10.3133/ofr20181028.] (2018a) determined that the October-November bypass rules and Level 3 bypass rules during December- June would considerably increase the frequency and duration of reverse flows at the Sacramento River downstream of Georgiana Slough and the proportion of juvenile salmon entering the interior Delta. Perry et al. (2018a) recommended developing operational rules for the north Delta intakes to control flow reversals that would require detailed real-time predictions of tides and tidally varying river flows in order to account for variation in tidal cycles that affect the frequency, magnitude, and duration of reverse flows at a given Freeport flow. While the proposed Delta Conveyance Project has a lower total possible diversion amount than the California WaterFix Project proposed, it is still possible that the Project could have significant reverse flow effects without appropriate operating constraints. The EIR should evaluate alternative operating constraints consistent with the recommendations of	Conveyance Project operational criteria and specifically acknowledged that no attempt was made to simulate such real-time management. Please also refer to Common Response 3, Alternatives Development and Description, for further details on operational criteria development and refinement, the OAMMP and real-time decision making, and the adequacy of the modeling for CEQA analysis purposes. Effects of operations on fish are discussed in Chapter 12, Fish and Aquatic Resources, including consideration of factors such as flow reversals downstream of Georgiana Slough as mentioned in the comment; these analyses are made with respect to the proposed operations and associated specific modeling (the comment cites analysis done for California WaterFix). The proposed operational criteria, including factors such as diversions during excess conditions and the priority of the use of the south Delta diversions, which are described in Chapter 3, limit the potential for greater reverse flows relative to existing conditions, with the potentially significant impact reduced to less than significant with inclusion of tidal habitat restoration mitigation to address the north Delta hydrodynamic effect. Please see further discussion of this topic in response to comment 533-21.

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	Perry et al. (2018a) that would be more protective of juvenile salmonids. In a separate study, Perry et al. [Footnote 10: Perry, R. W., A. C. Pope, J. G. Romine, P. L. Brandes, J. R. Burau, A. R. Blake, A. J. Ammann, and C. J. Michel. 2018. Flow-mediated effects on travel time, routing, and survival of juvenile Chinook salmon in a spatially complex, tidally forced river delta. Can. J. Fish. Aquat. Sci. 75: 1886–1901.dx.doi.org/10.1139/cjfas-2017-0310.] (2018b) found that as Delta inflows (from the Sacramento River) declined below approximately 1,000 cubic meters per second (m³/s) ($\approx$35,000 cfs) juvenile salmonid routing into the interior Delta increased and their survival decreased. As inflow declines and tidal influence moves upstream into transitional reaches (defined as the reach between riverine and tidal reaches) in the Delta, both travel time and distance increase because juvenile salmon may be advected upstream on flood tides (Perry et al. 2018b). Based on this research, the EIR should evaluate a range of alternative bypass flows, including higher bypass flow criteria than are currently proposed in the Draft EIR. The Draft EIR provides three different "Levels" of bypass flow criteria that would be applied during the December through June period. The Draft EIR describes the conditions for moving to higher levels (i.e., from Level 1 to 2, and from 2 to 3) that would allow the Project progressively higher diversions (i.e., less restrictive) at the north Delta intakes. The implementation of bypass flow criteria and progression to the less restrictive diversion criteria could only occur under continued favorable hydrologic conditions (e.g., flows above 20,000 cfs) and when the risks to aquatic resources are low. The EIR should also	

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	evaluate alternative operating criteria that would require moving to more restrictive bypass flow criteria (i.e., from Level 3 to 2, and 2 to 1) based on flow and/or fish monitoring. The proposed minimum bypass flows during October and November are 7,000 cfs; however, the proposed minimum bypass flows during the more sensitive time period for native fish species from December to June are substantially lower at 5,000 cfs according to the Sub-Table A. The reasoning for these lower bypass flows should be explained and more protective alternative bypass flows during the December through June period that would provide higher levels of protection for fish residing in the area or migrating through the north Delta intake reaches should be evaluated.	
533-15	Operations of the North Delta Intakes: In addition to the above, the EIR should address the following topics related to the proposed operating criteria for the Project as part of alternate operating criteria or as part of the Project (including possible mitigation). Pulse Protection The Draft EIR summarizes the conditions for initiation and cessation of (fish) pulse protection criteria in Table 3-14. The pulse protection criteria were developed for the protection of winter-run Chinook salmon and are expected to provide ancillary protection to other anadromous fish species, including steelhead and spring-, fall-, and late fall-run Chinook salmon. The Draft EIR (Section 3.16.1.3 Pulse Protection) states that the pulse protection would be initiated when “a large number, and relatively high concentration, of winter-run-sized juvenile	As described in Chapter 3, Description of the Proposed Project and Alternatives, north Delta intake operations under the proposed and current operational criteria, including pulse protections, would be subject to the real-time decision-making framework for the north Delta diversions. As described in Chapter 3, the north Delta intakes will be operated according to weekly, daily, and sub-daily data (including the consideration of fish presence in monitoring data) informing real-time actions and compliance. Please also refer to Common Response 3, Alternatives Development and Description, for further details on operational criteria development and refinement. Chapter 3, Common Response 3, and the Operations Adaptive Management and Monitoring Plan (OAMMP) describe the process to gather fish information that would be used to inform fish-based criteria. The OAMMP would also be used to monitor and adjust operations as needed to protect sensitive fish species. Therefore, additional alternatives for these rules were determined to not be necessary given that fish and aquatic resources impacts are determined to be less

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	salmonids begin migrating into the Delta from upstream locations” to minimize potential decreases in survival of emigrating salmonids in the north Delta intake reach. However, the initiation criteria for pulse protection described in the Draft EIR is based on flow increases and not fish density in the Sacramento River at Wilkins Slough. For the California WaterFix Project, both the initiation and cessation of the pulse protection operation at the proposed north Delta intakes was informed by fish catch at Knights Landing (Knight Landing Catch Index) (California WaterFix Project ITP 2017). An alternative operating scenario with similar fish catch-based criteria for pulse protection operations should be evaluated in the EIR. Water Board [State Water Board and Central Valley Water Board] staff note that the proposed operations include one pulse protection period per water year (after December 1) with the possibility for one additional pulse protection if the pulse period begins before December 1. As stated above, the pulse protection and related low-level pumping criteria were designed to primarily protect winter-run sized Chinook salmon emigrating through the Sacramento River with the first flow pulse. The EIR should also evaluate operating criteria to provide a similar level of protection to other salmonids (spring-, fall-, and late fall-run Chinook salmon and California Central Valley [CCV] steelhead) that might be migrating through the Sacramento River at different times. Previously, the California WaterFix Project ITP (2017) included unlimited pulse protections for winter-run and spring-run Chinook salmon. The EIR should include alternative operating criteria with additional pulse protections that would provide protections for other salmonid fish.	than significant or less than significant with implementation of mitigation measures.

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	The Draft EIR indicates that a pulse protection period could last for just 5 days or less after the flow peak based on the initiation and ending criteria in Section 3.16.1.3 (page 3-143) and Table 3-15. This could happen during the October-November period when an early-season storm increases flows in the Sacramento River and mobilizes salmonid migration, as occurred in October 2021. The Draft EIR cites the research by del Rosario et al. (2013) for the development of the pulse protection flow criteria and its effective duration. The study (del Rosario et al. 2013) provides information on the patterns of winter-run (sized) Chinook salmon juvenile entry into the Delta, estimated at the Knights Landing rotary screw trap, and Delta exit, estimated at Chipps Island. However, the passage time from Wilkins Slough to Knights Landing and to the north Delta intakes that would inform Project operations has not been determined. The study by del Rosario et al. (2013) states that the first day that flows at Wilkins Slough reached 400 m³/s (≈14,000 cfs) or 500 m³/s (≈17,600 cfs) was one day before the catch spike and within 3-7 days before the median catch (of cumulative catch) at Knights Landing. It determined that the Delta residence time of winter-run Chinook salmon juveniles ranged from 40 to 110 days, with an average of 87 days. Based on this information, the pulse protection and low-level pumping for potentially very short periods, i.e., 5 days, may not provide full protection for the early migrating juvenile salmonids. If a pulse protection begins in the October-November period and ends with five consecutive days of Wilkins Slough flow decreasing after the peak flow, the north Delta intakes could divert a high proportion of the Sacramento River flow that is above the minimum bypass flow criteria of 7,000 cfs. The EIR should evaluate alternative operating constraints that provide for longer bypass flow periods.	

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	Further, the Draft EIR defines the pulse protection criteria as flow in the Sacramento River at Wilkins Slough greater than 12,000 cfs. However, during water year 2021, the flows at Wilkins Slough never exceeded this criteria. The EIR should evaluate alternative operating constraints that would apply when hydrologic conditions meeting the pulse protection criteria do not occur but juvenile salmonids would be migrating.	
533-16	Operations of the North Delta Intakes: In addition to the above, the EIR should address the following topics related to the proposed operating criteria for the Project as part of alternate operating criteria or as part of the Project (including possible mitigation). Spring Delta Outflows (San Joaquin River Inflow to Export [I:E] Ratio) The EIR should clarify whether the water diverted from the north Delta intakes would be included in assessing the proportional share of export reductions to provide incidental spring outflows during April and May (2020 ITP Condition of Approval 8.10 SWP Proportional Share, 8.17 Export Curtailment for Spring Outflow). The 2020 SWP ITP requires that the SWP reduce exports from April 1 to May 31 of each year to achieve the SWP proportional share of export reductions established by the ratio of San Joaquin River at Vernalis flow to combined CVP and SWP exports (I:E Ratio). The EIR should also clearly describe whether this condition was used as a modeling criterion.	Please refer to Chapter 3, Description of the Proposed Project and Alternatives, section titled New Operational Criteria for the Proposed North Delta Intakes, regarding Delta outflow criteria. As indicated in Chapter 3 table titled Delta Conveyance Project Preliminary Proposed Operations Criteria, spring outflow is pursuant to the 2020 SWP ITP requirements, which is an existing requirement, and total SWP exports including the north Delta diversions and the existing south Delta exports will be curtailed as needed. Spring outflow requirements assumed by CalSim 3 are described in Appendix 5A, Section B, Attachment 2, CalSim 3 Regulatory Assumptions and State Water Project/Central Valley Project Operations criteria as: Met through San Joaquin River Inflow to Export Ratio (SJR I:E). Applied to SWP only, under ITP. Maximum allowable SWP export is the maximum of 600 cfs or 40% of the total export under SJR I:E in April–May, applied when Delta Outflow is less than 44,500 cfs. SJR I:E limits total exports to a proportion of Vernalis flow (1:1 Critical, 2:1 Dry, 3:1 BN, 4:1 AN or Wet, using SJR 60-20-20 year type), with adjustments for multi-year droughts. Export reduction limited to 150 thousand acre-feet (TAF) (after allowing 30 TAF export before reduction) in Sacramento 40-30-30 Wet years.

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533-17	Project Impacts on Water Quality: Chapter 9 of the Draft EIR evaluates the impacts of the project of water quality. Section 9.3.2 provides a list of conditions for evaluating whether water quality effects resulting from a project alternative would be considered significant under CEQA. Number 8 on that list is "Conflict with or obstruct implementation of a WQCP." In Section 9.3.4, Cumulative Analysis, the EIR states that "cumulative analysis for water quality in the study area considers past, present, and reasonably foreseeable future projects and programs being completed in combination with the effects of any one of the project alternatives or the No Project Alternative." Table 9-54 lists the programs, projects and policies evaluated but does not contain the updates and implementation processes for the Bay-Delta Plan described above. Throughout Section 9.3.3, the Draft EIR states that for whichever water quality constituent is being analyzed, project alternatives would not cause more frequent exceedance of the Bay-Delta Plan objectives for the constituent because project facilities would be operated to objectives as implemented through D-1641. However, since D-1641 was implemented, water quality and Delta outflow objectives have not been achieved during drought conditions and DWR and Reclamation have requested temporary urgency changes to water right requirements to relax those requirements. The EIR should demonstrate how the project will be operated to avoid the need for future temporary urgency change petitions (TUCPs) and future violations of water quality and flow requirements. Additionally, D-1641 does not account for all possible water	Part of this comment provides a summary of the content in Chapter 9, Water Quality; this summary information is not a comment on the contents of the EIR. The table titled Cumulative Impacts on Water Quality from Programs, Projects, and Policies in Chapter 9, Water Quality, has been revised to list "Bay-Delta Water Quality Control Plan Update (San Joaquin River Flows and Southern Delta Salinity)" and "Bay-Delta Water Quality Control Plan Update (Delta Outflows, Sacramento River and Delta Tributary Inflows, Cold Water Habitat and Interior Delta Flows)" as regulatory-related actions considered in the cumulative analysis. None of the revisions to this table 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 see Common Response 3, Alternatives Development and Description, and response to comment 533-12 regarding Temporary Urgency Change Petitions and operations. Regarding harmful algal blooms, please see response to comment 533-19.

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	quality concerns in the Bay-Delta, such as harmful aquatic blooms.	
533-18	Further, the modeling analysis may not fully represent the impacts to water quality if the north Delta Diversion is operated for reasons other than carriage water benefit (such as export water quality benefits) as the modeling assumes. The north Delta diversion could be utilized to a greater extent than the modeling shows, which would affect circulation of water in the Delta, increase residence time, and could lead to a degradation of water quality. In order to understand the full range of possible effects of the project, the EIR should evaluate a scenario in which the north Delta diversion is used to the greatest extent possible similar to the analysis in Appendix 4B that assumes the opposite.	Modeling for the Delta Conveyance Project is an accurate depiction of how intakes would be operated. A maximum operating scenario is not appropriate given proposed new operational criteria, current operational criteria, and applicable Delta regulatory limitations for Delta Conveyance Project operations. CEQA does not require a lead agency to assume a scenario that will not, or that is unlikely to, occur in conducting its environmental analysis. Please refer to Common Response 3, Alternatives Development and Description, regarding requests for modeling of multiple hydrologic and regulatory conditions and additional discussion about why operating under a maximum scenario was not considered.
533-19	As noted in the Draft EIR, cyanobacteria blooms are a significant water quality concern in the Delta. The severity and frequency of blooms has increased in the last decade, as have the types of cyanobacteria toxins detected. The Draft EIR concludes that the project would have no significant impact on cyanobacteria blooms. The potential impact is difficult to determine however, because the analysis is incomplete. The impacts of project operations on cyanobacteria blooms were determined by an assessment of changes in bloom drivers at nine assessment locations concentrated in western and north central channels and mainstem rivers. However, the assessment locations did not encompass small and mid-sized tributary channels in the eastern, central, and southern portions of the Delta. The impacts analysis should directly examine potential impacts in small and mid-sized channels (e.g., Disappointment Slough, Turner Cut, North Fork Mokelumne and Grant Line Canal) where responses to subtle changes in water residence time, source water proportion, and	The CHAB assessment in Chapter 9, Water Quality, Impact WQ-14 relied on modeled residence time for twelve Delta locations. Seven locations are in the central Delta, two locations are in the southern Delta, one is in the eastern Delta, and two locations are in the western Delta. As described in Appendix 9E, Cyanobacteria Harmful Algal Blooms, section titled Delta Assessment Locations, the modeled locations were chosen due to having been part of routine Delta monitoring programs and/or because they are recognized as primary bloom areas. A map has been added to Appendix 9E to show the CHABs assessment locations. The map shows wide ranging coverage in the Delta, including incorporation of small and mid-sized channels. Chapter 9 evaluates the impact of the project alternatives on the five primary factors (i.e., temperature, flows/velocities, residence time, irradiance, and nutrient availability) that have been related to the emergence and subsequent growth and accumulation of cyanobacteria harmful algal blooms (CHABs) in the Delta in Impact WQ-14. The chapter specifically evaluated these five factors at 12 locations throughout the

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	water temperature are expected to have greater effects on cyanobacteria growth and persistence than in main river segments. Without assessing potential for increasing cyanobacterial harmful algal blooms (CHABs) across the entire Delta, it is difficult to determine impacts of the proposed project operations.	Delta that experience CHABs. There would be negligible differences in water temperature, nutrients, velocity, and irradiance under the project alternatives relative to the existing conditions at all assessment locations. Therefore, the project alternatives also would be expected to have little effect on temperature, flows/velocities, irradiance, and nutrients in the small and mid-size tributaries throughout the Delta. Furthermore, as demonstrated by CalSim 3 modeling results in Appendix 5A, Modeling Technical Appendix, Section B, Hydrology and Systems Operations Modeling, flow rates on the San Joaquin River, which influence south Delta hydrodynamics, would not be affected by the project alternatives. Therefore, the project alternatives would be expected to have little effect on the small and mid-size tributaries in the southern Delta. This is evident in the DSM2 residence time modeling results. Hydraulic residence time, at various locations within the Delta, was assessed directly using the QUAL module of the DSM2 model, which is an appropriate model to assess site-specific residence time in the shallow and tidal Delta. Modeling results show that there would be little to no change in residence time in the southern Delta. In addition, there would be little to no change in residence time in the eastern and western parts of the Delta, and residence time would decrease in the Stockton Deep Water Ship Channel. The project alternatives are expected to slightly increase residence time by one to two days 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

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		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 above findings, the CHAB analysis found that there would be a less than significant impact on CHABs.
533-20	Project Impacts on Aquatic Resources: The Draft EIR uses a 5 percent threshold for determining significant impacts of the Project on fish species (Section 12.3.2 Thresholds of Significance), and states that this threshold was selected based on "best professional judgment" of the authors. The Draft EIR also considers the relative certainty of impacts (e.g., quantitative estimates based on population-level analysis vs. inferences based on changes to habitat indicators) as part of the impact conclusion. The EIR should provide scientific references supporting the use of a 5 percent threshold and the weighting of the relative certainties of impacts, particularly given the degraded status of many native fish species. Such references should include studies (field-level or model-based) showing the relationships between the aerial extent and quality of rearing habitats and changes in population sizes of fish.	As noted in the Draft EIR, Chapter 12, Fish and Aquatic Resources (p. 12-43), the 5% threshold was based on professional judgement as an appropriate low threshold, and smaller differences were considered significant depending on species status. Implicit in the considerations is that 5% is a relatively small difference given species' natural fluctuations over several orders of magnitude; by analogy, low percentage rates of population loss to entrainment mortality have been considered too low to measurably influence population dynamics (Kimmerer and Gross 2022). Explanation for the 5% threshold has been added to Chapter 12 consistent with the comment's suggestion. With respect to weighting, there was no explicit rubric applied that can be documented. Although references showing relationships between the areal extent and quality of rearing habitats and changes in population sizes of fish specific to the Delta do not exist, studies do exist showing occurrence of listed fish in restored areas (e.g., Sommer and Mejia 2013 for delta smelt as cited in Impact AQUA-6). These factors were part of the best professional judgment in determining significant impacts and appropriate mitigation.
533-21	Impacts on Salmonid Species The Draft EIR only provides qualitative discussions of the Project's potential near-field effects at the North Delta intakes on migrating juvenile salmonids. Fish mortality due to entrainment and impingement and predatory losses at the North Delta Diversion intakes have not been quantitatively analyzed or incorporated in the assessment of overall project	With respect to the comment's suggestion that there is no quantitative analysis of mortality due to entrainment, impingement, and predation, those aspects are not quantitatively analyzed because based on the review of the available literature cited in the EIR (see discussion of Entrainment and Impingement and Predation within Impact AQUA-2, for example), there is no quantitative basis that could be applied. In addition to the Columbia River study mentioned in the comment, the EIR also cites specific studies conducted at U.C. Davis (Swanson et al. 2004) to inform risk of

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	impact on salmonid species. The Project includes installation of a series of cylindrical tee screens suspended in the water column at the North Delta intakes. The Draft EIR states that the sweeping and approach velocity criteria would limit the potential for fish impingement and injury from the screen and the 1.75 mm screen opening size proposed for the North Delta intake would effectively exclude juvenile salmonids of 22 mm standard length (25 mm fork length) or greater. However, the sited case study on the operation of cylindrical tee screens and their effectiveness in reducing impacts to fish is derived from the Columbia River with a different screen configuration and greater flow than the Delta. The OBAN model for the evaluation of winter-run Chinook salmon escapement used additional five and ten percent mortality rates, as a sensitivity analysis, to account for the potential impacts at the North Delta intakes. The EIR should incorporate consideration of the potential additional mortality attributable to the operation of the North Delta intakes in the analysis of the Project impacts on aquatic species. The Draft EIR indicates that the proposed Project would result in adverse hydrodynamic conditions, reduced available rearing habitats in the Delta, and reduced through-Delta survival of salmonid species. The proposed Project would generally decrease the survival of anadromous salmonid populations (winter-, spring-, fall- and late fall-run Chinook salmon, and steelhead) migrating through the North Delta intake reach and the Delta. The operations of the Project under the proposed operations criteria (Alternative 5) would result in significant negative population-level impacts on the populations of winter-run and spring-run Chinook salmon and steelhead exceeding the five percent threshold (Impact AQUA-2, 3, and	screen contact/injury. Mortality considerations related to predation are informed by several Central Valley studies, which suggest limited potential for negative effects (which is qualitatively accounted for in the overall project impact), with uncertainty addressed with fisheries studies as part of adaptive management considerations. Also, the intakes will be designed and operated to meet fish agency standards for both approach and sweeping velocity requirements, as well as appropriate screen mesh size to reduce entrainment risk. For example, consistent with the summary provided in the comment, the 1.75-mm screen size openings would be expected to exclude all juvenile winter-run Chinook salmon occurring in the vicinity of the north Delta intakes. Inclusion of additional 5% and 10% mortality for the OBAN model, as noted in the comment, was more informed by far-field effects reflecting flow-survival results (see the OBAN results table in Impact AQUA-2), although could also account for any near-field mortality (although as noted above, there is limited evidence for extent of potential effect and the EIR did not identify a potentially significant effect for near-field effects). With respect to the comment's suggestion to provide scientific references supporting the relationships between the aerial extent and quality of rearing habitats and changes in population sizes of various fish species, please see response to comment 533-20. With respect to the comment's suggestion that information be added to support mitigation provided by Mitigation Measure CMP, specifically CMP-25, the extent of this mitigation has been added to Final EIR Appendix 3F, Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources, based on hydrodynamic analysis conducted by California Department of Water Resources (2023b).

