

**Addendum A—
Summary of Comments Received
After Close of CEQA Scoping Period
April 18–December 14, 2020**

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Acronyms and Abbreviations

CEQA	California Environmental Quality Act
cfs	cubic feet per second
CVP	Central Valley Project
DCA	Delta Conveyance Design and Construction Authority
DCP	Delta Conveyance Project
DEIR	Draft Environmental Impact Report
Delta	Sacramento-San Joaquin River Delta
DWR	California Department of Water Resources
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
ESA	Environmental Species Act
FAR	Lower Klamath Fall Augmentation Releases
FFTT	Fish Facilities Technical Team
NorCal Delta	Delta of Northern California
project	Delta Conveyance Project

ROD Record of Decision
SWP State Water Project

Chapter 1

Introduction

This document is an addendum to the *Scoping Summary Report* for the Delta Conveyance Project (project) that was published in July 2020. This document summarizes comments about the project received after the close of the official California Environmental Quality Act (CEQA) scoping period, which was April 17, 2020, at 5:00 p.m. Comment letters included in this addendum were received between April 18¹ and December 14, 2020. Information regarding the project and the scoping process is not repeated in this addendum. Please refer to the July 2020 *Scoping Summary Report* for additional information.

¹ Letters received after 5:00 p.m. on April 17, 2020 are considered to be received on April 18, 2020 for the purposes of this scoping report addendum.

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2.1 Overview of Commenters

After the close of the scoping period, the California Department of Water Resources (DWR) continued to receive comments pertaining to the alternatives considered and the scope of analysis in the Environmental Impact Report (EIR) for the project. Comments were submitted in the form of letters or emails. Following is a list of commenters whose comments were reviewed and are included in this addendum.

Tribes

Yurok Tribe

Local Governments

County of Sacramento Office of Planning and Environmental Review

Special Districts and Water Companies

Kern County Water Agency

Mojave Water Agency

State Water Contractors

Non-Governmental Organizations

AquAlliance

California Sportfishing Protection Alliance

California Water Impact Network

California Water Research

Local Agencies of the North Delta

Individuals

A total of 37 individuals submitted written comments in the form of emails. Many of the letters were duplicative and considered “form letters”. Letter 831 was selected as the representative letter for all form letters and is provided in Chapter 4, *Comment Summary Tables*.

2.2 Summary of Comments Received

The following sections summarize comments received; comments are presented by EIR resource section and topic.

DWR reviewed all comments received between April 18, 2020 and December 14, 2020 in detail to inform itself and the project team about issues of concern related to the project, both in general and about specific items regarding the environmental review's scope. Comments relevant to the EIR will be considered during development of the document.

Chapter 4 contains more detailed comment summaries arranged by commenter and by category of resource section analyzed in the EIR. Comments may not be presented verbatim; they may be summarized or rephrased as appropriate. Comments are categorized by resource topic to help DWR and the project team review comments relevant to specific topics or resource areas. Copies of the comment letters received between April 18, 2020 and December 14, 2020 are provided at the end of this addendum.

2.2.1 Project Purpose and Objectives

Commenters stated agreement with the purpose and need statement in the Notice of Intent.

2.2.2 Description of Proposed Project Facilities

Commenters requested a more detailed description of proposed project facilities. Commenters requested including specific information in the EIR regarding the proposed facilities, operation, and ownership of the project.

2.2.3 Alternatives

Commenters requested that DWR evaluate a “no project” alternative or an alternative that would maximize local water sources as well as an alternative that included increased Sacramento–San Joaquin River Delta (Delta) outflows and watershed management practices emphasizing healthy forests. Commenters also requested evaluation of alternative intake location sites to reduce impacts on terrestrial species, smaller intake facilities to reduce impacts on aquatic species, and an operational scenario that would restore a more natural hydrograph to the Delta. Commenters expressed opposition to the central corridor alignment. Commenters raised objections to the proposed intake locations and suggested that alternatives need to be considered. Commenters specifically requested that the EIR consider alternatives recommended by the Fish Facilities Technical Team.