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	5). Additionally, through-Delta survival of fall-run and late fall-run Chinook salmon would also be reduced by up to three percent under Project operations (Alternative 5). As discussed above, there would also likely be additional mortality attributable to the near-field effects at the North Delta intakes, which has not been included in these estimates. Despite evidence of significant population-level impacts, the Draft EIR concludes that Project impacts on salmonid species would be “less than significant” with mitigation measures, citing that the Compensatory Mitigation Plan (CMP) 25 [Footnote 11: CMP-25: Tidal Habitat Restoration to Mitigate North Delta Hydrodynamic Effects on Chinook Salmon Juveniles] would reduce negative hydrodynamic effects and CMP 26 [Footnote 12: CMP-26: Channel Margin Habitat Restoration for Operations Impacts on Chinook Salmon Juveniles] would reduce the effects from reduced inundation of riparian/wetland benches (page 3-126). However, the Draft EIR only provides the acreages of tidal habitat and linear footages of channel margin and tidal bench habitats in Appendix 3F (Section 3F.4.3) and does not analyze the potential change in fish abundance attributable to habitat restoration (e.g., increased juvenile survival rates). The Draft EIR also does not provide supporting information on how these mitigation measures could reduce Project impacts on juvenile salmon migrating through and rearing in the Delta at levels that would compensate for the population-level decreases of adult escapement estimated based on the life cycle models (e.g., winter-run Chinook salmon population reductions under IOS and OBAN models). The EIR should provide scientific references (field-level or model-based) supporting the relationships between the aerial extent and quality of rearing	

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	habitats and changes in population sizes of various fish species. Water diverted at the North Delta intakes would move the extent of “transitional reaches” (explained as the reach between riverine and tidal reaches; Perry et al. 2018b) further upstream, which would worsen the flow reversal in the mainstem Sacramento River. The Draft EIR cites Perry et al. (2018b) to support the restoration of tidal wetlands as a compensatory mitigation measure to dampen tidally-driven reverse flows to a level that would compensate for the reduced survival of juvenile salmonids resulting from reduced flows in the mainstem Sacramento River and increased routing into the interior Delta (Appendix 3F; Section 3F.4.3.4). However, this reference does not provide any information on the potential benefits of tidal habitat restoration on the hydrodynamics in the Sacramento River reach below the North Delta intakes. The EIR should further analyze the hydrodynamic benefits of habitat restoration as mitigation measures in relation to the population-level impacts on salmonids. In addition, given the uncertainty of the effectiveness of habitat restoration actions to mitigate impacts of the Project, a range of operating criteria should be evaluated for the Project that would avoid impacts regardless of habitat restoration actions.	
533-22	Winter-Run Chinook Salmon Life Cycle Models Three life cycle models were used to assess the population-level impacts of the Project on winter-run Chinook salmon: IOS, OBAN, and the Winter-run Chinook Salmon Life Cycle Model (Impact AQUA-2). The IOS model indicates a 9 percent reduction in adult female winter-run Chinook salmon escapement under the proposed Project. The IOS model did not consider the near-field effects of the North Delta intakes,	With respect to near-field impacts, please see response to comment 533-21. Regarding the Winter-Run Chinook Salmon Life Cycle Model, further information has been included as an attachment to Appendix 12B, Bay-Delta Methods and Results. As noted in Chapter 12, Fish and Aquatic Resources, the mechanisms and explanation for the results of this model will be fully investigated and reported during the project permitting process. The three life cycle models include different components and so provide a complimentary assessment of potential project effects. The Winter-Run Chinook Salmon Life Cycle Model includes the most

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	which would be expected to make this reduction in escapement even larger. Similarly, the OBAN model results indicate a 12 percent decrease in winter-run Chinook salmon escapement under the proposed Project compared to existing conditions. When the potential near-field mortality effects are included, a 25 to 36 percent reduction in winter-run Chinook salmon escapement (with 5 to 10 percent mortality) would be indicated under OBAN. In contrast, the Winter-run Chinook Salmon Life Cycle Model results suggest higher spawner abundance (5.19 percent) under the proposed Project compared to existing conditions. The Draft EIR notes the different outcomes among the three life cycle models and suggests that the mechanisms and explanation would be investigated and reported on during the permitting process. The EIR should fully explain these contrasting results and address the near-field effects at the North Delta intakes. As discussed above, the EIR should also consider a range of operating criteria that would reduce impacts, regardless of habitat restoration actions.	comprehensive treatment of any single model and suggested potential positive effects, but the overall conclusion of a potentially significant impact on winter-run Chinook salmon requiring mitigation considered the results of the different life cycle models and other information such as hydrodynamic modeling. Regarding the suggestion to consider a range of operational criteria, please see the discussion of operational criteria refinements provided in Common Response 3, Alternatives Development and Description.
533-23	Impacts on Delta and Longfin Smelt The Draft EIR indicates that the proposed Project would have significant negative impacts on Delta smelt and longfin smelt. The EIR indicates that the Project would decrease the populations of longfin and delta smelt as the continued operations of South Delta export facilities and the new north Delta intakes would further reduce Delta outflows and reduce the spatial extent and quality of habitats. Project impacts on delta smelt are considered "significant" as the operations of the north Delta intakes would worsen the conditions for the already critically low population. Operations of the Project would also result in negative population-level impacts on	As the comment summarizes, the EIR concluded that the proposed project would have significant operations-related impacts on delta smelt and longfin smelt. Tidal habitat mitigation is proposed, consistent with recent permitting for water operations (i.e., the CDFW 2020 SWP ITP), to reduce those impacts to less-than-significant levels. For example, as described in Chapter 12, Fish and Aquatic Resources, Impact AQUA-7, tidal habitat would expand the diversity, quantity, and quality of longfin smelt rearing and refuge habitat consistent with recent tidal habitat mitigation required for outflow impacts on the species (citing CDFW ITP for SWP long-term operations), with presence of longfin smelt demonstrated by recent studies in restored areas. With respect to the comments regarding location of restoration, Appendix

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	longfin smelt that would exceed the 5 percent threshold based on the analysis of Delta outflow and Fall Midwater Trawl (FMWT) index. The Draft EIR concludes that impacts of the Project on delta smelt and longfin smelt would be "less than significant" with mitigation measures, CMP-27 (Tidal Habitat Restoration for Operations Impacts on longfin smelt; 1,100 to 1,400 acres) and CMP- 28 (Tidal Habitat Restoration for Operations Impacts on longfin smelt, 110 to 140 acres). However, the Draft EIR does not provide clear evidence as to how the proposed habitat restoration will reduce significant operational impacts to less than significant. The Draft EIR does not identify specific locations for tidal habitat restoration projects, nor does it evaluate any population-level benefits the restored habitat would provide to delta smelt and longfin smelt. Chapter 12 Aquatic Resources refers to Appendices 12B Bay Delta Methods and Results for aquatic resources impacts and 3F Compensatory Mitigation Plan for evaluation of potential benefits of tidal wetland restoration. Appendix 12B (Section 12B- 19) provides methods the Draft EIR used to calculate the benefits of tidal habitat restoration mitigation for longfin and Delta smelt. The methods evaluate potential fish entrainment at the south Delta export facilities based on differing hydrologic conditions (export to inflow ratios) using the DSM2- Particle Tracking Model (PTM) runs but do not identify how the estimated entrainment of particles (assuming they represent larval and juvenile fish) are translated into population-level fish indices (e.g., FMWT longfin smelt index). The EIR should identify the potential locations and aerial extent of tidal wetland restoration projects used in CMP-27 and CMP-28 and	3F discusses the framework of tidal wetland restoration project considerations; specific locations are not currently known for CMP-27 and CMP-28, though areas such as the Cache Slough and lower Yolo Bypass regions have been identified as areas for consideration. As described in Appendix 3F, Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources, approximately 1,100 to 1,400 acres of tidal habitat for delta smelt and approximately 110 to 140 acres of tidal habitat for longfin smelt would be required as compensatory mitigation for operations impacts, depending on the alternative. Qualitative consideration of effects on smelt from compensatory mitigation using available information is provided in the EIR in the Mitigation Impacts sections of Impacts AQUA-6 and AQUA-7. Tidal habitat restoration undertaken as mitigation would be additional to tidal habitat restoration that is required by other projects/processes. With respect to the comment regarding entrainment, the particle tracking analyses provide indicators of relative entrainment risk between scenarios, without quantitative translation into indices of abundance such as the fall midwater trawl index example given in the comment. The differences between scenarios are considered qualitatively given what is hypothesized regarding the effect of entrainment on smelt populations; further discussion is provided in the species accounts in Appendix 12A, Environmental Setting Background Information. With respect to delta smelt life cycle modeling, this is being undertaken as part of project permitting. Results from application of the Life Cycle Model with Entrainment (LCME) model of Smith et al. (2021) gives the same conclusion as qualitatively provided in the EIR based on consideration of differences in summer outflow, i.e., the potential for small negative effects of the proposed project relative to existing conditions (California Department of Water Resources 2023a).

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	evaluate their benefits on Delta smelt and longfin smelt populations using the best available scientific methods, including appropriately accounting for uncertainty related to the outcomes of habitat restoration, which while promising are still uncertain. Additionally, the EIR should clarify if these tidal restoration projects would be additional to those that are already in progress or proposed as part of Vas or other processes. The EIR should also evaluate the population level effects using the Delta smelt life cycle models [Footnote 13 :Polansky, L., K. B. Newman, and L. Mitchell. 2021. Improving inference for nonlinear state-space models of animal population dynamics given biased sequential life stage data. Biometrics 77:352-361. DOI: 10.1111/biom.13267. Smith, W. E., L. Polansky, and M. L. Nobriga. 2021. Disentangling risks to an endangered fish: using a state-space life cycle model to separate natural mortality from anthropogenic losses. Can. J. Fish. Aquat. Sci. 78: 1008-1029. dx.doi.org/10.1139/cjfas-2020-0251.] (e.g., Polansky et al. 2021; Smith et al. 2021).	
533-24	Effects of Climate Change on Hydrology The Draft EIR uses climate change forecasts for future conditions (year 2040) that are warmer (1.8°C to 1.9°C higher temperatures) and wetter than current conditions (2.7 to 4.8 percent higher precipitation) that result in higher inflows to rim reservoirs (by 2.0 to 4.6 percent) and the Delta (by 3.4 percent) (Draft EIR Table 5-1). The Water Board’s comment letter on the NOP recommended that the EIR evaluate an overall drier hydrology in the EIR consistent with Governor Newsom’s “California’s Water Supply Strategy, Adapting to a Hotter, Drier Future” which identifies that hotter and drier weather conditions spurred by climate change could reduce California’s	This comment provides information about climate change, increasing temperatures, and changing precipitation patterns. The comment is generally consistent with information contained in Chapter 30, Climate Change, regarding hotter conditions and variable precipitation (with drier dry periods and wetter wet periods). The climate change scenario DWR used to model hydrology for the No Project Alternative and for the appendices that present analyses of project alternatives in 2040 that reflect environmental conditions affected by climate change is based on the Central Tendency of 20 global climate projections that were selected by the DWR Climate Change Technical Advisory Group as the most appropriate projections for water resources evaluation and planning. Please refer to Common Response 9, Hydrologic

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	water supply by up to 10 percent by the year 2040. Scientific studies [Footnote 14: Albano, C. M., J. T. Abatzoglou, D. J. McEvoy, J. L. Huntington, C. G. Morton, M. D. Dettinger, and T. J. Ott. 2022. A multidataset assessment of climatic drivers and uncertainties of recent trends in evaporative demand across the continental United States. <i>Journal of Hydrometeorology</i> 23: 505-519. https://doi.org/10.1175/JHM-D-21-0163.1. Berghuijs, W. R., R. A. Woods, and M. Hrachowitz. 2014. A precipitation shift from snow towards rain leads to a decrease in streamflow. <i>Nature Climate Change</i> 4: 583-586. doi:10.1038/nclimate2246. Goulden, M. L., and R. C. Bales. 2014. Mountain runoff vulnerability to increased evapotranspiration with vegetation expansion. <i>PNAS</i> 111: 14071-14075. Milly, P. C. D., and K. A. Dunne. 2020. Colorado River flow dwindles as warming-driven loss of reflective snow energizes evaporation. <i>Science</i>. DOI: 10.1126/science.aay9187. Udall, B., and J. Overpeck. 2017. The twenty-first century Colorado River hot drought and implications for the future, <i>Water Resour. Res.</i>, 53, 2404–2418, doi:10.1002/2016WR019638.] have suggested that climate change will bring changes in precipitation patterns (less snow and more rain), higher temperatures, vegetation expansion, and longer growing seasons, which are expected to result in warmer water temperatures and lower annual streamflows than current conditions. The EIR should account for expected reductions in stream flows, including the type of conditions that occurred in 2021 when runoff was almost a million acre-feet lower than expected, resulting in significant water supply management and planning challenges.	Modeling and Approach, for a discussion of the selection of the climate change scenario for input into the hydrologic model for additional detail about this climate change scenario. Additionally, DWR evaluated project impacts considering an overall drier climate change scenario (Median climate scenario) under the 2040 scenario than the climate change scenario analyzed elsewhere in the EIR. Please see Appendix 30A, CalSim 3 Results Sensitivity to 2040 Climate Change and Sea Level Projections, and Common Response 6, Climate Resilience and Adaptation, regarding the results of the sensitivity analysis, which showed the climate change analysis contained in the EIR is sufficient and no further analyses are necessary. The project is consistent with Governor Newsom’s California’s Water Supply Strategy, Adapting to a Hotter, Drier Future (California Natural Resources Agency et al. 2022). Please see Common Response 6 regarding the role of the project in the strategy. Chapter 30 notes that wetter conditions are expected in the northern regions of California, whereas annual precipitation may decrease in the southernmost regions of California. It is important to recognize the distinction between statewide future conditions (as described in the comment) and region-specific dialogue, as discussed in Chapter 30. Please refer to Common Response 6, which discusses the criticality of future dry periods.

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533-25	A CalSim 3 sensitivity analysis was conducted for the Draft EIR for 2040 conditions under climate change by incorporating the 2040 Median climate projection (Appendix 30A CalSim 3 Results Sensitivity to 2040 Climate Change and Sea Level Projections). Results from the 2040 Median climate projection show generally increasing precipitation patterns in all Central Valley watersheds except the Sacramento River at Shasta and decreasing river runoffs for all watersheds compared to historical conditions centered on 1995 (1981-2010). The 2040 Median projection may represent a more realistic assumption of future hydrologic conditions under climate change based on the available scientific literature that should also be evaluated.	Please see Common Response 9, Hydrologic Modeling and Approach, regarding best available tools, modeled representation of future conditions and climate change, and climate change assumptions as input into hydrologic model. Appendix 5A, Modeling Technical Appendix, Section A, Modeling Overview, provides a comprehensive discussion of model assumptions and limitations related to future climate change conditions. The commenter provides an opinion that one of the climate change scenarios, “2040 Median,” included in the EIR may be more realistic. As described in Appendix 30A, CalSim 3 Results Sensitivity to 2040 Climate Change and Sea Level Projections, the environmental impact conclusions remain unchanged under the different climate change conditions.
533-26	Modeling and Analysis The modeling and analysis in the Draft EIR is based on CalSim 3 simulations. While CalSim 3 may be an appropriate tool, it is a new model that has not been publicly reviewed, nor fully documented. Water Board staff recognize the challenges in documenting and validating such a complex model, but because the model and the assumptions are not thoroughly documented, it is difficult to fully review the validity of the modeling and assumptions. The Draft EIR should demonstrate that the model reasonably represents the system that is being analyzed. Specifically, CalSim 3 modeling assumptions should be more clearly stated for each alternative. The Draft EIR includes two revised appendices, 5A-B Attachments 3 and 5, that describe detailed assumptions and results for existing conditions and the no project alternatives. However, no such appendices contain assumptions and results for the proposed alternative or other alternatives. In addition to the detailed	The hydrologic conditions within the study area are accurately represented in the EIR using CalSim 3. Please see Common Response 9, Hydrologic Modeling and Approach, regarding best available tools, modeled representation of future conditions and climate change, modeled representation of CEQA baseline existing conditions, and climate change assumptions as input into the hydrologic model. Appendix 5A, Modeling Technical Appendix, Section A, Modeling Overview, provides a comprehensive discussion of CalSim 3 assumptions and appropriate use, including assumptions associated with the project alternatives.

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	appendices for each alternative, the EIR should include a table that clearly compares assumptions for each alternative similar to what was provided during the California WaterFix Project water right proceeding.	
533-27	Modelling and Analysis The water year types in CalSim 3 do not match the historical water year types even though the model assumes historical hydrology. The resulting CalSim 3 water year types include more wetter year types and fewer drier year types than occurred over the simulation period historically. This affects how the results are presented throughout the Draft EIR and when regulatory requirements such as D-1641 requirements are imposed in the model. This portion of CalSim 3 should be fully documented, and a sensitivity analysis should be conducted on the existing conditions scenario that uses historical water year types to help reviewers understand the effect of using simulated water year types instead of historical water year types.	Please see Common Response 9, Hydrologic Modeling and Approach, regarding modeled representation of future conditions and climate change and climate change assumptions as input into hydrologic model. Appendix 5A, Modeling Technical Appendix, Section A, Modeling Overview, provides a comprehensive discussion of CalSim 3 assumptions and limitations. As described in Appendix 5A, Section B, Hydrology and Systems Operations Modeling, in the Level of Development subsection, the CalSim 3 output from the 94-year simulation provides information about storage, flow, and water deliveries that could occur under the historical weather sequence but does not represent historical conditions. Even though the definition of water year types in CalSim 3 do not match historical water year types, all five water year types are represented in the 94-year simulation using CalSim 3. This allowed DWR to evaluate the Delta Conveyance Project effects under various hydrologic conditions.
533-28	Closing The Water Boards [State Water Board and Central Valley Water Board] appreciate the opportunity to provide comments on the Draft EIR for the Project. While the Water Boards can provide information that will help guide the Project toward a successful completion of the process, the Water Boards cannot make a prior commitment to the outcome of any regulatory approval by the Water Boards. The State Water Board [State Water Board and Central Valley Water Board] acts in an adjudicative capacity when it acts on a water right application, change petition, or other water right approval that may be required for or requested in connection with a proposed project. The State	This information is general closing 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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	Water Board must be an impartial decision-maker, avoiding bias, prejudice, or interest in any adjudicative proceedings conducted in accordance with the State Water Board's regulatory approvals. Accordingly, Water Board staff will not act as advocates for the project or any particular alternatives during the Delta Conveyance Project processes.	
533-29	By participating in the process in an advisory capacity, the Water Boards [State Water Board and Central Valley Water Board] hope to ensure that a broad range of alternatives is evaluated, and the potential impacts of all the alternatives are fully disclosed.	This comment is a general statement about the comment letter. It is not a specific comment on the contents of the EIR. 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 Chapter 3, Description of the Proposed Project and Alternatives, and Chapters 7–32 for detailed evaluations of the potential environmental impacts of the proposed project and its alternatives.
533-30	In closing, the Water Boards appreciate the opportunity to continue to participate in an advisory capacity regarding the Water Boards' [State Water Board and Central Valley Water Board] regulatory and informational requirements.	This information is general closing 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.
533-31	[ATT 1] Chapter 3 - Description of the Proposed Project and Alternatives Table 3-14/page 3-149 The low-level pumping during the pulse protection period (October-June) is 900 cubic feet per second (cfs). The EIR should further describe how the 900 cfs would be allocated between the two north Delta intakes, since their locations and hydraulics would be different.	Please refer to Chapter 3, Description of the Proposed Project and Alternatives, for additional details regarding the new operational criteria proposed for north Delta diversions. Please also refer to the real-time decision-making framework for the north Delta diversions in Chapter 3, which further describes how the north Delta intakes will be operated according to weekly, daily, and sub-daily data informing real-time actions and compliance. During low-level pumping, the intakes would be subject to the maximum approach velocity and minimum sweeping velocity requirements informed by real-time hydrologic data. The 900 cfs low-level pumping would thus be allocated between intakes to ensure all of those criteria are met.
533-32	[ATT 1:] Chapter 3 - Description of the Proposed Project and	DWR will comply with all applicable water quality protection requirements of National Pollutant Discharge Elimination System (NPDES) and other permits. Please refer to Chapter 9, Water Quality, Impact WQ-1. The

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	Alternatives - 3.4.4 Material from the tunnel excavation is proposed to be tested, dried, stockpiled and either reused or permanently stored. In practice, any reuse conditions, restrictions and/or authorizations will likely be included in the Notice of Applicability, or Waste Discharge Requirements issued for the excavations and placement/stockpiling. The EIR should be modified, as appropriate, to reflect this information.	analysis includes potential for impacts from soil stockpiling and reusable tunnel material handling. The Chapter 9 table titled Environmental Commitments That Address Construction-Related Water Quality Effects lists examples relevant to water quality, including Environmental Commitment EC-4a. Appendix 3B, Environmental Commitments and Best Management Practices, further describes all the practices that would be implemented to protect water quality and aquatic resources. DWR will coordinate with the State Water Board, or appropriate Regional Board, regarding issuance of necessary permits for protection of water quality.
533-33	[ATT 1] Chapter 3 - Description of the Proposed Project and Alternatives 3.18/page 3-160 The adaptive management and monitoring plan for the Compensatory Mitigation Plan is not developed and a timeline for implementation alongside the plan for implementation of the proposed action is not clear and should be identified in the EIR. Further, timelines for the implementation of individual mitigation projects are also not identified and should be (Appendix 3F).	Regarding the adaptive management and monitoring plan, please see the Common Response 11, Terrestrial Biological Resources and Compensatory Mitigation Plan, particularly the section discussing the CMP. Although the mitigation approaches are described in sufficient detail to meet the requirements of CEQA, it is anticipated that additional design and management planning, including but not limited to site-specific technical studies and more detailed performance standards, monitoring methods, and adaptive management actions, would be refined through the permitting process and prior to project approval and initiation. Also please see Appendix 3F, Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources, section titled Performance Standards and Monitoring, which states that adaptive management plans would be developed and submitted to the relevant wildlife agency for review and approval after acquisition of compensatory lands but before creation, enhancement, or management activities are begun. Regarding the timeline of compensatory mitigation implementation relative to project construction, Common Response 11 further explains that compensatory mitigation—either protection, creation, or enhancement—will stay ahead of cumulative, permanent suitable habitat loss by 10%. Additional details regarding implementation of other mitigation measures presented in the EIR can be found in the Mitigation Monitoring and Reporting Program (MMRP) accompanying the EIR.