2.2.4 Approach to Analysis

Commenters stated that all potential impacts should be addressed in the EIR, including potential impacts on resources and communities north of Shasta Dam as well as community impacts, traffic, fish, terrestrial, soils, noise, land use, and other potential impacts on the Delta communities. Other commenters stated that the EIR must accurately evaluate the potential short- and long-term impacts, including cumulative impacts. Commenters stated that the EIR should not rely on any

similar previous studies such as the Final California WaterFix EIR/Environmental Impact Statement (EIS).

2.2.5 Relationship to Other Processes, Plans, Programs, or Policies

Commenters stated the project should be consistent with the requirements of the 2009 Delta Reform Act. Commenters also stated concern about the relationship of the project to other water projects in the Lodi area. Commenters stated that to meet State Water Board requirements, the EIR should consider all aquatic species, not just listed aquatic species.

2.2.6 Water Supply and Surface Water Resources

Commenters requested that the EIR evaluate potential impacts on surface water supplies on the upper Sacramento River Watershed, including Shasta Reservoir and its tributaries, and the Trinity River Watershed and include climate change scenarios. Commenters stated that potential flooding should be evaluated during construction at an early-long-term period. Commenters stated that the EIR should include the annual average yield of the project in a variety of operational scenarios.

2.2.7 Groundwater

Commenters requested a full evaluation of potential groundwater impacts as a result of the proposed facilities' operations on the Delta and adjacent groundwater basins and potential impacts on groundwater in the upper Sacramento River Watershed, including Shasta Reservoir and its tributaries.

2.2.8 Water Quality

Commenters stated concern regarding potential effects of the project on salinity, water temperature, and algal blooms in the Delta and upstream in the Sacramento River.

2.2.9 Geology and Seismicity

Commenters requested use of the best available science to evaluate potential seismic hazards to existing levees and the project's proposed facilities.

2.2.10 Soils

No comments were identified regarding soils resources.

2.2.11 Fish and Aquatic Resources

Commenters stated concerns regarding potential impacts on fish and aquatic resources both in and downstream from State Water Project (SWP) and Central Valley Project (CVP) reservoirs. Commenters stated concerns about potential impacts on Chinook salmon (*Oncorhynchus tshawytscha*) and other fish species in the Klamath and Trinity River watersheds as well as those in Suisun, San Pablo, and San Francisco Bays. Commenters stated general concerns regarding the health of the Delta ecosystem. Commenters stated that all fish should be considered in the analysis.

Commenters also stated that the proposed intake locations would be highly detrimental to migrating fish species.

2.2.12 Biological and Terrestrial Resources

Commenters stated concern that the project would have significant impacts on biological resources in the project area. Commenters requested basing analysis of impacts on wildlife and their habitat on biological surveys conducted in the project area. Commenters also stated that alternatives should include options to fully mitigate impacts on biological resources. Commenters stated specific concerns about impacts on birds in the Delta and on migratory birds that use the Delta and the greater San Francisco Bay area as food sources.

2.2.13 Land Use

No comments were identified regarding land use.

2.2.14 Agricultural Resources

No comments were identified regarding agricultural resources.

2.2.15 Recreation

No comments were identified regarding recreational resources.

2.2.16 Socioeconomics

Commenters expressed concern about displacing agricultural jobs with temporary construction jobs. Commenters raised general concerns regarding the decline of livelihoods and Delta communities.

2.2.17 Aesthetics and Visual Resources

No comments were identified regarding aesthetics and visual resources.

2.2.18 Cultural Resources

Commenters stated that bridges with architectural or historical importance may be impacted by construction and would need to be preserved.

2.2.19 Transportation

Commenters said the EIR should analyze access into and out of the Delta as well as overall construction activity on all roadway segments, including potential impacts on roadways from heavy construction equipment and roadway maintenance and impacts on recreational and barge traffic.