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533-34	[ATT 1] Chapter 3 - Description of the Proposed Project and Alternatives Appendix 3B/page 6: Sediment mercury thresholds were not referenced. The Water Boards suggest using more stringent requirements than hazardous waste thresholds, such as conducting investigations for site specific pre-industrial soil mercury concentrations.	The commenter refers to Environmental Commitment EC-2 in Appendix 3B, Environmental Commitments and Best Management Practices, of the EIR, which includes a non-exhaustive list of measures or practices to store/contain hazardous soils and waste found at or generated by project activities at work sites. Though mercury is not specifically mentioned, the development and implementation of Erosion and Sediment Control Plans and Stormwater Pollution Prevention Plans (SWPPPs) (Environmental Commitments EC-4a and EC-4b, respectively) would minimize the potential for legacy pesticides and mercury in soil to be introduced to the water column under all project alternatives. Best management practices (BMPs) implemented as part of these plans would control erosion and runoff to surface water. As explained in Chapter 25, Hazards, Hazardous Materials, and Wildfire, the project includes BMPs for the disposal of reusable tunnel material (RTM) (Chapter 3, Description of the Proposed Project and Alternatives) that includes testing of RTM for presence of contaminated or hazardous materials and suitability for reuse before stockpiling on-site or transporting off-site. In addition, Environmental Commitment EC-4a requires BMPs to control sediment runoff into surface water, which would be incorporated into the SWPPPs (see Environmental Commitment EC-4b). As described in Appendix 3B, the SWPPPs will follow the U.S. Environmental Protection Agency (EPA) guidelines. Environmental Commitment EC-15 includes the potential reintroduction of sediment. As mentioned in Appendix 3B, the SWPPP and Environmental Commitment EC-15 would require regulatory agency (e.g., Central Valley Regional Water Quality Control Board) and fish agency (e.g., National Marine Fisheries Service, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife) approvals as required under the federal Clean Water Act, federal Endangered Species Act and State Porter-Cologne Act, among others, prior to implementation.

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533-35	[ATT 1] Chapter 3 - Description of the Proposed Project and Alternatives Appendix 3B/page 28: The Draft EIR identifies a plan to reintroduce sediment into the Delta since the project "would entrain 4-6% of the sediment load" from the Sacramento River to the Delta that may negatively impact delta smelt. The sediment reintroduction plan is planned to be developed, peer reviewed, and approved by the fishery agencies and annual monitoring for sediment/turbidity is planned. The Central Valley Regional Water Quality Control Board should be a party to this plan to ensure sediment being reintroduced will not impair beneficial uses. If the proposed project will discharge wastewater with sediment loading and turbidity that could affect the quality of surface waters of the State, the proposed project may require coverage under an individual National Pollutant Discharge Elimination System (NPDES) permit.	As mentioned in Appendix 3B, Environmental Commitments and Best Management Practices, the sediment reintroduction plan will be prepared to meet required permitting standards from the Central Valley Regional Water Quality Control Board and U.S. Army Corps of Engineers (USACE). The text of Environmental Commitment EC-15 has been updated to reflect the potential need to obtain an individual National Pollutant Discharge Elimination System (NPDES) permit.
533-36	[ATT 1] Chapter 4 - Framework for the Environmental Analysis Appendix 5A/Section B/page B-63 and Appendix 4B/Section 4B.1 The CalSim 3 modeling assumes that the north Delta diversion (NDD) would only be used when there is a carriage water benefit and therefore prioritizes south Delta pumping all other times. However, this operational criterion is not defined as part of the proposed Project. The sensitivity analysis in Appendix 4B only analyzes the effect of prioritizing the NDD in December-	Please see responses to comments 533-13, 533-14, and 533-15 and Common Response 3, Alternatives Development and Description, regarding the criteria under which the north Delta diversions would operate. Please also refer to Common Response 9, Hydrologic Modeling and Approach, for additional explanation about the modeling approach and assumptions used for the EIR analyses. An operational scenario prioritizing use of the north Delta diversion before use of the south Delta diversions is not proposed under the Delta Conveyance Project.

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	June. If the NDD were prioritized for reasons other than a carriage water benefit (an export water quality benefit or increased diversion potential, for example, in July-November) the effect on water quality (not just electrical conductivity, EC) in the Delta would be greater than presented in the modelling analysis. To fully analyze the potential impacts on water quality in the Delta, a scenario that prioritizes NDD should also be evaluated in the EIR.	
533-37	[ATT 1:] Chapter 4 - Framework for Environmental Analysis - Appendix 4C/Section 4C.3/page 4C-4 Alternative 5 under the Alternative Regulatory Scenario says that it "conservatively" assumes a condition where exports out of the NDD would be limited if excess Delta outflow is greater than 29,200 cfs. This does not appear to be a proposed operating constraint. The EIR should evaluate actual proposed operating constraints for the Project, as well as a reasonable range of alternatives as described in the main body of this comment letter.	As described in Appendix 4C, Alternate Regulatory Scenario Sensitivity Analysis, 29,200 cfs was selected because under the 2022 Memorandum of Understanding, the Voluntary Agreement flows are to be protected from diversion. However, DWR does not know the volume of water that may be protected from diversion and what the State Water Resources Control Board would require under a future Alternate Regulatory Scenario. Therefore, 29,200 cfs was used in Appendix 4C. The effects disclosed in Appendix 4C are dependent on the assumptions about future conditions under the Alternate Regulatory Scenario. The scenario described in Appendix 4C is based on DWR's best understanding of potential voluntary agreements and Bay-Delta WQCP requirements at the time the appendix was prepared.
533-38	[ATT 1] Chapter 5 - Surface Water General - CalSim 3 documentation is not complete and does not include a thorough validation. The EIR should show that the hydrology, stream-groundwater interactions, reservoir operations, and Delta operations in the model are responding in a way that is similar to the historical record. Additionally, updates such as the water year type module need to be included in the model documentation.	Please see Common Response 9, Hydrologic Modeling and Approach, regarding best available tools. As described in Appendix 5A, Modeling Technical Appendix, Section A, Modeling Overview, the modeling framework used provides documentation of each model related to CalSim 3 in a manner consistent with CEQA requirements. Please see response to comment 533-27 regarding use of CalSim 3 and historical conditions.

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533-39	[ATT 1] Chapter 5 - Surface Water General - CalSim 3 modeling assumptions should be clearly stated for each alternative. These assumptions should be placed in a table so that assumptions for each alternative can be easily compared.	The table titled Delta Conveyance Project Preliminary Proposed Operations Criteria in Chapter 3, Description of the Proposed Project and Alternatives, identifies the proposed operations criteria for the project alternatives in the EIR. Appendix 5A, Modeling Technical Appendix, Section B, Hydrology and Systems Operations Modeling, includes the CalSim 3 modeling assumptions for all the alternatives considered in the EIR. The Model Implementation section further describes the rules input to CalSim for use of the north Delta intakes and integration with south Delta facilities.
533-40	[ATT 1] Chapter 5 - Surface Water General - The CalSim 3 calculation of water year types does not match historical year types, and CalSim 3 estimates more wetter years and fewer drier years for the modeled period, even though the model uses historical hydrology. This skews the CalSim results as presented in the report, as well as how CalSim 3 represents D-1641 and other flow requirements in the system. We suggest a validation and documentation of this part of CalSim 3, including a sensitivity analysis of how the shifting of year types affect the results. Even though the analysis uses CalSim 3 in a comparative sense, the model should still be representative of the system, and the alternatives being analyzed.	D-1641 includes rules on how to determine water year types based on available water supply (See Appendix 5A). CalSim 3 includes preliminary determinations of year classification for February, March, and April with final determination in May similar to the typical Bulletin 120 process using these rules. Since CalSim does not model historical water supply, the computed water year types are not expected to match historical water year types. Even though the water year types in CalSim 3 do not match historical water year types, all five water year types are represented in the 94 years simulated using CalSim 3. This allowed DWR to evaluate the Delta Conveyance Project effects under all the water year types. Please see response to comment 533-27 regarding use of CalSim 3 and historical conditions.
533-41	[ATT 1] Chapter 5 - Surface Water General - It appears that the relaxation of the Delta outflow standard in May and June if the Sacramento River Index is estimated to be below 8.1 million acre-feet (MAF) described in footnote 10 of Table 3 of D-1641 is not being implemented in CalSim 3. This results in higher outflow than would occur in the	Please see Common Response 9, Hydrologic Modeling and Approach, regarding best available tools. The Model Limitations section of Appendix 5A, Modeling Technical Appendix, Section B, Hydrology and Systems Operations, describes the limitations and uncertainties associated with modeling short-term regulatory changes that are dynamic. As described in the Appendix 5A, Section B subsection titled Regulatory Uncertainty, CalSim 3 assumes full implementation of the operational actions of D-1641 and does not require updates to support the EIR.

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	spring of some dry years. The modeling should be updated to be consistent with D-1641.	
533-42	[ATT 1] Chapter 5 - Surface Water General - It appears that the spring Delta outflow (San Joaquin River inflow to export ratio (I:E)) requirement in the 2020 ITP is being applied to both the north Delta and south Delta diversion locations in the CalSim 3 analysis. However, in some years in May there are large increases in exports in Alternative 5 that cannot be explained. The EIR should explain the reason for these increases in exports, as well as whether the I:E provisions are proposed to apply to the north Delta diversions. If not, the modeling should reflect not including those constraints at the north Delta diversion facility.	There are three potential reasons for the pattern described by the commenter whereby exports increase in May in Alternative 5, in order of importance: (1) In San Joaquin Wet years, the ITP spring outflow requirement has a limit of 150 thousand acre-feet (TAF) on export cuts. Since reductions in exports can be larger in April due to reductions applicable to both the north and south Delta exports, cuts can reach 150 TAF quicker, resulting in less reductions in May and higher exports in Alternative 5. (2) There are some years, in May, when there is not a spring outflow requirement because outflow is greater than 44,500 cfs, so exports can increase in Alternative 5. (3) In some years, in May, prior to export reductions, export/inflow (E:I) ratio controls required under D-1641 are applicable to Alternative 5 when they were not in the baseline (i.e., Existing Conditions) due to proposed north Delta diversion exports. This has the effect of allowing the CVP to export more because now their share under the Coordinated Operation Agreement (COA) is based on a larger volume than it was under whatever was controlling in the baseline (April–May D-1641 or OMR control). So even though the ITP export cut does occur and final SWP exports are the same in both cases, CVP exports are large under Alternative 5.
533-43	[ATT 1] Chapter 5 - Surface Water General - It appears that the Artificial Neural Network (ANN) was not retrained for Alternatives 2a and 4a, which would seem to make the results less reliable for these scenarios, including with respect to changes in exports and Delta outflow. An evaluation of this issue should be included in the EIR, including sensitivity analyses or the ANN should be retrained for these scenarios.	The ANN was trained on a large flow-salinity paired dataset resulting from both with and without north Delta Diversion scenarios. The flow conditions under Alternatives 2a and 4a are within the range of operations included in the DSM2 simulations used to train the ANN and therefore would not require retraining of the ANN.

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533-44	[ATT 1] Chapter 5 - Surface Water Appendix 5A/Section B The difference between the North Delta Outflow Index (B.3.4) and Net Delta Outflow (B.3.5) in Appendix 5A Modeling Technical Appendix -- Hydrology and System Operation Modeling should be clarified. There are no descriptions of these hydrology parameters.	The following sentence from the Hydrology section of Appendix 5A, Modeling Technical Appendix, Section B, Hydrology and Systems Operations Modeling, under the discussion of Net Delta Outflow Index, provides the clarity requested. "Net Delta Outflow Index (NDOI) is the regulatory representation of net Delta outflow, defined in State Water Board Decision 1641 (D-1641) (December 1999, revised March 2000:190)".
533-45	[ATT 1] Chapter 5 - Surface Water Appendix 5A/Section B-Attachment 4/page B-4 The EIR should provide numerical values in table form for Figure 5A-B4.2. Projected Changes in Average Temperature for Major Watersheds in the Sacramento and San Joaquin River Basins.	Appendix 5A, Modeling Technical Appendix, Section B, Hydrology and Systems Operations Modeling, Attachment 4, CalSim 3 Model Results for No Project Alternative and Alternatives at 2040, has been revised to include a new table titled Projected Changes in Average Temperature for Major Watersheds in the Sacramento and San Joaquin River Basins. The table shows average monthly and average annual temperature (Tmax, Tmin, Tavg) for existing conditions and for the 2040 Central Tendency scenario. The table also presents the absolute change in temperature. Additionally, the figure in Appendix 5A, Section B titled Projected Changes in Average Temperature for Major Watersheds in the Sacramento and San Joaquin River Basins has been revised to show data values adjacent to the data columns.
533-46	[ATT 1:] Chapter 5 - Surface Water Appendix 5A/Section B -Attachment 4/page B-5 The EIR should provide numerical values in table form for Figure 5A-B4.3. Projected Changes in Precipitation for Major Watersheds in the Sacramento and San Joaquin River Basins.	Appendix 5A, Modeling Technical Appendix, Section B, Hydrology and Systems Operations Modeling, Attachment 4, CalSim 3 Model Results for No Project Alternative and Alternatives at 2040, has been revised to include a new table titled Projected Changes in Average Precipitation for Major Watersheds in the Sacramento and San Joaquin River Basins. The table shows average monthly and average annual precipitation for existing conditions and for the 2040 Central Tendency scenario. The table also presents the absolute change in precipitation and percent change in precipitation.

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		Additionally, the figure in Appendix 5A, Section B titled Projected Changes in Average Precipitation for Major Watersheds in the Sacramento and San Joaquin River Basins has been revised to show data values adjacent to the data columns.
533-47	Chapter 8 - Groundwater Section/page/line/general Comments 8.19 The Draft EIR evaluates changes in groundwater (GW) elevations using historical data from 1974-2015 to determine levels of significance on GW elevation from proposed Project operations. However, this analysis does not take into consideration current management actions underway through the Sustainable Groundwater Management Act (SGMA). Historical data pre-SGMA management has a lower baseline with a high rate of GW elevation change, i.e., lower groundwater elevations that fluctuate/change frequently. With SGMA implementation, the rate of GW elevation changes may be much lower, and the operation of Delta Conveyance may have a greater impact that should be evaluated in the EIR.	Please refer to Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, regarding consideration of Groundwater Sustainability Plans (GSPs) and thresholds developed by GSPs for SGMA purposes. Groundwater elevations were evaluated for all model nodes in the DeltaGW Model to determine the magnitude and frequency of changes. Groundwater elevations between the baseline and each project alternative are compared for every node at every timestep. The number of model nodes exceeding elevation and frequency thresholds for each alternative are summarized in Appendix 8B, Impact Analysis: Groundwater Model Results, in the nine tables found in the section titled Alternatives Impacts. The majority of groundwater elevation changes are limited to 1–2 feet and occur infrequently (0%–1% of the time). It is expected that these changes may be further lessened with SGMA implementation.
533-48	[ATT 1] 8A.4.1 (Three Stages of Calibration) One of the objectives of model calibration is stated as: “achieve a reasonable water budget for soil moisture (a component of hydrologic cycle).” It is not clear how this objective is being achieved. The EIR should be revised and also identify whether there is any impact on unsaturated zone (moisture content and water vapor pressure), and whether that impact may lead to any negative hydrogeologic outcome (e.g., soil subsidence, contaminant mobilization, sea water intrusion into the aquifer, etc.).	Soil parameters in the DeltaGW Model are calibrated as part of the water budget calibration. Initial soil parameters were derived from C2VSim, which bases initial values on data from the USDA Soil Survey Geographic Database. Soil parameters in areas overlapping the local Eastern San Joaquin and Cosumnes North American South American Subbasin models were taken from the local models. Parameters were further refined using the stand-alone IWFM Demand Calculator executable to meet water budget targets for evapotranspiration, agricultural supply requirements, and consumptive use of applied water. No impacts on the unsaturated zone are expected as a result of project construction or operations. Additional discussion pertaining to geology and soils can be found in Chapter 10, Geology and Seismicity, and Chapter 11, Soils, respectively.

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		These chapters describe the direct and cumulative environmental impacts associated with geology and seismicity and soils that would result from project construction and operations and maintenance.
533-49	[ATT 1:] Section 8A.4.3 (PEST Calibration of Parameters) Calibration of Specific Yield (Sy) is important for a transient GW model, as it affects the GW table fluctuation rate. The EIR should specify whether this parameter was calibrated through Parameter Estimation (PEST).	Specific yield was among the aquifer parameters calibrated using the Parameter Estimation (PEST) facilitated calibration.
533-50	[ATT 1:] Chapter 9 - Water Quality - 9.0 This Section states that construction needs to comply with the requirements of the Construction General Permit. Discharges related to project construction also need to comply with requirements of the Central Valley and San Francisco Bay Regional Water Quality Control Boards' Basin Plans and Bay-Delta Plan. The EIR should be revised accordingly.	Requirements of the Central Valley and San Francisco Bay Regional Water Quality Control Boards' Basin Plans and the Bay-Delta WQCP, such as water quality objectives and programs of implementation, will be implemented via permits issued by the Boards for project construction, which are described in the Draft EIR. No change was made to this section in the Final EIR to add compliance with Basin Plans and the Bay-Delta WQCP as a component of project construction.
533-51	[ATT 1:] Chapter 9 - Water Quality - 9.1.4 The current 303(d) list is in the 2020-2022 Integrated Report, adopted by the State Water Board in January 2022. The reference for the 303(d) list should be corrected and Table 9-2 updated as needed.	The current Clean Water Act (CWA) Section 303(d) list (State Water Resources Control Board 2022) was approved by the EPA on May 11, 2022, just prior to release of the Draft EIR in July 2022. The updated list adds several Delta waterways, and it adds to and removes some constituent listings for waterbodies listed in the table titled Clean Water Act Section 303(d) Listed Pollutants and Sources in the Delta, Suisun Bay, and Suisun Marsh in Chapter 9, Water Quality. For example, several chlorpyrifos and diazinon listings were removed. For the main portion of the Delta where project operations could have some effect on water quality, the following waterbodies were added to the CWA Section 303(d) list (impairment is noted in parentheses): Grant Line Canal (dissolved oxygen, electrical conductivity [EC], and total dissolved solids); Franks Tract (temperature); Rock Slough (pH); Victoria Canal (arsenic, pyrethroids, dissolved oxygen, EC). Chapter 9 provides a complete assessment of dissolved oxygen, salinity

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		parameters, pesticides, and trace metals. Impacts WQ-3 (bromide), WQ-4 (chloride), and WQ-5 (EC) provide assessments of these salinity parameters under project operations in the south Delta and show less than significant impacts. Impact WQ-11 (pesticides) describes how project operations would not result in substantial changes in pesticide concentrations in the Delta. Impact WQ-12 (trace metals) describes how project operations would not substantially affect arsenic concentrations. Impact WQ-14 (CHABs) describes how water temperature would differ negligibly. The scope of the dissolved oxygen analysis in Impact WQ-9 relative to Delta impairments is further addressed in response to comment 533-52. As described in Appendix 9A, Screening Analysis, in the section titled pH, natural factors, rather than project operations, affect ambient pH. The addition of waterbodies in the current CWA Section 303(d) list does not change the impact determinations in Chapter 9 or require additional mitigation measures.
533-52	[ATT 1:] Chapter 9 - Water Quality - 9.1.5.2 The description of existing water quality conditions includes a description of dissolved oxygen (DO) conditions and associated Total Maximum Daily Loads (TMDLs) for Suisun Marsh and the Stockton Deep Water Ship Channel. The EIR should be updated to recognize existing DO impairments in the Delta that are not addressed by a TMDL or implementation actions. Potential exacerbation by the proposed project of the DO impairments in all 303d-listed water ways should be investigated. Project-related changes in water flow velocity, water residence time, and proportions of source water with seasonally high chlorophyll resulting from the proposed project could impact DO concentrations.	The potential effects of project operations on dissolved oxygen concentrations in Delta waterways was fully analyzed in Chapter 9, Water Quality, Impact WQ-9. The analysis evaluated the primary factors that affect dissolved oxygen: temperature, channel velocities, and presence of oxygen-demanding substances. The analysis was qualitative based on how operations could change these factors. The analysis addresses the entire Delta, including waterways in the Delta identified on the state's Clean Water Act Section 303(d) list. Project operations would not affect these factors sufficiently to cause substantial changes in dissolved oxygen concentrations and the impact would be less than significant.

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533-53	[ATT 1:] Chapter 9 - Water Quality - 9.1.5.4 All references to the mercury TMDL should be updated to "Sacramento -- San Joaquin Delta Methylmercury TMDL."	Chapter 9, Water Quality, has been modified so that the Sacramento–San Joaquin Delta Estuary TMDL for Methylmercury is consistently described as the “Delta Methylmercury TMDL.”
533-54	[ATT 1:] Chapter 9 - Water Quality - 9.1.5.4/page 9-16/lines 3-4 The language on page 9-16, lines 3-4 is inaccurate and should be changed to: "At least 80% of the total mercury flux to the Delta can be attributed to the Sacramento Basin, which comprises tributary watersheds to the Sacramento River and Yolo Bypass."	The text has been revised pursuant to the comment. This revision to the section titled Existing Surface Water Quality in Chapter 9, Water Quality, does 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 was unwilling to commit.
533-55	[ATT 1:] Chapter 9 - Water Quality - 9.1.5.4/page 9-16/lines 7-9 The text on page 9-16, lines 7-9 is inaccurate and should be changed to: "Cache Creek, and associated Cache Creek Settling Basin, is the major source of inorganic mercury loading to the Yolo Bypass, where mercury loading mostly occurs via transport of mercury-bound sediment (Central Valley Regional Water Quality Control Board 2010. Sacramento-San Joaquin Delta Methylmercury TMDL Staff Report, pg.197)."	The text has been revised pursuant to the comment. This revision to the section titled Existing Surface Water Quality in Chapter 9, Water Quality, does 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 was unwilling to commit.
533-56	[ATT 1:] Chapter 9 - Water Quality - 9.1.5.4/page 9-16/lines 9-12 The sentence on page 9-16, lines 9-12 is inaccurate. The Delta Methylmercury TMDL Staff Report only states: "SF Bay identified Central Valley outflows via the Delta as one of the	The text has been revised pursuant to the comment. This revision to the section titled Existing Surface Water Quality in Chapter 9, Water Quality, does 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 was unwilling to commit.

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	principal sources of total mercury to SF Bay... "The citation of Delta Methylmercury TMDL Staff Report should be removed and replaced with: "Mercury loading from the Delta primarily drives mercury concentrations in northern San Francisco Bay, Suisun Bay, and Suisun Marsh (San Francisco Bay Regional Water Quality Control Board 2018:49)."	
533-57	[ATT 1:] Chapter 9 - Water Quality - 9.1.5.4/page 9-16/lines 20-22 Text on page 9-16, lines 20-22 is inaccurate and should be changed to: "The flux of methylmercury from Delta open water and wetland sediments is estimated to contribute 36% of the waterborne methylmercury load in the Delta annually, based on an analysis of data from water years 2000 to 2003 (Central Valley Regional Water Quality Control Board 2010. Sacramento-San Joaquin Delta Methylmercury TMDL Staff Report, pg.88)."	The text has been revised pursuant to the comment. This revision to the section titled Existing Surface Water Quality in Chapter 9, Water Quality, does 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 was unwilling to commit.
533-58	[ATT 1:] Chapter 9 - Water Quality - 9.1.5.4/page 9-16/lines 22-25 Text on page 9-16, lines 22-25 is inaccurate and should be changed to: "Based on data from water years 2000 to 2003, annual estimates determined tributary inflow sources contribute 58% of the methylmercury load in the Delta annually, and wastewater, agricultural lands, atmospheric deposition, and urban runoff contribute approximately 7% of the methylmercury load (Central Valley Regional Water Quality Control Board 2010. Sacramento-San Joaquin Delta Methylmercury TMDL Staff Report, pg.80)."	The text has been revised pursuant to the comment. This revision to the section titled Existing Surface Water Quality in Chapter 9, Water Quality, does 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 was unwilling to commit.

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533-59	[ATT 1:] Chapter 9 - Water Quality - 9.1.5.4/ page 9-16/lines 27-30 The EIR should be revised to include the following text in order to improve the description of the TMDL on page 9-16, lines 27-30: "The Sacramento-San Joaquin Delta Methylmercury TMDL, and associated Basin Plan Amendment, establishes methylmercury fish tissue objectives; load allocations for agricultural drainage, atmospheric wet deposition, open water, tributary inputs, wetlands, and nonpoint source dischargers; and waste load allocations to point source dischargers in the Delta."	The text has been revised pursuant to the comment. This revision to the section titled Existing Surface Water Quality in Chapter 9, Water Quality, does 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 was unwilling to commit.
533-60	[ATT 1:] Chapter 9 - Water Quality - 9.1.5.5 The text indicates that the role of nutrients in expansion of aquatic macrophytes in the Delta is unknown. A useful reference on the Delta nutrients-aquatic macrophyte relationship that should be considered in the EIR is Berg and Sutula (2015 SCCWRP Technical Report #870). They found that rapid expansion of invasive macrophyte acreage did not correlate with nutrient concentrations, suggesting factors besides nutrients are contributing to the expansion of aquatic plant growth at the scale of the whole Delta.	A sentence has been added to the Nutrients section in Chapter 9, Water Quality, in the section titled Existing Surface Water Quality, to state factors other than nutrients appear to be contributing to expansion of aquatic plant growth in the Delta, with reference to Southern California Coastal Water Research Project Technical Report 870 prepared by Boyer and Sutula (2015). This revision does 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 was unwilling to commit.
533-61	[ATT 1:] Chapter 9 - Water Quality - 9.1.5.5 The description of dissolved oxygen problems in Suisun Marsh should be updated to note that the Suisun Marsh DO TMDL	The section in Chapter 9, Water Quality, referenced in this comment provides setting information for nutrients, not dissolved oxygen, which is addressed in a separate section. The setting section for dissolved oxygen acknowledges the TMDL adopted in 2019 to address low dissolved oxygen in Suisun Marsh. While nutrients from the Delta are not a component of the TMDL, the Delta is a source of nutrients to the Suisun Marsh. No

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	was fully approved and became effective in 2019. See the San Francisco Bay Regional Water Board's webpage for the TMDL (Suisun Marsh TMDL (ca.gov)) and the San Francisco Bay Basin Plan, Chapter 7. The TMDL implementation Plan to eliminate impairments addresses marsh habitat maintenance and drainage schedules. Nutrients from the Delta are not a component of the Suisun Marsh DO TMDL.	change was made to this section in the Final EIR to reference the TMDL for dissolved oxygen.
533-62	[ATT 1:] Chapter 9 - Water Quality - 9.2 The Applicable Laws, Regulations and Programs considered in the assessment of environmental impacts on water quality should include the Water Quality Control Plans for San Francisco Bay (Region 2 Basin Plan) and the Sacramento River and San Joaquin River Basins (Region 5 Basin Plan).	The section in Chapter 9, Water Quality, referenced in this comment is intended to highlight key laws and regulations relevant to the analysis in Chapter 9, not to be an exhaustive listing. The analysis in Chapter 9 fully considers the Basin Plan beneficial uses and objectives in the impact analyses. No change was made to this section in the Final EIR to add a description of the Region 2 and Region 5 Basin Plans.
533-63	[ATT 1:] Chapter 9 - Water Quality - 9.2 The Applicable Laws, Regulations and Programs should include the State's Antidegradation Policy. State Water Board Resolution No. 68-16, "Statement Of Policy With Respect To Maintaining High Quality Of Waters In California" ("Antidegradation Policy") requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge	The section in Chapter 9, Water Quality, referenced in this comment is intended to highlight key laws and regulations relevant to the analysis in Chapter 9, not to be an exhaustive listing. No change was made to this section in the Final EIR to add a description of the state's Antidegradation Policy. The water quality analysis in Chapter 9 addresses water quality degradation. Please refer to Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, regarding antidegradation analysis and the relationship to the Delta Conveyance Project.

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	necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. Any portion of the Delta Conveyance Project that will require a new single-action permit or approval of general permit coverage for a new action will require a full Antidegradation Analysis to be completed prior to the permit being issued. This is in accordance with State Water Resources Control Board (State Board) Antidegradation Policy in State Board Resolution 68-16. There is currently no Antidegradation Analysis included in the Delta Conveyance Draft EIR. A full Antidegradation Analysis should be conducted prior to any Water Board permitting. It would be beneficial for DWR as well as regulatory agencies and stakeholders if DWR were to conduct the Antidegradation Analysis as part of the EIR.	
533-64	[ATT 1:] Chapter 9 - Water Quality - 9.3.2, and Appendices 5A-C, 9E Some analyses of water quality impacts involved examination of various environmental factors (e.g., temperature, velocities and turbulence, water clarity, hydraulic residence time) that were modeled separately, as described in Chapter 5 appendices. The process of using the various model outputs within qualitative assessments was not clearly explained. Additional description of the process of using outputs of the various models and any decision points leading to the impact conclusions should be added to the EIR. The rationale for selecting different assessment locations for different models (e.g., temperature, hydraulic residence time, and source water fingerprinting) should also be included. Additional information is particularly important for understanding the impact	The constituents qualitatively assessed in Chapter 9, Water Quality, include nutrients (Impact WQ-7), dissolved oxygen (Impact WQ-9), pesticides (Impact WQ-11), trace metals (Impact WQ-12), and turbidity and total suspended solids (Impact WQ-13). The cyanobacteria harmful algal blooms (CHABs) analysis was a qualitative and quantitative assessment. (Impact WQ-14). Qualitative assessment means that concentrations or levels of these constituents were not determined directly from modeling output. Rather, modeling output for other parameters (e.g., velocity, source water fractions, temperature) was used to make determinations about project impacts on these constituents. The way modeling results were utilized for these qualitative analyses is described within each of the impact narratives. For example, the nutrients assessment relied, in part, on changes in source water fingerprinting modeling output from DSM2. Velocity and temperature modeling results supported the analyses for dissolved oxygen and CHABs. Residence time modeling also supported the CHAB analysis. The selection of modeled assessment locations provide a geographic distribution of 12 locations where project operations may affect water

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	decisions for nutrients, dissolved oxygen, and cyanobacteria impacts.	quality and locations of interest to beneficial users of Delta waters. As described in Chapter 9, in the section titled Evaluation of Operations and Maintenance, the electrical conductivity assessment locations are the compliance locations in the Bay-Delta Water Quality Control Plan, plus three locations on the Sacramento River in the north Delta to address potential effects to north Delta water users. The boron, bromide, chloride, mercury, organic carbon, and selenium locations are focused on areas with municipal water supply intakes. For CHABs, the selection of Delta assessment locations modeled is described in Appendix 9E, Cyanobacteria Harmful Algal Blooms, and included nine locations that have been part of routine monitoring programs and additional locations to capture a geographic range of conditions.
533-65	[ATT 1:] Chapter 9 - Water Quality - 9.2 One of the thresholds of significance for an environmental impact determination is whether the project would further degrade by measurable levels on a long-term basis a parameter that is already listed as impaired on the 303(d) list. In the case of certain impairments, such as low dissolved oxygen and pesticides, environmental harm can occur when standards are not met or are further degraded for short periods of time. Thus, the criterion "on a long-term basis" is not appropriate for evaluating impacts for all 303(d)-listed impairments in the Delta and should be revisited.	As described in Chapter 9, Water Quality, Impact WQ-9 (dissolved oxygen), the alternatives would not result in changes to factors that affect Delta dissolved oxygen (temperature, channel velocity, nutrients) that would not cause substantial decreases in dissolved oxygen, thus would not contribute to CWA Section 303(d) impairments and the impact would be less than significant. The same conclusion was reached for Impact WQ-11 (pesticides). Please see Common Response 10, Surface Water Quality and Groundwater Resources, for additional response regarding the thresholds of significance used in the impact analysis.
533-66	[ATT 1:] Chapter 9 - Water Quality - 9.3.3.2 The Draft EIR recognizes the need to collect, treat, and store all stormwater runoff and dewatering water for re-use on the site	As described in Chapter 3, Description of the Proposed Project and Alternatives, in the section titled Local Water Supply, Drainage, and Utilities, all Delta Conveyance Project features would be designed to not increase peak runoff flows into adjacent storm drains, drainage ditches, or rivers and sloughs.

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	to minimize peak runoff rates. Also, if discharge to surface water bodies is needed, DWR will acquire NPDES permits issued by the Central Valley Regional Water Board. The EIR should include descriptions of how runoff and water and sediment from dewatering activities will be collected, treated, and stored. Chapter 3, Section 3.4.15.5, "Local Water Supply, Drainage, and Utilities" mentions runoff and dewatering management, but does not contain sufficient detail to understand the actions and potential volume(s).	The Delta Conveyance Project Engineering Project Report Conceptual Engineering Drawings (Delta Conveyance Design and Construction Authority 2022a, 2022b) show initial locations of the stormwater collection, treatment, and storage facilities at construction sites for intakes, tunnel shafts, Southern Complex, and Bethany Complex. The treatment and storage units are proposed to be enclosed in double-wide trailer units parked on the construction site, as used on other major construction sites throughout the country. The specific stormwater collection and storage patterns would be based upon the final design schedule and when construction would occur as compared to when water demands would occur. Please refer Environmental Commitment EC-4b in Appendix 3B, Environmental Commitments and Best Management Practices.
533-67	[ATT 1:] Chapter 9 - Water Quality - 9.3.3.2 and Appendix 3B The Draft EIR commits to sediment control measures for holding and storing water from dewatering until turbid materials settle. Ponding of runoff or dewatering water can produce methylmercury, and from review of USACE dredging pond storage practices in the Delta, there was a greater increase of methylmercury production after day 3 of water storage. The EIR should include confirmation that dewatered water and runoff will be managed to minimize methylmercury and mercury release. Specifically, water from dewatering and capture of runoff that is discharged to surface water in the Delta must not exceed methylmercury concentrations set by the Delta Methylmercury TMDL. Acceptable concentrations for discharges from settling ponds in the Delta must be less than or equal to 0.06 ng/L in the Delta Methylmercury TMDL Boundary and must be less than or equal to methylmercury concentrations in the receiving water, whichever is the lowest	Permits related to construction and water quality are described in Chapter 1, Introduction, in the table titled Summary of Potential Agencies and Review, Approval, or Other Responsibilities, in Addition to Those under CEQA. All dewatering flows and surface water runoff flows at each construction site would be captured, treated in on-site at water treatment facilities, stored on-site for on-site reuse, and only discharged if not needed for on-site reuse. Any discharge of dewatering water and runoff to adjacent surface waters would be treated and require coverage under an NPDES permit. This permit would establish requirements for discharge quality. DWR will obtain and follow all necessary and applicable permits.

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	concentration (Sacramento-San Joaquin Delta Methylmercury TMDL Staff Report page 70; Basin Plan page 4-105). For releases back into waters outside of the Delta Methylmercury TMDL boundary, ensure levels are not above the California Toxics Rule for total mercury.	
533-68	[ATT 1:] Chapter 9 - Water Quality - 9.3.3.2 Construction Impacts on Water Quality If a proposed project includes construction dewatering and it is necessary to discharge the de-watered groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order). A complete Notice of Intent (NOI) must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order, approximately 90 days prior to initiating discharge. Additionally, all dischargers seeking authorization to discharge under the Limited Threat General Order shall sample and analyze a representative sample of the wastewater, for the constituents contained in the appropriate column in Table I-1 of the Limited Threat General Order and submit results with the NOI. For other types of projects, such as those that discharge wastewater that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under an individual	The comment describes types of permits that the Water Board believes may be required related to water quality and where to obtain more information about the permit(s). Permits related to construction and water quality are described in Chapter 1, Introduction, in the table titled Summary of Potential Agencies and Review, Approval, or Other Responsibilities, in Addition to Those under CEQA. DWR will obtain and follow all required permits.

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	NPDES permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit, approximately 270 days (9 months) prior to initiating discharge. For more information regarding the NPDES Permit and application process, visit the Central Valley Water Board website.	
533-69	[ATT 1:] Chapter 9 - Water Quality - 9.3.3.2 Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014- 0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website.	The comment describes a type of permit that may be required related to water quality and where to obtain more information about the permit. Permits related to construction and water quality are described in Chapter 1, Introduction, in the table titled Summary of Potential Agencies and Review, Approval, or Other Responsibilities, in Addition to Those under CEQA. DWR will obtain and follow all required permits.
533-70	[ATT 1:] Chapter 9 - Water Quality - 9.3.3.2 Dischargers whose projects disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation	The comment describes a type of permit that maybe required related to water quality and where to obtain more information about the permit. Permits related to construction and water quality are described in Chapter 1, Introduction, in the table titled Summary of Potential Agencies and Review, Approval, or Other Responsibilities, in Addition to Those under CEQA. The Construction General Permit also is identified in Chapter 9, Water Quality, Impacts WQ-1 (construction impacts) and WQ-17 (consistency with water quality control plans) as a permit that would be obtained. DWR will obtain and follow all required permits.

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	of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website.	
533-71	[ATT 1:] Chapter 9 - Water Quality - 9.3.3.2 On April 2, 2019, the State Water Board adopted the Procedures for the Discharges of Dredged or Fill Material to Waters of the State (Procedures). The Procedures became effective May 28, 2020. Applicants proposing to discharge dredged or fill material are required to comply with the Procedures unless an exclusion applies. In accordance with Executive Order W-59-93, the Procedures ensure that the State and Regional Water Boards' regulation of dredge or fill activities will be conducted in a manner "to ensure no overall net loss and long-term net gain in the quantity, quality, and permanence of wetlands acreage and values... " These Procedures also include procedures for the submission, review, and approval of applications for activities that could result in the discharge of dredged or fill material to any waters of the state. All requests for water quality certification must comply with the Procedures.	The comment describes a State Water Board procedure related to permitting discharge of dredged or fill material. Permits related to construction and water quality are described in Chapter 1, Introduction, in the table titled Summary of Potential Agencies and Review, Approval, or Other Responsibilities, in Addition to Those under CEQA. DWR will obtain and follow all required permits.
533-72	[ATT 1:] Chapter 9 - Water Quality - 9.3.3.2 Projects that involve work within a waterway are generally required to obtain water quality certification from the Water Board. All requests for water quality certification must comply with the USEPA's Clean Water Act Section 401 Certification Rule to be considered a valid and complete request. Applicants	The comment describes Clean Water Act Section 401 water quality certification requirements as part of the USACE Section 404 permit process. Obtaining Section 401 certification is acknowledged in Chapter 1, Introduction, and in Chapter 9, Water Quality, Impact WQ-17 (consistency with water quality control plans) as a project requirement. DWR will provide the required information to the Central Valley Water Board to obtain a Section 401 certification for the proposed project.

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	must submit a pre-filing meeting request thirty days before submitting a 401 Certification application. Coverage under a 401 Certification must be obtained prior to any work that would impact waters. When the application is submitted, Water Boards staff will have 30 days to review the application and deem it complete or incomplete. If complete, the 401 Certification must be issued on or before the U.S. Army Corps of Engineers (USACE) established Reasonable Period of Time.	
533-73	[ATT 1:] Chapter 9 - Water Quality - 9.3.3.2 If dredging activities are anticipated for any construction portion of the proposed Project, the following documentation must be submitted in order to obtain approval under Waste Discharge Requirements: • A completed State Water Board Form 200 requesting dredging operation coverage. • Determination of Project Risk Category and a full description of the dredging and placement operation, dredge and placement site(s), and beneficial reuse. • Pre-Dredge Sediment Evaluation Report including analytical results of sampling approved in the Pre-Dredge Sampling and Analysis Plan to compare analytical results to basin plan and NPDES screening levels. • A Dredge Operation Plan, including a description of best management practices (BMPs) to be implemented at dredge site(s), dredge material placement site(s), and reuse sites to prevent the generation and potential release of pollutants to waters of the state. • The applicable fee for authorization under this Order based	The comment describes the State Water Board process for permitting dredging activities. The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the Draft EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.

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	on Dredging Discharges in California Code of Regulations, title 23, section 2200(a)(3)(B). • Copies of permits or applications for activities related to dredging from other applicable state and/or federal agencies. • A pre-dredge sediment analysis must be submitted with an application (notice of intent to dredge). When the application is submitted, Water Boards staff will have 30 days to review the application and deem it complete or incomplete. Dredging activity must also comply with the Procedures for the Discharges of Dredged or Fill Material to Waters of the State. Please see previous comment.	
533-74	[ATT 1:] Chapter 9 – Water Quality – 9.3.3.2 Impact WQ 6 Mercury Monitoring data collected from new wetland habitats and comparison locations will be valuable for design of projects beyond the compensatory mitigation. Sediment, aqueous, and fish tissue mercury and methylmercury sampling should be included in MMMP efforts and sampling results should be submitted to CEDEN [California Environmental Data Exchange Network].	Mitigation Measure WQ-6 states that DWR will develop and implement methylmercury management approaches consistent with the Delta Methylmercury TMDL. This will include coordination with regulatory agencies and data submittal as required.
533-75	[ATT 1:] Chapter 9 - Water Quality - 9.3.3.2 The EIR should confirm whether Mitigation Measure WQ-6, Develop and Implement a Mercury Management and Monitoring Plan, covers all types of wetland habitat that will be created as part of compensatory mitigation. MM WQ-6 is described as applying to new tidal wetland habitat. However, the compensatory mitigation plan "includes the creation of	Mitigation Measure WQ-6 addresses only tidal habitats created by the Compensatory Mitigation Plan. As stated in Impact WQ-6 (mercury), freshwater emergent perennial wetlands and seasonal wetlands would be located on Bouldin Island and would not be hydrodynamically connected to adjacent Delta waters. Water may be discharged from the Bouldin Island wetlands to adjacent Delta waterways through existing drains or outfalls as part of the wetland management. As part of adaptive management any discharge from the Bouldin Island wetlands would be monitored and the discharges potentially modified (e.g., to a detention basin) should there be

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	freshwater emergent perennial wetlands, seasonal wetlands, and tidal habitats" (page 9-113 line 20-21). As indicated by references cited in the Draft EIR, tidal wetlands are generally a sink of methylmercury. Other types of wetlands, such as seasonal wetlands, are considered a source of methylmercury.	a net export of methylmercury to Delta waters.
533-76	[ATT 1:] Chapter 9 - Water Quality - 9.3.3.2 The Mercury Management and Monitoring Plan language should be revised to include Delta waterways with the following recommended language: "viii. Control sediment mobilization into the tidal habitat and Delta waterways if particulates or sediment is determined to be a key source of mercury (California Department of Water Resources et al. 2020:7-1).	The element of Mitigation Measure WQ-6 stated in the comment has been revised to add "and Delta waterways" consistent with the comment. The revisions to Mitigation Measure WQ-6 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.
533-77	[ATT 1:] Chapter 9 - Water Quality - 9.3.3.2 We appreciate the commitment to develop and implement methylmercury management approaches consistent with the Sacramento-San Joaquin Delta Methylmercury TMDL. To continue to meet Sacramento-San Joaquin Delta Methylmercury TMDL expectations, the Central Valley Water Board should review the MM WQ-6 Mercury Management and Monitoring Plan, Site-Specific Mercury Management Plans, and Site-Specific Monitoring and Adaptive Management Plans prior to finalization.	DWR will coordinate as necessary and appropriate with the Central Valley Regional Water Quality Control Board prior to the finalization of the Mercury Management and Monitoring Plan, and site-specific mercury management plans. As described in Mitigation Measure WQ-6, adaptive management actions will be developed in coordination with the State Water Board and Central Valley Regional Water Quality Control Board.
533-78	[ATT 1:] Chapter 9 - Water Quality - 9.3.3.2 Impact WQ 7 Nutrients	The date range for the total phosphorus data for the Sacramento River and San Joaquin River extended through 2020; the reference to 2000 was a typographical error and has been corrected in the Final EIR. Given the

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	The evaluation of potential effects on nutrients for Impact WQ-7 relied on total phosphorus (TP) and total nitrogen concentration (TN) data compiled for river and other inputs to the Delta. For the Sacramento and San Joaquin River datasets, averages of TN and TP concentration calculated over the entire 1975-2000 date range were used. It is unclear why the datasets for the main river inputs stop at 2000, since TN and TP concentrations continue to be measured monthly at DWR's Environmental Monitoring Program discrete sites (Sacramento River at Hood and San Joaquin River at Vernalis). Also, by grouping a very large date range for the river inputs, changes in trends over time (Beck et al 2018 Estuarine, Coastal and Shelf Science 212:11-22; Novick et al 2015. SFEI Contribution No. 785) are masked. The authors should review the nutrients analysis to determine if including more recent data and/or differentiating time periods by changes in nutrient concentration trends is warranted.	qualitative nature of the nutrients assessment and the small shifts in source water percentages identified in Impact WQ-7, an evaluation of nutrients by differentiating time periods (e.g., months) would not lead to different impact determinations than those reported in the EIR.
533-79	[ATT 1:] Chapter 9 - Water Quality - 9.3.3.2 Impact WQ 9 Dissolved Oxygen The assessment of project impacts on dissolved oxygen appropriately included the key environmental factors that affect dissolved oxygen (water temperature, channel velocity, and oxygen-demanding substances). However, the assessment did not adequately cover southern Delta channels that have known dissolved oxygen impairments. The assessment should be expanded to include the temporary barriers project area (overlaps dissolved oxygen impaired waterways). Expansion could include adding temperature and channel velocity	Impact WQ-9 (dissolved oxygen) states that dissolved oxygen concentrations in Delta waters are primarily affected by water temperature (which affects oxygen solubility); channel velocities (which affect turbulence and reaeration); macrophyte and algae photosynthetic activity; and amounts of oxygen-demanding substances present (e.g., organic matter in the water column and sediment). As described in Impact WQ-7 (nutrients), effects of project operations on nutrients would be small and would not result in substantial changes in nutrient concentrations within Delta waters that would encourage additional biostimulation of algae or aquatic plants. Any minor effect on algae and aquatic plants would not cause substantially higher concentrations of organic material in the Delta sediments that would lead to higher oxygen demand throughout the Delta, including the south Delta. The temperature and velocity assessment performed in Impact WQ-14 (CHABs) show that project operations would

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	assessment locations within impaired waterways and further examining the impact of increased proportion of San Joaquin River source water. The San Joaquin River is a source of phytoplankton and oxygen-demanding detritus as well as nutrients.	have negligible effects on Delta water temperatures and channel velocities. Increases in the percent of San Joaquin River water in Old River at State Route 4, Victoria Canal, and at Jones Pumping Plant would increase by only 1.5% or less each month of the year, relative to the proportion of water at these south Delta locations from the San Joaquin River for existing conditions (see Appendix 9B, Source Water Fingerprinting). Increases of San Joaquin River water of 1.5% percent or less, relative to existing conditions, is not sufficient to cause substantial, if even measurable, changes in dissolved oxygen levels.
533-80	[ATT 1:] Chapter 9 - Water Quality - 9.3.3.2 Impact WQ 14 Cyanobacteria The impacts on cyanobacteria blooms were determined by assessing anticipated changes in drivers of cyanobacterial harmful algal blooms (CHABs) due to project operations at nine Delta locations. The CHAB assessment locations are further identified in Appendix 9E, page 5. While the assessment of potential CHAB increases at these locations is valuable, the locations are concentrated on the western and north central regions of the Delta and the mainstem San Joaquin River. There is only one location in the southern central portion (Victoria Canal) and none in the southern region of the Delta. Southern central and southern waterways have a predominantly San Joaquin River source fingerprint and are more likely than northern channels to have changes in source water nutrients and water residence time due to north Delta intake operation. Additionally, the south Delta channels are affected by the temporary agricultural barriers, which reduce tidal velocities up to ~50% when	Please see response to comment 533-19 regarding the basis for the CHAB assessment locations evaluated in Chapter 9, Water Quality, Impact WQ-14.