2.2.20 Public Services and Utilities

No comments were identified regarding public services and utilities.

2.2.21 Energy

No comments were identified regarding energy.

2.2.22 Air Quality and Greenhouse Gas Emissions

No comments were identified regarding air quality and greenhouse gas emissions.

2.2.23 Noise

No comments were identified regarding noise.

2.2.24 Hazards

Commenters stated that the EIR should address the project's haulage for possible generation of nuisance dusts, asbestos from brake linings, and petroleum drips and spills.

2.2.25 Public Health

No comments were identified regarding public health.

2.2.26 Mineral Resources

No comments were identified regarding mineral resources.

2.2.27 Paleontological Resources

No comments were identified regarding paleontological resources.

2.2.28 Environmental Justice

No comments were identified regarding environmental justice.

2.2.29 Climate Change

No comments were identified regarding climate change.

2.2.30 Growth Inducement

No comments were identified regarding growth inducement.

2.2.31 Tribal Cultural Resources

No comments were identified regarding tribal cultural resources.

2.2.32 Public Involvement, Consultation, and Coordination

Commenters stated that the public process requires a significant investment of time. Commenters stated that there should be additional time for scoping due to the pandemic.

2.3 Consideration of Comments in the Draft EIR

All comments received about the scope of the EIR are reviewed by DWR. Comments are sorted and distributed to the appropriate subject-matter experts, who are writing the environmental analysis for consideration during development of the Draft EIR.

Subject-matter experts review comments for issues related to the scope of analysis and resources to be evaluated, consider recommendations for methods and data to be used in the analysis, and consider suggested mitigation measures.

Comments are also reviewed by DWR for suggested alternatives and suggestions for modifying the project to avoid or minimize impacts. Alternatives suggested will be considered in the process of developing a reasonable range of alternatives to study in the EIR.

Chapter 3

Index of Scoping Commenters

Table A-1 lists the name and agency, organization, or affiliation of those who submitted comments between April 18 and December 14, 2020. The letter number in this table corresponds to the letter number assigned to the comment letter and included in the comment summary tables on the following pages. Table A-2 lists the names of those who submitted form letters between April 18 and December 14, 2020.

Table A-1. Commenters Submitting Comments April 18–December 14, 2020

Letter Number	First Name	Last Name	Agency, Organization, or Affiliation
831 (FORM LETTER A)	Michael	Wauschek	Sierra Club of California
850	Jerry	Creech	--
852	Rachel	Huang	--
980	Kathy	Cortner	Mojave Water Agency
985	Thomas	McCarthy	Kern County Water Agency
986	Jennifer	Pierre	State Water Contractors
987	Jacklyn	Shaw	--
988	Jacklyn	Shaw	--
1006	Jason	Folkman	--
1007	Joseph	James	Yurok Tribe
1008	Chris	Shutes	California Sportfishing Protection Alliance
1008	Michael	Jackson	California Sportfishing Protection Alliance
1008	Bill	Jennings	California Sportfishing Protection Alliance
1008	Deirdre	Des Jardins	California Water Research
1008	Barbara	Vlami	AquAlliance
1008	Carolee	Krieger	California Water Impact Network
1009	Tim	Hawkins	County of Sacramento, Office of Planning and Environmental Review
1010	Dylan	Powell	--
1011	Isaac	Kinney	--
1012	Osha	Meserve	Local Agencies of the North Delta

Table A-2. Commenters Submitting Form Letters April 18–December 14, 2020

First Name	Last Name	Form Letter
Pat	Alder	A
David	Alvarez	A
Stephen	Bohac	A
George	Brewer	A

First Name	Last Name	Form Letter
Lindsay	Deboer	A
David	Downing	A
Meredith	Elliott	A
John	Erb	A
Richard	Gallo	A
Sandra	Gamble	A
Pamela	Gibberman	A
Daniel	Gonzalez	A
Jan	Jones	A
Suzanne	Jones	A
J	Kim	A
Eugenia	Larson	A
John	Lombardi	A
Caephren	McKenna	A
Brian	Miller	A
Darrel	Neft	A
Stephanie	Nunez	A
Yvonne	Olivares	A
Melody	Ross	A
William	Schoene	A
Alec	Shea	A
James	True	A
Casey	Welch	A
Susan	Wilke	A
Tessa	Williamson	A