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	barriers are in place (DWR, 2021 Effects of Temporary Barriers Project on Dissolved Oxygen, report to the Central Valley Water Board). Eastern and Central Delta channels that connect to the San Joaquin River are also missing from the CHAB analysis. Examples of waterways that have had cyanobacteria blooms include Disappointment Slough, 14-mile Slough, and Turner Cut. It is important to examine how changes in water residence time or increases in proportion of Mokelumne River and eastside tributary waters will affect HAB growth. The EIR should include complete CHAB assessments for southern Delta channels (e.g., Old and Middle Rivers near Fabian Tract and Union Island, Grant Line Canal and channels surrounding Jones and Empire Tracts). Additionally, the CHAB assessment should be expanded to include small and medium-size channels in the Central Delta. We expect that DSM2 can effectively model the CHAB drivers of concern for the assessments (water residence time, temperature, clarity, nutrients, and channel velocity) in these additional locations. Water Board staff are willing to assist with locating additional CHAB supporting data if helpful. Without assessing potential for increasing CHABs across the entire Delta, it is difficult to determine the impacts of proposed Project operations.	
533-81	[ATT 1:] Chapter 9 - Water Quality - 9.3.4 The cumulative impacts should be revised to include DWR's salinity control barriers.	The South Delta Temporary Barriers Project has been added to the table titled Cumulative Impacts on Water Quality from Programs, Projects, and Policies, in Chapter 9, Water Quality, in the Cumulative Analysis section, which lists programs, projects, and policies for the cumulative impact assessment. The addition 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 DWR was unwilling to commit. This project is already listed in Appendix 3C, Defining Existing Conditions, No Project Alternative, and Cumulative Impact

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		Conditions, in the table titled Descriptions of Programs, Projects, and Policies Considered for Existing Conditions, No Project Alternative, and Cumulative Impact Analysis, so no change to Appendix 3C was necessary.
533-82	[ATT 1:] Chapter 9 - Water Quality - 9.3.4 Cumulative Analysis The Draft EIR states that the cumulative effects analysis for water quality in the study area considers past, present, and reasonably foreseeable future projects and programs being completed in combination with the effects of any one of the Project alternatives or the No Project Alternative. Table 9-54 lists the programs, projects and policies evaluated but does not contain the 2018 update to the Bay-Delta Plan's San Joaquin River flow and southern Delta salinity components of the Bay-Delta Plan and their upcoming implementation or the expected Sacramento/Delta updates and implementation of the Bay-Delta Plan.	The Bay-Delta Water Quality Control Plan Update (San Joaquin River Flows and Southern Delta Salinity) and the Bay-Delta Water Quality Control Plan Update (Delta Outflows, Sacramento River and Delta Tributary Inflows, Cold Water Habitat and Interior Delta Flows) have been added to the table titled Cumulative Impacts on Water Quality from Programs, Projects, and Policies in Chapter 9, Water Quality, in the Cumulative Analysis section, which lists programs, projects, and policies for the cumulative impact assessment. The addition 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 DWR was unwilling to commit. These updates are already listed in Appendix 3C, Defining Existing Conditions, No Project Alternative, and Cumulative Impact Conditions, in the table titled Description of Programs, Projects, and Policies Considered for Existing Conditions, No Project Alternative, and Cumulative Impact Analysis, so no change to Appendix 3C was necessary.
533-83	[ATT 1:] Chapter 9 - Water Quality - 9.3.4 The reference in Table 9-54 to Regional San. Is incorrect. The biological nitrogen removal component of Regional San's Echo Water project is complete. The entire project will be complete in 2023. The EIR should be corrected accordingly.	The table listing programs, projects, and policies for the cumulative impact assessment in Chapter 9, Water Quality, of the Draft EIR describes Sacramento Regional County Sanitation District's EchoWater Project as an upgrade that includes improved nitrification and denitrification processes; no change was made to the table in the Final EIR.
533-84	[ATT 1:] Chapter 9 - Water Quality - 9.3.4 The Salt and Nitrate Control Programs and the Control Program	The Salt and Nitrate Control Program and Control Program for Salt and Boron Discharges into the Lower San Joaquin River are considered in the cumulative impact analysis of water quality in Chapter 9, Water Quality. They have been added to Appendix 3C, Defining Existing Conditions, No Project Alternative, and Cumulative Impact Conditions, of the Final EIR, in

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	for Salt and Boron Discharges into the Lower San Joaquin River are listed as considered as part of cumulative impact analyses in Table 9-54. These analyses are discussed in Sections 9.3.4.1 and 9.3.4.2. However, these programs are not included in the general table listing all of the cumulative impact assumptions considered as part of the analysis of the proposed Project (Table 3C-2, Appendix 3 -- Section 3C.3.3 Cumulative Impact Assumptions). The EIR should clarify that these programs were considered as part of the cumulative analyses in Chapter 9, Water Quality by putting them in Table 3C-2. If these programs were not considered as part of the cumulative impacts analyses in Chapter 9, the cumulative impact analysis should be revised to include them.	the table titled Descriptions of Programs, Projects, and Policies Considered for Existing Conditions, No Project Alternative, and Cumulative Impact Analysis. The addition 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 DWR was unwilling to commit.
533-85	[ATT 1:] Chapter 9 - Water Quality - 9.3.4 and Appendix 3C The following projects and programs should be added to the cumulative inputs analysis as existing or reasonably foreseeable: • Water Quality Control Plan for the Sacramento River and San Joaquin River Basin • Water Quality Control Plan for the San Francisco Bay Basin • The 2018 update to the Bay-Delta Plan, including the Comprehensive Operations Plan and Monitoring Special Study for Bay Delta Plan South Delta Salinity Objectives (COP-MSS) • Central Valley Salt and Nitrate Control Program • California Freshwater and Estuarine Harmful Algal Bloom Program • San Francisco Estuary Blueprint • Central Valley Water Board's Tribal Beneficial Use Designations Project	Please see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the approach to the cumulative analysis in the EIR. The Water Quality Control Plan for the Sacramento River and San Joaquin River Basin and Water Quality Control Plan for the San Francisco Bay Basin were not added to the Cumulative Analysis section of Chapter 9, Water Quality, nor the Appendix 3C table titled Descriptions of Programs, Projects, and Policies Considered for Existing Conditions, No Project Alternative, and Cumulative Impact Analysis, because these are regulations that are inherently considered in the impact analysis via the thresholds of significance, along with other applicable state and federal water quality criteria (e.g., federal California Toxics Rule). Both Chapter 9 and Appendix 3C cite the 2018 update to the Bay-Delta Water Quality Control Plan, which includes the COP-MSS. Per response to comment 533-84, the Central Valley Salt and Nitrate Control Program has been added to Appendix 3C because it was included in Chapter 9. The Freshwater and Estuarine Harmful Algal Bloom Program has been added to Chapter 9 and Appendix 3C of the Final EIR in the tables listing programs, projects, and policies considered for the cumulative impact analysis because CHABs are addressed in the cumulative analysis.

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		The San Francisco Estuary Blueprint, implemented by the San Francisco Estuary Partnership, has not been added to the list of cumulative projects in the EIR. The Estuary Blueprint was approved in 2022, after the Notice of Preparation for the Draft EIR. Also, while the blueprint is a roadmap for restoring the San Francisco Estuary, it does not hold regulatory authority and participating entities are not bound by its findings or recommendations. The State Water Board has developed a new Tribal beneficial use for future incorporation into Basin Plans. Because the Tribal beneficial use has not been applied to receiving waters in the Central Valley, including the Delta, and the State Water Board did not concurrently adopt water quality objectives to protect this use that are different from those already considered in Chapter 9, the new Tribal beneficial use for future incorporation into Basin Plans is not included in Chapter 9 or Appendix 3C.
533-86	[ATT 1:] Chapter 9 - Water Quality - 9.3.4.2 The analysis of cumulative impacts on cyanobacterial harmful algal blooms (CHABs) should be expanded. The cumulative impacts analysis consists of a comparison of impacts of project alternatives in the context of current and reasonably foreseeable projects plus climate change. The analysis concludes that the project alternatives would not substantially alter water temperatures, water residence time, or other drivers of CHAB growth relative to existing conditions. The expected outcome of climate change, however, is to worsen the severity and frequency of CHABS beyond existing CHAB conditions. CHABs are expected to expand in frequency and severity due to climate change (e.g., Paerl and Huisman,	The section titled Cumulative Impacts of the Project Alternatives in Chapter 9, Water Quality, presents the cumulative impacts analysis for CHABs. This assessment states that the cumulative condition for Microcystis (and thus microcystin concentrations) and other species that form CHABs is significant in the Delta. The assessment then goes on to determine whether project operations would have a considerable contribution to the significant cumulative impact for CHABs. The contribution of the project alternatives to the cumulative condition was assessed in the context of expected future CHAB conditions. Project alternatives would not substantially alter Delta water temperatures, nutrient levels, channel velocities and associated turbulence and mixing, water clarity and associated irradiance, or residence times relative to existing conditions. Similarly, at 2040, the project alternatives would not substantially alter these five factors related to the emergence and subsequent growth and accumulation of CHABs, as described in Appendix 9L, Water Quality 2040 Analysis. The cumulative impact assessment concludes that the individual contributions of the project alternatives to the significant cumulative condition for CHABs in the Delta would not be cumulatively considerable

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	2009. Environmental Microbiology Reports 1(1) 27-37), including in the Delta (Berg and Sutula, 2015. SCCWRP Technical Report 869). The EIR should evaluate the proposed Project's contribution to the cumulative impacts of climate change on CHABs in the Delta. Specifically, the cumulative impacts analysis should include the following: • Impacts of project alternatives examined in the context of expected future CHAB conditions. In areas of the Delta where beneficial uses would already be adversely affected by CHABs, even marginal exacerbation of CHABs due to proposed Project operations may be significant and should be avoided or mitigated. • Description of whether and how project operations may need to be adjusted or adaptively managed to assist with managing CHABs conditions made worse by climate change.	and thus would not be significant. Consequently, no operational changes or other mitigation is required. The factors of climate change and sea level rise that are principally responsible for the significant cumulative impact for CHABs are not associated with the project alternatives.
533-87	[ATT 1:] Chapter 9 - Water Quality - 9.3.3 Impacts and Mitigation Approaches (throughout the section) The Draft EIR indicates for most water quality parameters that project alternatives would not cause more frequent exceedances of the Bay-Delta Water Quality Control Plan for (constituents) because proposed Project facilities would be operated to meet objectives as implemented through D-1641. The EIR should explain how the project would impact current inability to meet D-1641 requirements during extended dry conditions (e.g., 2014, 2015, 2021, 2022). Further, not all water	Please see Common Response 3, Alternatives Development and Description, regarding Temporary Urgency Change Petitions and proposed project operations. Applicable water quality objectives/criteria for constituents have been identified in Chapter 9, Water Quality, and supporting appendices. Constituents that have no state water quality or federal water quality criteria have been identified where appropriate. For example, there is no numeric water quality criterion/objective for bromide and this is acknowledged in the bromide impact assessment in Impact WQ-3.

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	quality constituents of concern have specific water quality objectives, which should be acknowledged and addressed in the EIR.	
533-88	[ATT 1:] Chapter 9 - Water Quality - Appendix 9B Although two of the assessment locations for source water fingerprinting are labelled as representing the southern Delta region (Old River at Hwy 4 and Victoria Canal), the assessment is missing analysis in channels that are east and south of these locations. The EIR should add assessment locations for source water flow percentages that represent Old and Middle River sections around Fabian Tract and Union Island and nearby channels with limited flushing, taking into account that hydrology in these locations differs from that in Old River north of the pumps and Victoria Canal.	Please see response to comment 533-64 regarding the selection of modeled Delta assessment locations.
533-89	[ATT 1:] Chapter 9 - Water Quality - Appendix 9H Total mercury, methylmercury, and fish tissue methylmercury impacts were assessed by using the DSM2 model. The EIR should describe the details of how mercury impacts were modeled.	Details of the DSM2 modeling, including model development, input, and limitations, are provided in Appendix 5A, Modeling Technical Appendix, Section C, One Dimensional Delta Hydrodynamics and Water Quality Modeling Results. Details of how DSM2 output was used to model mercury and methylmercury concentrations are provided in Appendix 9H, Mercury.
533-90	[ATT 1:] Chapter 9 - Water Quality - Appendix 9H Some of the tables reported 0.00 mercury concentration but did not provide total (summed) project alternative impacts. That data should be presented in such a way to make the	Appendix 9H, Mercury, total mercury model results are reported to the second decimal (as ng/L) for total and methylmercury concentrations in water. Likewise, modeled fish tissue concentrations are reported to the second decimal (in mg/kg). These modeled results contain at least two significant figures. Results of 0.00 are only reported in tables describing the difference between an alternative and existing conditions. Thus, differences of 0.00 indicate no substantial change. Sums of the differences

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	cumulative projected impact clear.	across all assessment locations are not presented because potential for impacts are location specific.
533-91	[ATT 1:] Chapter 9 - Water Quality - Chapter 9/page 16 The discussion of mercury loading should be updated as follows for accuracy: "An analysis of total mercury loading to the Delta during water years 1984 to 2003 determined the Sacramento River is the primary tributary source of mercury to the Delta in dry years, but the proportion of mercury loading from the Yolo Bypass increases in wet years to the extent that it is comparable to that of the Sacramento River (Central Valley Regional Water Quality Control Board 2010a:134)."	The text has been revised per the comment. This revision to the section titled Existing Surface Water Quality in Chapter 9, Water Quality, does 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 was unwilling to commit.
533-92	[ATT 1:] Chapter 9 - Water Quality - Chapter 9/page 16 The discussion of the Cache Creek Settling Basin should be updated as follows for accuracy: "Cache Creek, and associated Cache Creek Settling Basin, is the major source of inorganic mercury loading to the Yolo Bypass, where mercury loading mostly occurs via transport of mercury-bound sediment (Central Valley Regional Water Quality Control Board 2010a:197)."	This comment is a duplicate of comment 533-55. Please see response to comment 533-55.
533-93	[ATT 1:] Chapter 9 - Water Quality - Chapter 9/page 16 One of the citations to the last sentence of the first full paragraph is inaccurate. The information on page 197 does not	This comment is a duplicate of comment 533-56. Please see response to comment 533-56.

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	support this sentence. The Delta Methylmercury TMDL Staff Report just states: "SF Bay identified Central Valley outflows via the Delta as one of the principal sources of total mercury to SF Bay... " The citation of the TMDL Staff Report should be removed and the following language added: "Mercury loading from the Delta primarily drives mercury concentrations in northern San Francisco Bay, Suisun Bay, and Suisun Marsh (San Francisco Bay Regional Water Quality Control Board 2018:49)."	
533-94	[ATT 1:] Chapter 9 - Water Quality - Chapter 9/page 16 The discussion of methylmercury flux should be updated as follows for accuracy: "The flux of methylmercury from Delta open water and wetland sediments is estimated to contribute 36% of the waterborne methylmercury load in the Delta annually, based on an analysis of data from water years 2000 to 2003 (Central Valley Regional Water Quality Control Board 2010a:88)."	This comment is a duplicate of comment 533-57. Please see response to comment 533-57.
533-95	[ATT 1:] Chapter 9 - Water Quality - Chapter 9/page 16 The discussion of methylmercury contributions should be updated as follows for accuracy: "Based on data from water years 2000 to 2003, tributary inflow sources contribute an estimated 58% of the methylmercury load in the Delta annually, and wastewater, agricultural lands, atmospheric deposition, and urban runoff contribute approximately 6% of	This comment is a duplicate of comment 533-58. Please see response to comment 533-58.

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	the methylmercury load (Central Valley Regional Water Quality Control Board 2010a:80)."	
533-96	[ATT 1:] Chapter 9 - Water Quality - Chapter 9/page 16 All references to the methylmercury TMDL should be changed to "Sacramento -- San Joaquin Delta Methylmercury TMDL."	This comment is a duplicate of comment 533-53. Please see response to comment 533-53.
533-97	[ATT 1:] Chapter 9 - Water Quality - Chapter 9/page 16 The discussion of the mercury TMDL should be updated as follows for accuracy: "The TMDL and associated Basin Plan Amendment establishes methylmercury fish tissue objectives; load allocations for agricultural drainage, atmospheric wet deposition, open water, tributary inputs, wetlands, and nonpoint source dischargers; and waste load allocations to point source dischargers in the Delta."	This comment is a duplicate of comment 533-59. Please see response to comment 533-59.
533-98	[ATT 1:] Chapter 9 - Water Quality - Chapter 9/page 113 The Draft EIR labels impacts of compensatory mitigation acreage on methylmercury production as potentially significant without mitigation; reduced to less than significant with implementation of a monitoring plan. Because the Delta is impaired due to mercury, there is no assimilative capacity and even a slight increase is unacceptable. The EIR should include detailed text about assimilative capacity in Delta subareas and state that project aqueous methylmercury monitoring	In Chapter 9, Water Quality, Impact WQ-6 (mercury) recognized there is no assimilative capacity for mercury, hence the potentially significant impact determination for the compensatory mitigation. Providing additional information regarding assimilative capacity in Delta subareas is not necessary to make this impact determination or to inform Mitigation Measure WQ-6. Mitigation Measure WQ-6 includes a performance measure tied to fish tissue concentrations. This approach is consistent with implementation of the Delta Methylmercury TMDL.

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	thresholds should be set to 0.06 ng/L, but ideally should be less than 0.06 ng/L.	
533-99	[ATT 1:] Chapter 9 - Water Quality - Chapter 9/page 115 The EIR identifies mercury water quality impacts due to compensatory mitigation from creating tidal habitats (i.e., tidal wetlands). In the Delta Mercury Control Program review, tidal wetlands are estimated to be a sink of methylmercury but other wetlands (seasonal) are a source. Creation of other wetland habitat types for compensatory mitigation should also be included in Mitigation Measure WQ-6 to address the potential mercury impact from the other wetland habitats.	Please see response to comment 533-75 regarding the scope of the Mitigation Measure WQ-6 relative to other wetland habitat types.
533-100	[ATT 1:] Chapter 9 - Water Quality - Chapter 9/page 115 The Central Valley Regional Water Quality Control Board should review the Mercury Management and Monitoring Plan, Site-Specific Mercury Management Plans, and Site-Specific Monitoring and Adaptive Management Plans prior to finalization.	Please see response to comment 533-77 regarding Central Valley Regional Water Quality Control Board involvement in the mercury mitigation plans.
533-101	[ATT 1:] Chapter 9 - Water Quality - Chapter 9/page 118 The discussion of sediment mobilization should be updated to include Delta waterways as follows: "viii. Control sediment mobilization into the tidal habitat and Delta waterways if particulates or sediment is determined to be a key source of	This comment is a duplicate of comment 533-76. Please see response to comment 533-76.

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	mercury (California Department of Water Resources et al. 2020:7-1).	
533-102	[ATT 1:] Chapter 9 - Water Quality - 9.1.4 The typographical error in table 9-3 should be corrected: "XDSe"]	The text in Chapter 9, Water Quality, has been revised pursuant to the comment.
533-103	[ATT 1:] Chapter 9 - Water Quality - 9.3.3.2 The typographical error should be corrected: "over excavation" instead of "overexcitation"	The text in Chapter 9, Water Quality, has been revised pursuant to the comment.
533-104	[ATT 1:] Chapter 9 - Water Quality - 9.3.3.2 A comparison of the on-site treatment and storage capacities versus the volume of water from dewatering (e.g., Delta Conveyance Design Construction Authority technical memo 056 CE-H), decant water from reusable tunnel material (RTM), and stormwater runoff should be provided to support the EIR conclusion that construction of project alternatives would not increase peak flow rates (discussed in section 3.4.15.5) and result in discharges that substantially degrade water quality or adversely affect any beneficial uses.	This comment is a resubmittal of a comment on the Notice of Preparation for the EIR. As described in Chapter 3, Description of the Proposed Project and Alternatives, in the section titled Local Water Supply, Drainage, and Utilities, and in Chapter 9, Water Quality, Impact WQ-1 (construction impacts), if discharged to surface waterbodies adjacent to construction sites, dewatering water and stormwater runoff would be treated prior to discharge. Furthermore, discharges would be in compliance with applicable laws and permits, including those issued by the Central Valley Regional Water Quality Control Board. The dewatering volumes are not fully known at this time, and as Chapter 7, Flood Protection, Impact FP-2 describes, project elements during construction would ensure that peak flow rates would not be increased such that there would be an increased risk of flooding. For these and other reasons provided in Impact WQ-1, including implementation of environmental commitments, construction activities would not substantially degrade water quality or adversely affect beneficial uses.

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533-105	[ATT 1] Chapter 12 - Fish and Aquatic Resources. 12.3.1.3. The Draft EIR assesses operational effects with both qualitative and quantitative methods. The Draft EIR uses a 5% difference as a threshold for significant impacts from the proposed Project. However, the EIR does not provide how the information derived from the qualitative and quantitative methods was combined and weighted to produce the final determination of "significant" or "less than significant" impacts. This should be explained.	Please refer to response to comment 533-20 regarding a discussion on the use of the 5% threshold.
533-106	[ATT 1] Chapter 12 - Fish and Aquatic Resources 12.3.3.2/Impact AQUA-1 Page 12-56 This section mentions that turbidity during in-water construction activities could exceed 25-75 nephelometric turbidity units (NTU). Both the Central Valley and San Francisco Bay Regional Water Board Basin Plans have turbidity water quality objectives based on background turbidity levels. This analysis should include a discussion of existing background turbidity levels at the construction sites to determine whether an increase to 25-75 NTU would potentially violate the Basin Plan (and therefore constitute a significant impact).	The comment suggests that the analysis should describe background turbidity to determine whether Basin Plan water quality objectives are exceeded. Impact WQ-1 in Chapter 9, Water Quality, found that the impact of construction on water quality, including turbidity, would be less than significant. Impact WQ-1 also describes impacts related to compensatory mitigation activities and potential increases in suspended sediment. Although water quality objectives include reference to the background turbidity, specific permits issued for the project may include exceptions as noted in the Basin Plan for work involving activities such as dredging. As described in Impact AQUA-1, such increases in turbidity would be limited to only a portion of the channel width, extend no more than 1,000 feet downstream, and dissipate within hours of cessation of in-water activities.
533-107	[ATT 1] Chapter 12 - Fish and Aquatic Resources 12.3.3.2; Impact AQUA-2, 3, 4, and 5 (Salmonids) The Draft EIR identifies various factors for the near-field effects (entrainment, impingement, and predation) at the North Delta intakes that would affect migrating juvenile salmonids in Impact AQUA-2 (pages 12-74 through 12-92). However, it does	Please see response to comment 533-21 regarding discussions on near-field effects.

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	not provide any quantitative estimates of the near-field impacts on salmonid populations or explain how much of the near-field effects were integrated in the overall impact assessment. The Draft EIR concludes that the near-field effects on fish would be minimal or limited based on a qualitative assessment using data collected from different locations and/or different rivers. It would be reasonable for the EIR to incorporate a range of population-level impacts (e.g., 5% or 10% additional mortality) to account for the potential near-field effects on salmonids and other fish species migrating through or inhabiting areas near the North Delta intakes.]	
533-108	[ATT 1:] Chapter 12 - Fish and Aquatic Resources 12.3.3.2/page 12-77 The Draft EIR identifies that juvenile salmonids primarily migrate in the thalweg or on the outside of bends, which would keep them away from the intakes and screens. However, the EIR acknowledges that sometimes juvenile salmon occupy the inside of bends when they are holding. The Project should include specific provisions for continual monitoring, evaluation, and adaptive management to ensure that entrainment, impingement, and other impacts do not occur from Project diversions.]	Consistent with the comment's suggestion, fisheries studies would be undertaken to provide information on north Delta intake effects once they are operational to inform the refinement of future operations and adaptive management (see discussion of the Operations Adaptive Management and Monitoring Plan in Chapter 3, Description of the Proposed Project and Alternatives).
533-109	[ATT 1:] Chapter 12 - Fish and Aquatic Resources 12.3.3.2/ page 12-79/ Table 12-17 This table should be updated to provide clarity. The table shows 5.9% to 37.1 % of Sacramento River at Freeport flows being diverted at Intake C, but it is not clear what flow is being referred to. Further, Model Runs 5B, 5C, and 5D show that up	Consistent with the comment, additional information has been provided in the table's footnote regarding the method of calculating the flow percentage, as well as the likelihood of the modeled operations. At the upper end of modeled diversions for the tidally varying flows there is zero likelihood of such operations based on the CalSim 3 simulation of long-term operations, which was run to illustrate a potentially worst-case scenario. Note that the comment appears to derive estimates of river flow diverted of 29% to 60% based on adding the percentage of flow diverted at

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	to 29%, 36%, and 60% of river flows (mean daily flow of 18,000 cfs), respectively, would be diverted depending on the tidal conditions within a single day. The EIR should describe whether such conditions represent realistic operational outcomes; if it does, the impacts of operations under such highly varying hydrologic conditions and a mitigation strategy should be described in the EIR.	each intake, which is incorrect, given that flow downstream of the first diversion would be less because of the first diversion, resulting in the diversion at the second intake being a smaller percentage of the flow upstream of the first intake.) Operational impacts of the project alternatives are minimized with criteria such as bypass flows and approach and sweeping velocity requirements (see the Chapter 3, Description of the Proposed Project and Alternatives, description of operations criteria). In addition, mitigation is provided as necessary to address potentially significant impacts (e.g., Mitigation Measure CMP for Impact AQUA-2, specifically CMP-25 as described further in the table titled Design Commitments and Guidelines for Compensatory Mitigation to Compensate for Loss of Special-Status Species Habitat, found in Attachment 3F.1, Compensatory Mitigation Design Parameters).
533-110	[ATT 1:] Chapter 12 - Fish and Aquatic Resources 12.3.3.2/ pages 12-108 to 12-109/ Table 12-33 Significant negative impacts to riparian and wetland bench habitats are expected under the proposed project (Alternative 5) during winter- and spring-time in all year types on the Sacramento River below the north Delta intakes, including on Sutter and Steamboat Sloughs. This habitat type is important for native resident and migratory fish species to provide food and cover. This occurs during a critical time when populations are naturally stressed and need prime habitat and can significantly impact populations. The EIR should further evaluate these potential impacts.	It is unclear what type of further evaluation the commenter is suggesting. The impacts are analyzed with the methods described in Appendix 12B, Bay-Delta Methods and Results, for which the commenter provides no comments. The impact is concluded to be significant and mitigation is proposed. (See description of Mitigation Measure CMP in Appendix 3F, Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources, specifically CMP-26, described in the table titled Design Commitments and Guidelines for Compensatory Mitigation to Compensate for Loss of Special-Status Species Habitat, found in Attachment 3F.1, Compensatory Mitigation Design Parameters.) Overall, the impact is less than significant after mitigation.
533-111	[ATT 1:] Chapter 12 - Fish and Aquatic Resources 12.3.3.2/ Tables 12-38, 12-39, 12-43 The IOS model shows (Table 12-38) a 9 to 11% reduction (Alternative 5) in the escapement of winter-run Chinook salmon. The OBAN model (Table 12-43) suggests winter-run	It is unclear which sensitive life stage the comment is referring to. If the comment is referring to egg to fry survival, the EIR notes in Chapter 12, Fish and Aquatic Resources, that a screening-level summary of differences was undertaken to confirm minimal differences between alternatives and existing conditions, with the results of this screening-level summary indicating that detailed analysis of upstream areas was not necessary

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	Chinook salmon escapement could be reduced by up to 36% (Alternative 5 with 10% loss at the North Delta Intakes). Table 12-39 shows that the through-Delta survival of juvenile winter-run Chinook salmon would be significantly reduced during low water years (below normal, dry, and critically dry) when temperature management is challenging on the upper Sacramento and Egg To Fry survival is typically low (See 2021 JPE Letter from NMFS). Given the current status of winter-run Chinook salmon, the EIR should further analyze the project impacts during this sensitive life stage and provide mitigation for impacts.]	because of the limited magnitude of difference between scenarios; please also see the discussion of upstream areas in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues. If the comment is referring to through-Delta survival, that was analyzed in the section referenced in the comment, with mitigation proposed for potential impacts (Mitigation Measure CMP, specifically CMP-25 and CMP-26).
533-112	[ATT 1:] Chapter 12 - Fish and Aquatic Resources 12.3.3.2/ page 12-179 Line 32 The effects analysis of sediment entrainment resulting from proposed Project operation identifies a 4 to 7% expected reduction in sediment reaching the Delta. The conclusion is made that this is a less than significant impact and that modeled future increases in sediment load would be enough to offset these losses. The proposed Project should include mitigation measures to address losses of sediment if the expected increases do not occur or should identify that this could be a significant impact.	Contrary to the commenter's suggestion, the EIR does not conclude that modeled future increases in sediment load would be enough to offset losses because of proposed operations. Context on uncertainty related to future sediment trends is provided and it is noted that, should future modeled increases in sediment occur, those could offset the long-term declines observed during the second half of the 20th century (see discussion of sediment entrainment in Impact AQUA-6 in Chapter 12, Fish and Aquatic Resources). Although the impact is not concluded to be significant and therefore does not require mitigation measures, Environmental Commitment EC-15 is included to address the issue of sediment entrainment (see Appendix 3B, Environmental Commitments and Best Management Practices).
533-113	[ATT 1: Chapter 12 - Fish and Aquatic Resources 12.3.3.2/ page 12-208/Table 12-157 Significant net decreases in White Sturgeon Year-Class strength are presented under all alternatives. The less than significant impact conclusion should be explained given this appears to represent a significant impact.]	The explanation for the less-than-significant impact conclusion for white sturgeon is provided in the CEQA conclusion section of Chapter 12, Fish and Aquatic Resources, Impact AQUA-9. That is, it is unlikely that less summer Delta outflow under the project alternatives, which would occur because of less Delta outflow being necessary to meet Delta salinity requirements, would result in a significant impact on white sturgeon for the following reasons: the statistical relationships may be related to upstream flow or Delta inflow as opposed to Delta outflow; changes are limited to differences within water year type as opposed to hydrological-condition-

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		scale differences (i.e., greatest recruitment in wetter years); the prediction intervals of the statistical relationship range over several orders of magnitude; and there is little difference in estimates based on one (April–May) of the averaging periods examined. This revision 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 DWR was unwilling to commit.
533-114	[ATT 1: Chapter 12 - Fish and Aquatic Resources 12.3.3.2/page 12-220/Lines 7-9 The analysis of starry-flounder states that the impacts are close to the threshold of significance (5%) and that there is uncertainty in such statistical relationships when assessing relatively small, operations-related differences. The Bay Otter Trawl Abundance Indices for starry flounder (Table 12-173) would be reduced by 5% and 6% in below normal and above normal water years, respectively, under the proposed Project (Alternative 5). However, the Draft EIR concludes the project impacts would be less than significant citing uncertainty and geographic distribution of the fish. This impact conclusion should be further supported.]	The comment does not provide an example of how the impact conclusion should be further supported, beyond the rationale already provided and summarized in the comment.
533-115	[ATT 1: Chapter 12 - Fish and Aquatic Resources Impact AQUA-2/Appendix 12B The Draft EIR used the Winter-run Chinook Salmon Life Cycle Model and provided data in Chapter 12, but the description of the model is not provided in Appendix 12B. The EIR should be updated accordingly.]	Consistent with the comment's request, an attachment describing the Winter-run Chinook Salmon Life Cycle Model and main results has been added to Final EIR Appendix 12B, Bay-Delta Methods and Results.
533-116	[ATT 1: Chapter 16 - Recreation General The analysis of recreation impacts of the proposed Project in	The obstruction of recreation activities and use is included in the analysis for Chapter 16, Recreation, as part of Impact REC-1, which analyzes disruption to recreation. Further recreation-related analysis and effects including quality of recreation and activities, was included in Chapter 17,

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	the Draft EIR was limited to determining whether the impact of construction would cause deterioration of existing regional parks and recreational facilities by increasing their use, and whether the Project would require building new recreational facilities in ways that could harm the environment. There is minimal analysis of whether recreation will be obstructed in other ways, which should be included.]	Socioeconomics, specifically the section titled Effects of the Project Alternatives on Recreation Economics in the Statutory Delta and Project Area.
533-117	[ATT 1: Chapter 16 - Recreation General Chapter 16 of the Draft EIR does not discuss the potential recreation impacts (e.g., boating) occurring at the intake construction sites. The Final EIR should note the estimated surface area of water at the intake facilities that will be inaccessible to recreational boaters during construction, operation, and maintenance. Any potential changes to or hinderance of boat passage at the intakes should be identified.]	Recreation uses at the intake sites are discussed in Chapter 16, Recreation, Impact REC-2. For effects on boat traffic, please refer to Chapter 20, Transportation, Impact TRANS-5. As noted in Impact TRANS-5, the extent of width of the Sacramento River that could be inaccessible to boaters in the localized areas of the intakes ranges from 89.5 feet for Intake A to 122.5 feet for Intake C, with the width of the river at Intake A being approximately 430 feet and at Intake C, approximately 620 feet. The table titled Summary of Intake Characteristics in Appendix 3D, Intakes, Roads, and Shafts Summary Tables, provides further dimension and locational information about each intake facility. As noted in this section, because barges and tugboats would be used only for geotechnical investigations prior to construction and placement of riprap at the end of construction, the impact on marine navigation would be minor.
533-118	[ATT 1] Chapter 17 - Socioeconomics 17.3.3.5 The Draft EIR notes that impacts on local tourism and recreation revenue are likely to be minimal, but also that construction near established recreational facilities will occur for up to 24 hours per day for a period of several years, disrupting recreation with undesirable visuals, loud noises,	In Chapter 16, Recreation, the recreation analysis includes consideration of proximate construction disturbances. This analysis considered if recreationists would be displaced by construction disturbances and if those users would frequent other parks or recreation facilities as a result. The analysis concluded that the loss of recreation opportunities attributable to the Delta Conveyance Project was limited to shoreline activities at and near the proposed intakes. The project would not affect access to other shoreline recreation sites within the Delta. In addition, the Chapter 3,

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	increased congestion, and restricted boating. Impacts on recreation-oriented activities should be assessed to determine if construction will disrupt these activities in ways other than making them inaccessible.	Description of the Proposed Project and Alternatives, section titled Common Features of the Alternatives provides a discussion of construction hours and duration. As noted in the section, construction would generally occur 10-hours per day (sunrise to sunset) from Monday through Friday. Exceptions would be tunnel boring, RTM handling, and concrete pours at the intakes, which will require extended work hours up to 20 hours per day. Further analysis of potential changes to recreation quality is also provided in Chapter 17, Socioeconomics, particularly in ECON-5.
533-119	[ATT 1] Chapter 17 - Socioeconomics 17.3.4 Recently passed AB 2011 is expected to decrease barriers to building multi-family housing and increase housing supply, particularly in regions undergoing economic transitions with underutilized commercial areas. This information should be included in Table 17-28 and the analysis in the EIR.	Assembly Bill 2011, the Affordable Housing and High Road Jobs Act of 2022, was passed following the release of the Draft EIR and, therefore, no information could have been included in the document. Being such a recent legislation, it would be premature to include this information or try to draw any new conclusions about its potential effects. ECON-2 concludes that there is sufficient housing available for any potential influx of workers who may decide to permanently relocate to the Delta region.
533-120	[ATT 1:] Chapter 18 - Aesthetics and Visual Resources General Aesthetic impacts of the project are primarily considered from terrestrial perspectives. The EIR should evaluate potential scenic impacts on or in the river or explain why the project is unlikely to affect riverine views.	Although no Renders Key Observation Points (RKOPs) reflected views from waterside locations, project effects were considered from waterside locations and river-based facilities (e.g., marinas) under Impact AES-1 in Chapter 18, Aesthetics and Visual Resources. Potential effects on waterside recreational viewers were considered on the Sacramento River (all intake sites), at the Tower Park Marina Resort (Bouldin Island Launch and Reception Shaft), on the San Joaquin River and Burns Cut (Lower Roberts Island access bridges), Lazy M Marina (Southern Complex on Byron Tract), and the Bethany Reservoir State Recreation Area (Bethany Reservoir Discharge Structure). Waterside views were evaluated within the existing visual context. For example, the impact analysis acknowledges that the Bethany Reservoir Discharge Structure would add a constructed industrial-appearing feature to views for water users at the Bethany Reservoir State Recreation Area. The impact finding also notes the existing infrastructure elements at the

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		reservoir, including inlet and outlet structures and the South Bay Pumping Plant. These facilities are currently visible from waterside vantage points at the reservoir and the discharge structure would not be the sole industrial-appearing facility within the recreational area. It is a similar situation with the bridge access to the Lower Roberts Island Tunnel Launch and Reception Shaft and RTM storage site; while the bridge over Burns Cut and along the San Joaquin River would be visually obvious to waterside viewers, it would be located at the western extent of the Port of Stockton complex. Although the analysis notes the industrial appearance of the complex as part of the site's visual context, it also acknowledges the bridge would bring a strong visual contrast to waterside viewers.
533-121	[ATT 1] Chapter 19 - Cultural Resources General: While impacts on fish populations are analyzed in Chapter 12, the potential impacts on the ability of these fish populations to support cultural practices is not discussed. The EIR should analyze these potential impacts or explain why they will not exist.	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. The analysis contained within Chapter 32, however, takes a wholistic view of those resources that could contribute to Tribal cultural resources and includes information from various chapters to support the impact analysis.
533-122	[ATT 1] Chapter 32 - Tribal Cultural Resources Chapter 32/page 32-45 The Draft EIR states: "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 Tribal Cultural Landscape (TCL)"	DWR is committed to continued consultation 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. This includes working in partnership with consulting Tribes to develop the Tribal Cultural Resources Management Plan (Mitigation Measure TCR-1b), which will establish the detailed procedures for identifying locations where Tribes request access for ceremonial and other spiritual practices or traditional uses and ways in which DWR can facilitate such access.

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	even with the efforts to repair or restore the Tribal experience." Ongoing consultation with tribes should occur during all planning and implementation stages to minimize overall and seasonal impacts on tribal Lifeways, such as in-water ceremonies and subsistence fishing activities.	As explained in Chapter 32, DWR will implement Mitigation Measure TCR-1d to ensure Tribal input on the compensatory mitigation planning for the entire project.
533-123	[ATT 1] Chapter 32 - Tribal Cultural Resources Chapter 32/page 3 The analysis of potential impacts in the Draft EIR shows that less emphasis has been placed on assessing second-order consequences of the proposed Project which are more difficult to quantify, such as changes to the ability of indigenous and low-income Delta residents to use small-scale fishing to supplement their diet. Tribes and Delta communities rely on subsistence fishing throughout the year and require adequate fisheries and access to fishing locations. Construction and project operations should consider and limit, to the fullest extent possible, adverse effects on subsistence and Tribal subsistence fishing activities. Limiting impacts could include engaging in Tribal consultations early in planning processes, providing information about in-water construction and maintenance work in ways that reach subsistence anglers, and monitoring the effects of the project on fish species commonly caught for human consumption. For the latter two examples, the Environmental Commitments to provide notification of construction and maintenance activities (EC-16) and for construction best management practices for biological resources (EC-14) could be expanded to address communication and fisheries relied upon by subsistence anglers and Tribes.	Please see the response to comment 533-122 regarding DWR's commitment to continued consultation 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. Regarding the impact analysis on environmental justice communities specific to fishing access, impacts associated with the loss of fishing access are identified in Chapter 29, Environmental Justice, specifically under Fish and Aquatic Resources, and Chapter 17, Socioeconomics, specifically under ECON-5. These sections explain that although construction of one or more intakes on the Sacramento River would obstruct access to fishing spots along the east riverbank at intake locations, these shoreline areas are very small compared to the total riverine and nearshore areas found alongside the Sacramento River main channel and total shoreline areas found through the Delta and there is ample access to the river for bank fishing from numerous other locations on both sides of the Sacramento River in the study area and throughout the Delta. Further, as stated in Chapter 16, Recreation, 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 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. Regarding sites specific to Tribal subsistence fishing activities, as stated above, DWR is committed to continued consultation and Tribal

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		collaboration on the implementation of the mitigation measures, which will establish detailed procedures for identifying locations where Tribes request access for ceremonial and other spiritual practices or traditional uses and ways in which DWR can facilitate such access.
533-124	This comment number was inadvertently skipped.	This comment number was inadvertently skipped. DWR has reviewed all comments and will consider all comments in its decision-making process.
533-125	This memorandum responds to the California Department of Water Resources' (DWR) January 15, 2020 Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the Delta Conveyance Project, which may include the preparation of an environmental impact statement (EIS). The State Water Resources Control Board (State Water Board) and Central Valley Regional Water Quality Control Board (collectively Water Boards) appreciate the opportunity to comment and contribute information regarding the potential environmental impacts, mitigation measures, and alternatives to be addressed in the EIR/EIS for the Delta Conveyance Project (Project).	This information describes the structure or organization of the comment letter, the background of the organization or individual commenter, clarification on the submittal of the comment letter, or 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.
533-126	General Comments The mission of the Water Boards [State Water Board and Central Valley Water Board] is to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations. The State Water Board administers water rights in California, including those of the State Water Project (SWP) and Central Valley Project (CVP). The State and Regional Water Boards also have primary authority over the protection of the State's water quality and drinking water. To protect water quality, the State and Regional Water Boards develop	This information describes the background of the organization or individual 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.

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	water quality control plans that identify beneficial uses of water, water quality objectives to protect those beneficial uses, and a program of implementation to achieve the objectives, as well as monitoring, special studies, and reporting requirements. These water quality control plans include the State Water Board's Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) and the Central Valley and San Francisco Bay Regional Water Boards' water quality control plans for the Central Valley and San Francisco Bay.	
533-127	The Water Boards [State Water Board and Central Valley Water Board] will have discretionary approvals over water right and water quality aspects of the Project and are responsible agencies for the Project pursuant to the California Environmental Quality Act (CEQA). As responsible agencies under CEQA, the Water Boards must review and consider the environmental effects of the Project identified in the EIR that are within their purview and reach their own conclusions on whether and how to approve the Project. (Cal. Code Regs., tit. 14, § 15096, subd. (a).) Specifically, activities that may require approval by the Water Boards include changes to the SWP's and potentially the CVP's points of diversion of water and to other provisions of their water rights, water quality certifications pursuant to Clean Water Act section 401, [Footnote 1: If the Project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If an USACE permit is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the State Water Board.], National Pollutant	The comment describes the type of permits and/or requirements the State Water Board or the Central Valley Water Board may require of the Delta Conveyance Project depending on the location of activities and activities themselves. The comment restates information already contained in the EIR and identifies the potential need for discretionary approvals by the Water Boards and the USACE. Please see the table in Chapter 1, Introduction, titled Summary of Potential Agencies and Review, Approval, or Other Responsibilities, in Addition to Those under CEQA. Please also refer to the table in the Executive Summary titled Summary of Federal Agencies and Review, Approval, or Other Responsibilities, in Addition to Those under NEPA for additional permits needed from USACE. Please refer to Chapter 9, Water Quality, for additional discussion of Sections 401 and 404 of the Clean Water Act, as well as discussion of dewatering, NPDES requirements and water discharged. Finally, please see Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, regarding the authority of the State Water Board regarding water rights and designating beneficial uses.

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	Discharge Elimination System Permits (NPDES) [Footnote 2: If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a NPDES permit. If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a NPDES permit.], and potentially other water quality approvals such as a Construction Storm Water General Permit, [Footnote 3: Dischargers whose project disturbs one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ.], an Industrial Storm Water General Permit, [Footnote 4: Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.], Waste Discharge Requirements [Footnote 5: If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement permit to be issued by the Central Valley Regional Water Quality Control Board.], and a Dewatering Permit. [Footnote 6: If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Regional Water Quality Control Board's Waiver of	

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533-128	Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145.]. Project Description The EIR should include a clear project description in order to allow for a full project level evaluation of the potential environmental impacts of the proposed project. The EIR should specifically include proposed operating rules for the Project, including diversion limitations; criteria for operating the new facility in conjunction with other SWP, and as applicable CVP facilities, including Delta export facilities and reservoirs; bypass flow criteria; Delta outflow criteria; export to Delta inflow criteria; provisions for meeting existing water quality and flow requirements; and any other operating rules. The EIR should clearly identify and differentiate between existing regulatory criteria, proposed operating criteria, and modeling assumptions in a summary table or other easily identifiable format. Each regulatory criterion, operating criterion, or modeling assumption should be clearly explained and justified. Where flexibility is proposed, a range of potential operations should be evaluated from least to most restrictive. For example, given the uncertainty concerning CVP participation, the EIR should evaluate a range of possible scenarios, including no CVP participation, partial CVP participation, and maximum CVP participation.	The information provided in Chapter 3, Description of the Proposed Project and Alternatives, regarding the operation of the Delta Conveyance Project intakes is an accurate description of the criteria under which the Delta Conveyance Project will operate. The Chapter 3 section titled Real-Time Operational Decision-Making Process, describes proposed operational criteria and monitoring and decision-making processes intended to minimize and mitigate potential impacts of operating the north Delta intakes. DWR currently has the discretion to adjust operations in accordance with numerous regulations and criteria. The addition of the north Delta intakes would provide DWR the operational flexibility to continue to comply with current and future regulatory requirements to sustain water supply and water quality and protect environmental resources. Please refer to Common Response 3, Alternatives Development and Description, regarding the level of design that is adequate to evaluate impacts and as required by CEQA. The hydrologic modeling conducted for each alternative is an accurate depiction of how operation of each alternative would result in changes to hydrologic conditions including river flows, reservoir storage, and water deliveries. Those changes are summarized in Chapter 5, Surface Water, which provides information that was used to support environmental impact analyses and allow an accurate comparison of impacts among alternatives. The analysis of Alternatives 2a and 4a with a conveyance capacity of 7,500 cfs represents the scenario that assumes CVP participation, diverting a maximum of 1,500 cfs in addition to SWP's maximum diversion of 6,000 cfs. Alternatives 1, 2b, 2c, 3, 4b, 4c, and 5 assume no CVP participation.

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		Please also refer to Chapter 2, Purpose and Project Objectives, regarding the purpose of the project.
533-129	Any operating scenarios that are developed for the Project should adhere to all of the requirements currently in place under D-1641. One current D-1641 requirement is the Delta Export to Inflow (E:I ratio), which establishes a maximum percentage of the total Delta inflow that may be exported. The Delta E:I ratio is one of the water quality objectives for fish and wildlife beneficial uses (Table 3 of the Bay-Delta Plan) that was implemented pursuant to D-1641. Both D-1641 and the Bay-Delta Plan specify how the Delta E:I ratio is to be calculated. In the BDCP/WaterFix Final EIR/EIS (2016), however, the calculation was modified by using a Delta inflow measurement location below the North Delta Facilities and excluding water diversions from the North Delta Facilities as a part of the total Delta export for purposes of calculating the E:I ratio. Any such changes in water quality objectives and subsequent operational criteria would require an amendment to the Bay-Delta Plan, and therefore all operating scenarios evaluated in the EIR should assume that the existing Delta E:I ratio, as well as other Bay-Delta Plan water quality objectives, would apply.	The Bay Delta Conservation Plan/California WaterFix project is no longer being pursued by DWR and impact analyses prepared for that project are not applicable to the current project. The impact analysis for the current Delta Conveyance Project used D-1641 and existing water quality objectives and standards. As described in Chapter 3, Description of the Proposed Project and Alternatives, in the section titled Export to Inflow Ratio, in computing the E:I ratio, the Sacramento River inflow is measured at Freeport upstream of the proposed north Delta intakes and diversions at north Delta intakes are included in the total exports calculation.
533-130	DWR and Reclamation have pending petitions to extend the deadlines, which have expired, to maximize the beneficial use of water under their water right permits for the SWP and CVP, respectively. These petitions have been noticed and protested, but the Division of Water Rights has not processed them further due to a lack of environmental documentation. DWR and Reclamation may also wish to amend the petitions (the DWR petition only requests a time extension until 2015), which would require that the petitions be re-noticed. Although these petitions can be processed separately from a water right change petition for the Delta Conveyance Project, the EIR for	DWR will file a separate petition to address time extension. DWR's continued due diligence in planning potential future implementation of a Delta Conveyance Project in furtherance of maximizing beneficial use under its permits is further described in Chapter 1, Introduction, in the subsection titled Prior Delta Conveyance Planning Efforts. Also, please refer to Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the appropriate use of the CEQA baseline for the purposes of the CEQA analysis which includes existing water rights and regulations. Please refer to Common Response 3, Alternatives Development and Description,

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	the Delta Conveyance Project should address how the approval or disapproval of time extension petitions would relate to SWP and CVP operations with the new conveyance facilities. Specifically, the analysis of SWP and CVP operations in the EIR should be consistent with the fact that, absent State Water Board approval of time extension petitions, SWP and CVP exports, with or without approval of the new proposed points of diversion, are limited to the maximum amount of water put to beneficial use before the deadlines to maximize use contained in the permits. (See Wat. Code, §§ 1397, 1610.5; Cal. Code Regs., tit. 23, § 844.)	regarding how the project would be operated to shift diversions from the south Delta to the north Delta (during the summer and fall) or divert water in the north Delta during excess flow conditions while meeting regulatory requirements (during the winter and spring) as well as a discussion regarding water rights and contracts.
533-131	Baseline Conditions The EIR should evaluate the effects of the Project with the Department of Fish and Wildlife's Incidental Take Permit (ITP) and with and without recent (2019) changes to U.S. Fish and Wildlife Service (FWS) and National Marine and Fisheries Service (NMFS) Biological Opinions (BiOps) for the long-term operations of the CVP and SWP. It is important to understand the effects of the changes from the 2019 BiOps in combination with the proposed project because the State has filed suit on the 2019 BiOps which may result in modifications or invalidations of the BiOps. In addition, these changes were made very recently so are not well understood. These changes could also have large effects on export operations and Delta hydrodynamics as well as aquatic species (Reclamation's EIS identifies that the 2019 BiOp changes could result in increases in exports of up to 600 thousand acre-feet per year on average given existing infrastructure). These effects in combination with the effects of and the Project should be evaluated and disclosed.	Please see Common Response 1, CEQA Process, General Response to Analysis, and Other Environmental Review Issues, regarding the definition of existing baseline conditions for the purposes of CEQA and the inclusion of the 2019 BiOps and ITP in existing baseline conditions. As described in that common response, at the time of the preparation of the EIR the information regarding the existing BiOps and ITP was the only publicly available information, and the outcome of any litigation would be considered speculative for the purposes of CEQA.

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533-132	Effects of Climate Change The EIR should include analyses of the Project with appropriate assumptions based on the latest science for expected climate change effects upon initial operations and other relevant time periods in the life of the Project. The analyses should be presented in a manner that allows for the effects of the Project to be discernable from the effects of climate change. Scientific studies [Footnote 7: Berghuijs, W. R., R. A. Woods, and M. Hrachowitz. 2014. A precipitation shift from snow towards rain leads to a decrease in streamflow. <i>Nature Climate Change</i> 4: 583-586. doi:10.1038/nclimate2246. Goulden, M. L., and R. C. Bales. 2014. Mountain runoff vulnerability to increased evapotranspiration with vegetation expansion. <i>PNAS</i> 111: 14071-14075. Milly, P. C. D., and K. A. Dunne. 2020. Colorado River flow dwindles as warming-driven loss of reflective snow energizes evaporation. <i>Science</i>. DOI: 10.1126/science.aay9187.] have suggested that climate change will bring changes in precipitation patterns (from more snow to more rain), higher temperatures, vegetation expansion, and longer growing seasons, which would result in warmer water temperatures and lower annual streamflows than the current conditions. Previously, the EIR/EIS for BDCP/WaterFix included climate change scenario Q5 (BDCP/WaterFix Final EIR/EIS, Appendix 5A Section D: Additional Modeling Information), which forecasted slightly wetter and warmer conditions than current conditions. However, precipitation variation and temperature rise may be much more severe than the Q5 scenario. The EIR should consider climate change scenarios with warmer and drier conditions (with drought sequences similar to those that were experienced from 2012-2016). In addition, the EIR should evaluate possible sea level rise	While CEQA does not require agencies to evaluate the impacts of the environment on a project, DWR evaluated climate change impacts in several locations in the EIR using multiple climate change scenarios and timeframes for informational purposes for the benefit of all audiences. Please refer to Common Response 6, Climate Resilience and Adaptation, for information about the various analyses and their location in the EIR. Chapter 30, Climate Change, presents the latest climate change science and discusses the impacts of the project alternatives and climate change, and considers the potential climate change impacts identified in the comment. The chapter first discusses how the environment is affected by climate change and then discusses how the project alternatives would exacerbate these climate impacts or offer adaptation/resilience benefits. Please refer to the response to comment 533-24 regarding selection of the climate change scenario used to model hydrology for the No Project Alternative and for the appendices that present analyses of project alternatives in 2040 that reflect environmental conditions affected by climate change. Appendix 5A, Modeling Technical Appendix, describes how climate change was modeled for the project. Appendix 30A, CalSim 3 Results Sensitivity to 2040 Climate Change and Sea Level Projections, summarizes results under additional 2040 climate scenarios to understand anticipated changes in variables relevant to project operations under a broader range of climate scenarios. The project alternatives are evaluated using a projection of future climate that includes changes in temperature, precipitation and hydrology, and sea level rise. The response to comment 533-24 includes more information about the additional scenarios considered in Appendix 30A, which included a scenario that was drier than the 2040 model run in the remainder of the EIR.

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	scenarios. The sea-level rise assessment reported by the Working Group of the California Ocean Protection Council Science Advisory Team (OPC-SAT) [Footnote 8: Griggs, G., J. Árvai, D. Cayan, R. DeConto, J. Fox, H. A. Fricker, R. E. Kopp, C. Tebaldi, and E. A. Whiteman (California Ocean Protection Council Science Advisory Team Working Group). 2017. Rising Seas in California: An Update on Sea-Level Rise Science. California Ocean Science Trust, April 2017. http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf.] suggested the median sea-level rise at the Golden Gate would be 0.9 feet (ft) by 2050. The report also suggests that there is a 1-in-20 chance (5% probability) that sea-level rise will exceed 1.4 ft by 2050 with the possibility for more severe sea level rise by 2100 of 1.6 ft to 10 ft.	
533-133	Project Alternatives and Operating Scenarios The EIR should include a reasonable range of conveyance and operational alternatives. Sizing and alignments for the conveyance facility should be considered that avoid, minimize, and/or mitigate construction and siting related impacts and impacts to other legal users of water. Operating scenarios should be considered that improve conditions for native fish species that are currently in poor condition by improving Delta outflows, reducing entrainment and impingement related effects of SWP (and possibly CVP) diversions, improving cold water management, and other measures without redirected impacts to native fish species.	DWR 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 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 proposed project. Common Response 3 provides an explanation of the alternatives screening process and how project objectives are used to identify potential alternatives to the proposed project. The purposes and project objectives of the Delta Conveyance Project are presented in Chapter 2, Purpose and Project Objectives, of the EIR. Please refer to response to comment 533-7 regarding consideration of operational scenarios that were found to not meet project objectives and environmental and water rights requirements.

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533-134	Specifically, the EIR should evaluate a scenario that is consistent with the State Water Board's efforts to update the Bay-Delta Plan to improve protections for native fish species. In 2018, the State Water Board updated the Lower San Joaquin River Flow objectives in the Bay-Delta Plan and released a Framework [Footnote 9: The Framework can be found at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/sed/sac_delta_framework_070618%20.pdf] for potential updates to Sacramento River and Delta inflow and outflow, interior Delta flow, and cold water habitat objectives included in the plan based on science summarized in the State Water Board's Scientific Basis Report. [Footnote 10: The Scientific Basis Report can be found at: https://www.waterboards.ca.gov/water_issues/programs/peer_review/docs/scientific_basis_phase_ii/201710_bdphasell_sciencereport.pdf.] In addition, efforts are currently underway to develop proposed voluntary agreements that could be in effect for 15 years or longer if approved as a method to update/implement the Bay-Delta Plan. State Water Board staff is available to assist with the development of scenarios that serve this purpose.	Please refer to Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, regarding the project's relationship to the Bay-Delta Water Quality Control Plan, Voluntary Agreements, and other documents. The Lower San Joaquin River WQCP updates were not included in existing conditions or project alternatives for modeling purposes because they have not been implemented as of the time of the NOP. The Sacramento River WQCP updates have not been approved and were thus not included for the purposes of project alternative modeling. However, these updates have been considered qualitatively for the purpose of evaluating the No Project Alternative and cumulative impacts. Appendix 4C, Alternate Regulatory Scenario Sensitivity Analysis, provides analysis of the potential effects of Alternative 5 under certain portions of the 2022 Voluntary Agreement MOU. This analysis is for informational purposes only, as CEQA does not require an EIR to evaluate hypothetical future conditions or to use such hypothetical conditions to inform CEQA conclusions for a proposed project or alternatives in an EIR.
533-135	Impact Assessment Aquatic Ecosystems The Project proposes additional hydromodifications to the Sacramento-San Joaquin Delta with construction and operation of two, new, additional points of water diversion and a tunnel to convey water from the northern Delta to the SWP pumping plant, and potentially the CVP pumping plant, in the southern Delta. The new points of diversion are proposed to be located on the banks of the Sacramento River in the northern Delta	The comment provides a reasonable summary of facilities and the nature of potential impacts. These aquatic potential impacts are analyzed within Chapter 12, Fish and Aquatic Resources. The example habitat conditions given in the comment are considered in detail in analyses such as Impact AQUA-2 (freshwater flow and temperature), Impact AQUA-6 (salinity, turbidity, and temperature), and Impacts AQUA-7, AQUA-12, AQUA-14, AQUA-15, and AQUA-18. Mitigation measures are proposed as necessary when impacts were concluded to be potentially significant. Of the example habitat conditions mentioned in the comment, only dissolved oxygen is not explicitly treated in Chapter 12; Impact WQ-9 in Chapter 9, Water Quality, concluded there would be a less than significant impact on dissolved

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	with a maximum diversion capacity of 3,000 cubic feet per second (cfs) each, 6,000 cfs combined. Currently, the SWP diverts water from the southern Delta at the SWP Banks Pumping Plant. The combined capacity of the CVP and SWP south Delta pumping plants is about 15,000 cfs, with median and maximum daily combined diversions of 6,854 and 13,720 cfs, respectively, since water year 2000 (Dayflow). The maximum, combined diversion capacity of the new proposed intakes (6,000 cfs) is about forty percent of the maximum diversion capacity of the existing southern Delta intakes (15,000 cfs). DWR refers to the operation of the new intake facilities and conveyance to the south Delta in combination with the existing diversion facilities as "dual conveyance." The new conveyance facility and dual conveyance operations of the Project have the potential to reduce the impacts of the SWP (and possibly the CVP) on aquatic resources by reducing entrainment at the southern Delta export facilities, reducing reverse flows in the southern Delta, and allowing more water to be exported during high flow conditions when aquatic resources are less likely to be adversely affected. If not appropriately conditioned, however, the Project also has the potential to adversely affect aquatic resources by modifying the timing, volume, and duration of freshwater flows and tidal energy that influence the amount of aquatic habitat and water quality habitat conditions such as freshwater flow, salinity, dissolved oxygen, turbidity, and temperature. In particular, adding new water diversion facilities closer to the major migratory routes of vulnerable fish populations, such as Sacramento River Chinook salmon (all runs), has the potential to expose these species to greater risks and impacts as compared to current conditions. Sacramento River Chinook	oxygen. As noted in the comment, there is the potential for entrainment and impingement to occur at the proposed north Delta intakes, and this is analyzed as appropriate for species potentially susceptible to such effects, with effects concluded to be less than significant because of factors such as spatiotemporal exposure and screen design and operation.

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	salmon, sturgeon, and other species such as Sacramento splittail are not currently exposed at close proximity to diversion facilities of the proposed size and capacity of the new intakes, which may modify flow signals and impact habitat characteristics. As stated above, the new intake facilities may reduce some adverse effects of the existing southern Delta pumps on Sacramento and San Joaquin River Chinook salmon and steelhead; however, the new north Delta facilities will introduce new entrainment and impingement risks.	
533-136	The Bay-Delta ecosystem and freshwater ecosystems in tributary watersheds are in a state of prolonged decline. Fish species in the Bay-Delta have continued to experience precipitous declines in recent years. In the early 2000s, scientists noted a steep and lasting decline in population abundance of several native estuarine fish species, which continued and worsened during the sustained drought during 2012-2016. Simultaneously, natural production of all runs of Central Valley Chinook salmon and steelhead remains near all-time low levels.	The comment provides information regarding the Bay-Delta. The comment does not raise a significant environmental issue relating to the proposed project or address the adequacy, accuracy, or completeness of the EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.
533-137	Changes in land use due to agricultural practices, urbanization, and flood control combined with substantial and widespread water infrastructure development, including the construction and operation of the SWP and CVP, have been accompanied by significant declines in nearly all species of native fish. The SWP and CVP facilities are the largest contributors to hydromodification in the freshwater and estuarine ecosystems of the San Francisco Bay-Delta estuary and freshwater tributary watersheds. Modification to the volume, pattern, and timing of flows caused by the dams, water diversions, canals, and related operation of the CVP and SWP have contributed to declining fish populations, contraction of the freshwater and estuarine	This general comment was provided in relation to the Notice of Preparation for the EIR and does not concern the proposed project or the contents of the EIR. DWR has reviewed all comments and will consider all comments in its decision-making process.

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	habitats and food webs, and persistently poor aquatic ecosystem conditions.	
533-138	The EIR should evaluate multiple fish species and communities to determine if there are potentially significant environmental effects to aquatic resources that could be caused by the Project and propose appropriate mitigation or avoidance measures. Specifically, the EIR should evaluate the timing and volume of flows in the tributaries and Delta outflows, potential for entrainment and impingement at new north Delta intakes as well as existing south Delta intakes, temperature effects, and impacts of reverse flows near the new intakes and in the interior Delta caused by the new and existing diversion facilities. Finally, the EIR should define specific operating criteria and mitigation measures to avoid or reduce impacts to fish populations and aquatic resources.	This comment is a resubmittal of a comment on the Notice of Preparation for the EIR. Chapter 12, Fish and Aquatic Resources, includes analyses addressing the topics mentioned in the comment. With respect to tributaries, i.e., areas upstream of the Delta, as described in Chapter 12, a screening-level summary of differences was undertaken to confirm minimal differences between alternatives and existing conditions and indicated that detailed analysis of upstream areas was not necessary because of the limited magnitude of difference between scenarios. With respect to the other analyses noted in the comment, see response to comment 533-135 for examples of these. Consistent with the comment, the EIR includes specific operating criteria (see Chapter 12) and mitigation measures to address impacts.
533-139	The following list includes fish species that should be evaluated in the EIR at the life-stage and population level to determine the potential for the Project to cause significant environmental effects and appropriate avoidance and mitigation measures. - CESA and ESA Endangered Sacramento River winter-run Chinook salmon (<i>Oncorhynchus tshawytscha</i>), - CESA and ESA Threatened Central Valley spring-run Chinook salmon (<i>O. tshawytscha</i>), - ESA Threatened Central Valley Distinct Population Segment (DSP) steelhead (<i>O. mykiss</i>), - ESA Threatened Green Sturgeon southern DPS (<i>Acipenser medirostris</i>), and White Sturgeon (<i>Acipenser transmontanus</i>)	The species listed in the comment were analyzed for potential significant impacts in Chapter 12, Fish and Aquatic Resources, of the EIR.

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	- ESA Endangered Killer whale Southern Resident DSP (Orcinus area) - ESA Threatened Delta smelt (<i>Hypomesus transpacificus</i>) - CESA Threatened Longfin smelt (<i>Spirinchus thaleichthys</i>) - Sacramento splittail (<i>Pogonichthys macrolepidotus</i>) - Starry flounder (<i>Platichthys stellatus</i>) - California Bay shrimp (<i>Crangon franciscorum</i>) - Zooplankton (<i>Neomysis mercedis</i>, <i>Eurytemora affinis</i>, and <i>Pseudodiaptomus forbesi</i>) - Non-native species: American shad (<i>Alosa sapidissima</i>), Striped bass (<i>Morone saxatilis</i>), Largemouth bass (<i>Micropterus salmoides</i>), and other ecological and fishery species of concern	
533-140	Potential ecological effects to fish populations and the lower food web (e.g., phytoplankton and zooplankton biomass and flux) should also be summarized and presented in the EIR using methods that clearly identify and isolate the effects of alternatives and the baseline condition so that they can be easily compared.	This comment is a resubmittal of a comment on the Notice of Preparation for the EIR. Consistent with the comment's suggestion, Chapter 12, Fish and Aquatic Resources, addresses lower foodweb impacts in the context of plankton on fish populations. See Impact AQUA-6 for delta smelt and Impact AQUA-7 for longfin smelt.

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533-141	Population Level Effects The EIR should include an assessment of the effects of the Project alternatives and operating scenarios on populations of fish and aquatic species.	Consistent with the comment, Chapter 12, Fish and Aquatic Resources, includes a mixture of qualitative and quantitative analyses to address potential effects on species' populations.
533-142	Previously, the EIR/EIS for the BDCP/WaterFix assessed the impacts of that project on aquatic species at a regional or division scale and a single action or component of that project on a specific life stage(s). For example, the BDCP/WaterFix EIR/EIS analyzed the following impacts of WaterFix Project operations to winter-run Chinook salmon separately for each life state: spawning and egg incubation, juvenile rearing habitat, juvenile emigration, juvenile entrainments, and adult migration conditions that would occur at different locations and attributable to different project components (e.g., upper Sacramento River, upstream of the Delta, through-Delta, south Delta water export facilities, the proposed north Delta intake facilities, and predation impacts). (BDCP/WaterFix Final EIR/EIS, Chapter 11 Fish Aquatic Resources.) However, those site- and life stage-specific effects analyses did not identify the cumulative population-level impacts (e.g., winter-run Chinook salmon population change over generations) of the project and operating scenarios.	This comment was submitted on the Bay Delta Conservation Plan/California WaterFix project. Thus, the comment does not directly address the Delta Conveyance Project Draft EIR and DWR is not required to respond to comments on projects that are no longer being pursued. However, DWR has reviewed the comment's content to determine whether the comment may be applicable to the proposed Delta Conveyance Project. The following response is provided for those elements of the comment that are applicable to the Delta Conveyance Project Draft EIR. Please refer to Chapter 12, Fish and Aquatic Resources, section titled Methods for Analysis, regarding the quantitative and qualitative methods that were used in the analysis of impacts on fish and aquatic resources for the Delta Conveyance Project. Quantitative life cycle or population dynamics analyses provide assessment of effects over successive years, such as the Winter-Run Chinook Salmon Life Cycle Model (see Attachment 2 to Appendix 12B, Bay-Delta Methods and Results). The impact analysis contained in Chapter 12 evaluates the proposed operational scenarios of the alternatives evaluated in the EIR for the Delta Conveyance Project and identifies either less than significant impacts or impacts that can be mitigated to a less-than-significant level regarding project effects on fish species in the Delta.

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533-143	Additionally, the EIR should evaluate the Project effects on sustainability of listed species in the project area based on the population, evolutionarily significant unit (ESU), or distinct population segment (DPS). For salmonid species, viable salmonid population (VSP) parameters should be evaluated. A similar approach using VSP-equivalent parameters could be employed to assess population effects on listed fish species (e.g., Delta smelt and longfin smelt) as recommended by the Independent Scientific Advisory Panel (2019).[Footnote 11: https://www.deltacouncil.ca.gov/pdf/science-program/biological-goals/2019-09-18-April-2019-biologicalgoals-final-report.pdf]	This comment is a resubmittal of a comment on the Notice of Preparation for the EIR. As described in Chapter 12, Fish and Aquatic Resources, the impact analyses address sustainability of listed (and other) species through assessment with significance criteria among which is to “cause a fish or aquatic species’ population to drop below self-sustaining levels.” The impact analyses included in Chapter 12 implicitly include the VSP parameters mentioned in the comment through consideration of effects on abundance (e.g., with life cycle or population dynamics models, or qualitatively), productivity (e.g., effects on survival), diversity (e.g., effects on different life stages or components of the life history such as migrating vs. rearing juvenile salmonids and month-specific differences), and spatial structure (e.g., effects on different runs of Chinook salmon based on basin of origin and potential exposure to differing project impacts depending on migration pathway).
533-144	Water Quality The EIR should include comprehensive water quality analyses to estimate potential impacts to beneficial uses that may occur as a result of the project and identify specific mitigation measures to reduce, mitigate, or avoid adverse impacts to water quality and beneficial uses. The water quality analysis should evaluate the potential for the project to cause or contribute to potential significant environmental impacts related to salinity, submerged and floating aquatic vegetation, harmful algal blooms, mercury, nutrients, dissolved oxygen, dissolved organic carbon, turbidity, temperature, and other water quality constituents. The environmental analysis should assess the effects of any changes in water residence time and flows within Delta waterways, in the Stockton Deep Water Ship Channel, and south Delta channels in particular. Mitigation measures should be proposed for adverse impacts to water quality conditions including dissolved oxygen, frequency and	This comment is a resubmittal of a comment on the Notice of Preparation for the EIR. Chapter 9, Water Quality, provides comprehensive water quality analyses for the constituent listed in this comment. Specifically, Chapter 9 provides impact analyses for salinity-related parameters bromide in Impact WQ-3, chloride in Impact WQ-4, and electrical conductivity in Impact WQ-5. Impact WQ-6 addresses mercury and methylmercury in water and fish tissue. Impact WQ-7 addresses nutrients and nutrient-related effects to algal and macrophyte growth. Impact WQ-8 addresses dissolved organic carbon. Impact WQ-9 addresses dissolved oxygen via the factor that can influence concentrations, including temperature and channel velocities. Impact WQ-10 addresses selenium concentrations in water and bioaccumulation in biota. Impact WQ-11 addresses pesticides. Impact WQ-12 addresses trace metals. Impact WQ-13 addresses total suspended solids and turbidity. Impact WQ-14 addresses cyanobacteria harmful algal blooms (CHABs) via assessment of the five drivers of CHABs, including modeled residence time at key assessment locations. Mitigation is provided for the potentially significant impact on mercury from the new tidal habitat proposed for the Compensatory Mitigation Plan.

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	severity of harmful algal blooms, and excessive aquatic weed growth.	
533-145	The EIR should evaluate the effects of water quality changes, such as increases in salinity, on the multiple beneficial uses that are protected through water quality objectives. For example, salinity should be evaluated with respect to the potential for significant environmental impacts to municipal and industrial uses, agricultural uses, and ecological habitat for pelagic fish species, and specific operational constraints and mitigation measures should be identified to avoid significant impacts.	This comment is a resubmittal of a comment on the Notice of Preparation for the EIR. Chapter 9, Water Quality, provides comprehensive water quality analyses that address effects to designated beneficial uses of Delta waters, which is a component of the thresholds of significance for making impact determinations. For example, analyses of salinity-related parameters in Impacts WQ-4 (chloride) and WQ-5 (electrical conductivity) address impacts on municipal and industrial supply, agricultural supply, and fish and wildlife uses, as appropriate, relative to the State Water Board's adopted objectives in the Bay-Delta Water Quality Control Plan for protection of these uses. The impacts of project operations on these water quality constituents are determined to be less than significant to water quality, thus no mitigation is required to address the effect of project operations on water quality.
533-146	Portions of the Delta within the project area are currently on the Clean Water Act Section 303(d) List of Impaired Waters for not meeting water quality standards due to chlordane, chlorpyrifos, DDT (dichlorodiphenyltrichloroethane), diazinon, dieldrin, electrical conductivity, Group A pesticides, invasive species, mercury, PCBs (polychlorinated biphenyls), and toxicity. The EIR should reference the most current 303(d) list and requirements contained in existing TMDLs for the Sacramento-San Joaquin Delta within the EIR, discuss any potential short- or long-term effects of these pollutants from project activities, and discuss mitigation measures, including monitoring and best management practices, to reduce potential impacts. If the project has the potential to affect mercury or methylmercury concentrations in the Delta, acceptable mitigation options could include actions to reduce mercury entering the project area.	This comment is a resubmittal of a comment on the Notice of Preparation for the EIR. Chapter 9, Water Quality, addresses Clean Water Act (CWA) Section 303(d) listings of study area water bodies. The CWA Section 303(d) listings at the time of preparation of the Draft EIR are provided in the Environmental Setting section of Chapter 9. The thresholds of significance include a threshold that addresses waterbodies identified as impaired on the CWA Section 303(d) list. Finally, Impacts WQ-1 through WQ-14 make conclusions of significance relative to effects on CWA Section 303(d)-listed waterbodies. Impact WQ-6 found that new tidal habitat from the Compensatory Mitigation Plan could result in potentially significant increases in methylmercury, thus mitigation (develop and implement a Mercury Management and Monitoring Plan) is provided given the status of the CWA Section 303(d)-listing of Delta waters as impaired due to mercury to reduce to impact to less than significant. Finally, please see response to comment 533-51 regarding CWA Section 303(d) listings approved in 2022, after preparation of the Draft EIR.

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533-147	Legal Users of Water Construction of the Project requires modifications to water rights to add points of diversion and redirection of water. In order to approve a change in a water right permit or license, the State Water Board must find that the change will not injure any legal user of water or unreasonably affect fish and wildlife. The EIR should fully analyze and propose measures to address any potential impacts of the Project on other legal users of water. The EIR should evaluate whether and how the Project may affect specific surface and groundwater diversion facilities, salinity levels, residence times (that may affect aquatic vegetation and harmful algal growth and proliferation), water elevations, and dissolved oxygen levels, which may in turn affect legal users of water. CEQA does not specifically require analysis of impacts to other legal users of water; however, the State Water Board will rely, if possible, on the EIR to support decisions regarding the addition of points of diversion to existing water rights. If this information is not available in the EIR, the State Water Board may request additional information outside the CEQA process in order to meet its obligations under the Water Code and other applicable legal authorities.	Please refer to Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, regarding the State Water Board authorities regarding water rights and the change in point of diversion. DWR would request a change to the point of diversion to add two additional points of diversion (as described in Chapter 1, Introduction, and Common Response 3, Alternatives Development and Description). The proposed project will continue to meet D-1641 requirements, which are protective of legal users of water and all water users, as determined by the State Water Board. Additionally, the EIR evaluates changes in upstream reservoir storage and water level elevation changes in and around the proposed intakes. Any hearing before the State Water Board will address impacts, if any, to legal users of water. The EIR addresses impacts associated with the construction and operation of the project on groundwater in Chapter 8, Groundwater; water quality in Chapter 9, Water Quality; fish in Chapter 12, Fish and Aquatic Resources; and wildlife in Chapter 13, Terrestrial Biological Resources. Specifically, residence time, salinity, and dissolved oxygen are all evaluated in Chapter 9; please see Impacts WQ-4 (chloride), Impact WQ-5 (electrical conductivity), Impact WQ-9 (dissolved oxygen), and Impact WQ-14 (cyanobacteria harmful algal blooms). Mitigation measures are proposed to reduce, minimize, or avoid impacts where necessary and feasible in the chapters identified above. The results of the hydrologic analysis, which were used, in part to support the impacts assessment summarized above, are provided in Chapter 5, Surface Water, Chapter 6, Water Supply, and associated appendices.
533-148	Evaluation of Additional Conveyance Capacity The proposed new North Delta intakes would both provide more diversion capacity and remove existing constraints on SWP and possibly CVP diversions, such as Old and Middle River flow and San Joaquin River flow to export ratio constraints (Inflow to Export or I:E), allowing for greater diversions than currently allowed. The EIR should analyze and disclose the	The assertion of the comment regarding the removal of existing constraints on the SWP and CVP is not supported by the analyses contained in the EIR. DWR cannot remove existing regulatory constraints because it lacks the authority to do so. The Delta Conveyance Project would operate within the regulatory constraints and standards as described in the EIR and in the Bay-Delta Water Quality Control Plan as well as conditions stipulated in state and federal permits. The proposed additional points of diversion would operate in coordination with the existing SWP facilities and would not

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	potential effects of this increased diversion capacity assuming existing and future levels of demand. The potential for use of this additional capacity by other water users should also be fully evaluated, including increased use of joint points of diversion (JPOD), utilization of spare wheeling capacity by the CVP, and use of the new facilities for additional water transfers. The EIR should also evaluate reasonably foreseeable increased demands for water for groundwater banking, conjunctive use, and south of Delta storage.	result in changes to existing regulations, operational rules, and water supply allocation procedures governing SWP system operations capacity would be limited by the operating criteria of the north Delta intakes described in Chapter 3, Description of the Proposed Project and Alternatives, in the section titled New Operational Criteria for the Proposed North Delta Intakes, and capacity is currently limited by existing regulations on south-of-Delta facilities. The project does not propose modifications to, nor can it modify, existing regulations governing the operation of the south-of-Delta facilities, the SWP or the CVP. The EIR analyzes and discloses the potential effects of the diversions as described in the Chapter 3, using the demand described in Appendix 5A, Modeling Technical Appendix, Section B, Hydrology and System Operations Modeling, for existing conditions and under the No Project Alternative. Appendix 3H, Non-Project Water Transfer Analysis for Delta Conveyance, describes the potential use of new facilities for water transfers. Use of JPOD is described in Chapter 3, in the section titled Use of North Delta Intakes for Wheeling, and depends on conveyance capacity and would be subject to separate and appropriate environmental review and permitting. As noted in that section of Chapter 3 and described in Appendix 3H, even though the project may add additional export capacity at the north Delta intakes, at times when export restrictions exist at the south Delta—as an example—it is unlikely to increase the amount of water transfers, since the current capacity is not fully utilized. Chapter 8, Groundwater, describes the use of groundwater under baseline conditions and the No Project Alternative qualitatively considers the implementation of actions by others and includes groundwater storage and conjunctive use.
533-149	Construction-Related Effects A lengthy construction schedule for the Delta Conveyance Project could have a prolonged effect on nearby residents, communities, public services, classrooms, marinas, fishing, boating, recreation, tourism and businesses including noise,	The EIR provides an impact analysis of environmental resources raised by the comment. For discussion and analysis of the potential effects to nearby residents, businesses, and other community resources during project construction, please refer to Chapter 16, Recreation; Chapter 17, Socioeconomics; Chapter 18, Aesthetics and Visual Resources; Chapter 20, Transportation; Chapter 21, Public Services and Utilities; and Chapter 24,

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	traffic, economic, and aesthetic impacts. The EIR should fully evaluate all construction-related impacts, including impacts to terrestrial and aquatic species during construction, and propose detailed avoidance, minimization, or mitigation measures for potential impacts.	Noise and Vibration. Please refer to Chapter 12, Fish and Aquatic Resources, and Chapter 13, Terrestrial Biological Resources, for discussion and analysis of the potential effects on terrestrial and aquatic species as well as proposed mitigation measures.
533-150	Cumulative Effects The EIR should analyze the cumulative impacts of the Project and current and probable future projects including current and potential future water storage and diversion facilities north and south of the Delta (e.g., Sites, Del Puerto Canyon, Pacheco reservoirs, etc.); changes in the regulatory environment (e.g., the update to the Bay-Delta Plan, Federal Energy Regulatory Commission relicensing projects, etc.); implementation of the Sustainable Groundwater Management Act; and activities identified in the Water Resiliency Portfolio.	Please refer to Common Response 1, CEQA Process, General Response to Analysis, and Other Environmental Review Issues, regarding the approach and methodology to the cumulative impact analyses and the projects considered. As identified in Common Response 1, the table titled Descriptions of Programs, Projects, and Policies Considered for Existing Conditions, No Project Alternative, and Cumulative Impact Analysis in Appendix 3C, Defining Existing Conditions, No Project Alternative, and Cumulative Impact Conditions, lists Sites reservoir, Del Puerto Canyon, and applicable Federal Energy Regulatory Commission (FERC) actions (i.e., South Fork Feather Project, Bucks Creek Hydroelectric Project., etc.) and the Sustainable Groundwater Management Act. In addition, San Luis Reservoir expansion project and the San Luis Reservoir Low Point Project, are included on the cumulative project list, because they would, in part, support Valley Water's water supply reliability, which is consistent with the overall approach for identifying cumulative projects. Pacheco Reservoir was not included as part of the cumulative impact because it falls outside the Delta Conveyance Project study area. The Bay-Delta Water Quality Control Plan Updates are included in the EIR, are identified in Appendix 3C, and are considered, as appropriate, in the cumulative impact analysis of different resources (e.g., Chapter 9, Water Quality). The Bay-Delta Water Quality Control Plan Update for the San Joaquin River Flows and Southern Delta Salinity was approved prior to Notice of Preparation and is included qualitatively in the cumulative analyses where appropriate (e.g., Chapter 9). It was not included in the hydrologic model because it has not been implemented and the State Water Board continues to develop implementation requirements that are

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		yet to be made public. The Bay-Delta Water Quality Control Plan Update for the Sacramento River/Delta is not yet approved, nor has an environmental document been released by the State Water Board; however, it is included qualitatively in the cumulative analyses, where appropriate (e.g., Chapter 9). Please also see Appendix 4C, Alternate Regulatory Scenario Sensitivity Analysis, for an analysis of a potential future condition in which regulations regarding water quality and Delta outflow in the Delta may change based on the water quality control planning process currently being undertaken by the State Water Board. Please see Common Response 8, Relationship to Other Plans, Projects, Policies, and Programs, for additional discussion regarding the Updates to the Bay-Delta Water Quality Control Plan and SGMA. Additional discussion regarding how the Bay Delta Water Quality Control Plan was addressed in the EIR is provided in response to comment 533-6.
533-151	Modeling Results Presentation The EIR should include detailed modeling results as well as appropriate summary results that allow for meaningful evaluation of potential environmental effects of the Project at appropriate model time steps. Summary modeling data should have sufficient granularity to determine whether there may be significant impacts in different hydrologic conditions or times of year, including impacts to water quality, fish and wildlife, recreation, and agricultural and municipal uses of water. Specific parameters that should include summary and detailed modeling results include river flows, Delta outflows, reverse flows, stage, velocity, north and south Delta exports, reservoir storage levels, temperatures, and salinity. The presentation of modeling results should be uniform, clear, and consistent. Additionally, full model studies and results should be shared with the public promptly following the release of the EIR.	Please see Common Response 9, Hydrologic Modeling and Approach, and Common Response 10, Surface Water Quality and Groundwater Resources, regarding best available models used for the EIR analyses and the discussions on development, use and limitations with respect to monthly timestep, river flow, and Delta outflow. The modeling analysis was primarily conducted at a monthly timestep, but also at daily or sub-daily time-steps depending on the analysis being undertaken (e.g., use of DSM2 for Delta water quality purposes). Modeling used the best available tools for such analyses and informed the discussion, as applicable and appropriate within the individual chapters of the EIR. Chapter 5, Surface Water, discusses the changes to Sacramento River Basin Flows and specifically describes the existing condition of reverse flows and the operational changes of project alternatives on reverse flows. The figures provided in this chapter discuss the frequency of duration of reverse flow events and another discusses the frequency of reverse flow distances, both of which illustrate the relative changes in the frequency, and distance of reverse flows under existing conditions, proposed project

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		and alternatives. See the figures in Chapter 5 titled Frequency of Duration of Reverse Flow Events and Frequency of Reverse Flow Distances. Please also see Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, regarding the evaluation of changes to surface water and water supply in Chapter 5 and Chapter 6, Water Supply, and the evaluation of water-dependent resources throughout the entire EIR based on those described changes in Chapters 5 and 6. As described in Common Response 1, modeling data and potential for changes in flows and surface waters are used to determine potential effects on other resources are discussed in the respective chapters, including the designated beneficial uses identified by the by the comment (i.e., fish and wildlife, recreation, and agricultural and municipal uses of water). For example, hydrologic modeling results are used in the following chapters in a number of different ways to evaluate impacts: Chapter 9, Water Quality, and Chapter 26, Public Health, for the analysis of environmental impacts on water quality and public health under operating conditions; Chapter 12, Fish and Aquatic Resources, and Chapter 13, Terrestrial Biological Resources, which use hydrologic modeling results and water quality modeling results to evaluate impacts on fish and wildlife; Chapter 15, Agricultural Resources, which evaluates potential water quality changes on agricultural resources in the Delta; and Chapter 17, Socioeconomics, which evaluates potential changes in flow on recreational opportunities in the Delta. These chapters, and others, throughout the EIR describe the modeling results used and present data in tabular, graphic, and narrative form to evaluate impacts on respective resources. Please see Common Response 1 regarding the selection of the study area(s) evaluated in the EIR and a discussion of the area(s) upstream of the north Delta Intakes. Information regarding upstream reservoirs and river flows is presented in Chapters 5 and 6 and are detailed in Appendix 5A, Modeling Technical Appendix.

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		Please see Common Response 2, Public Outreach Activities, regarding information requests during the public comment period and DWR's timely response to information requests.
533-152	Monitoring The EIR should identify monitoring, assessment, reporting and special studies needed to support construction and operation of the Project to determine compliance with construction and operational criteria, account for and track impacts over time, and answer any management questions. Any new monitoring, assessment, reporting, and special studies should be integrated with and build upon existing water quality and aquatic biology monitoring programs that support the SWP and CVP. Existing monitoring programs, such as the fish surveys conducted by the Department of Fish and Wildlife, water quality compliance and baseline monitoring conducted by DWR, and special studies included in the Interagency Ecological Program Annual Workplan, provide information about the impact of the SWP and CVP on native and migratory fish species, aquatic habitat, ecosystem conditions, and water quality which are important for managing and protecting the estuary and all beneficial uses. Existing programs combined with new monitoring, assessment, reporting and special studies associated with new conveyance facilities should continue to provide information on status and trends in the abundance and distribution fish species and lower food web resources in the estuary.	Please see Chapter 3, Description of the Proposed Project and Alternatives, section titled Adaptive Management and Monitoring Program, regarding the multiple types of monitoring and reporting that would occur as part of the project and then as part of the Compensatory Mitigation Plan. As described in that section, the Operations Adaptive Management and Monitoring Plan (OAMMP) would integrate with, as appropriate, existing monitoring programs and SWP adaptive management efforts in the Delta to better understand uncertainties associated with north Delta diversion effects on listed fish species. For example, DWR would integrate different special studies into system-wide monitoring like the Interagency Ecological Program. In addition, as described in Common Response 1, CEQA Process, General Approach to Analysis, and Other Environmental Review Issues, DWR will prepare a Mitigation Monitoring and Reporting Program (MMRP), which will report the progress and status of monitoring for mitigation measure purposes during construction and operation. Finally, as part of permitting requirements for the project, it is expected monitoring information would be presented via mandatory reporting programs (e.g., as required through the Incidental Take Permit) and available to the public.
533-153	Closing The Water Boards [State Water Board and Central Valley Water Board] appreciate the opportunity to provide comments on the NOP. While the Water Boards can provide information that will help guide the Project toward a successful completion of the	This information is general closing 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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	process, the Water Boards cannot make a prior commitment to the outcome of any regulatory approval by the Water Boards. The State Water Board acts in an adjudicative capacity when it acts on a water right application, change petition, or other water right approval that may be required for or requested in connection with a proposed project. The State Water Board must be an impartial decision-maker, avoiding bias, prejudice, or interest in any adjudicative proceedings conducted in accordance with the State Water Board's regulatory approvals. Accordingly, Water Board staff will not act as advocates for any particular alternatives during the Delta Conveyance Project processes.	
533-154	By participating in the process in an advisory capacity, the Water Boards [State Water Board and Central Valley Water Board] hope to ensure that a broad range of alternatives is evaluated, and the potential impacts of all the alternatives are fully disclosed.	This comment is a general closing statement about the comment letter. It is not a comment on the contents of the EIR. 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 Chapter 3, Description of the Proposed Project and Alternatives, and Chapters 7–32 for detailed evaluations of the potential environmental impacts of the proposed project and its alternatives.
533-155	In closing, the Water Boards [State Water Board and Central Valley Water Board] appreciate the opportunity to continue to participate in an advisory capacity regarding the Water Boards' regulatory and informational requirements.	This information is general closing 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.