Chapter 4

Comment Summary Tables

Tables A-3 through A-44 summarize comments about the project received after the close of the official CEQA scoping period (i.e., received between April 18 and December 14, 2020). Please refer to the July 2020 *Scoping Summary Report* for additional information regarding the scoping process and other comments received during the scoping period.

Table A-3. Comments Regarding the Scoping Process and the CEQA/National Environmental Policy Act (NEPA) Process

Letter Number	Commenter Name, Affiliation	Comment Text
1007	Joseph James, Yurok Tribe	Our recent consultation increased our understanding of the DCP, however I should note that we ran out of time prior to sharing all of our technical concerns with the proposed project. The Yurok Tribe provides this letter to address and summarize our technical concerns. The Yurok Tribe also requests that our letter be considered as scoping comments and government-to-government consultation comments to ensure our concerns are considered during preparation of the Draft Environmental Impact Report (DEIR). There is nothing confidential in regard to these comments, therefore I request they be addressed within the publicly available DEIR.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	Finally, we request that the DEIR fully describe and disclose the Delta Conveyance Design and Construction Authority's engineering design efforts, ongoing since May of 2019, and must describe how the DCA's efforts relate to DWR's CEQA process. The DEIR must provide a clear timeline for DWR's approval of the design of the project. The DEIR must describe the sequence of permit applications for the project and of approvals under CEQA by responsible agencies that will be issuing permits for the project.
1011	Isaac Kinney	This project needs more time for public comment and input due to pandemic

Table A-4. Comments Regarding Participation in the EIR/EIS Process

Letter	Commenter Name, Affiliation	Comment Text
987	Jacklyn Shaw	(4) Drought makes more drought cycles, and ignoring local taxpayers and witnesses — does not mean there are no objections! Why are we expected to donate our time with endless meetings and written comments, when taxpayer funds, local and state, go to pay staff stuck with an agenda to favor water bonds and more taxes? (Who are profiteers in water bonds?)
1011	Isaac Kinney	Please include me on future scoping opportunities and project development timelines.

Table A-5. Comments Regarding the Project Objectives, Purpose, and Need

Letter	Commenter Name, Affiliation	Comment Text
980	Kathy Cortner, Mojave Water Agency	DWR's proposed single-tunnel project will provide opportunities to retain existing water supplies into the future. The single tunnel will help the SWP adapt to climate change conditions including increasing Delta salinity caused by sea level rise and increasingly "flashy" hydrology. Additionally, seismic risks to Delta levees can be mitigated through the construction of a tunnel that provides dual conveyance in coordination with the existing south Delta facilities, and an ability to continue water deliveries through the tunnel. The proposed new points of diversion would allow for some diversions to continue while measures are taken to flush saltier water from the Delta and restore the ability to divert from the south Delta. As such, we agree with the project purpose and objectives as stated in the NOP.
985	Thomas McCarthy, Kern County Water Agency	The Agency appreciates the focus in the NOP on restoring SWP water supply reliability as a stated purpose of the project and understands that purpose to include restoration of SWP capacity up to the full amount of water available to the Agency under its contract with DWR. Restoring both the amount of water supply available to the Agency and the reliability of that water supply are necessary to assist public water agencies in Kern County as they work to address the economic impacts expected from full implementation of the State's Sustainable Groundwater Management Act. The water supply created by the DCP also mitigates the loss of water supply due to reduced snowpack caused by climate change and the possibility of temporary but significant interruptions in water deliveries from earthquakes affecting the Sacramento-San Joaquin Delta.
985	Thomas McCarthy, Kern County Water Agency	The NOP does not describe the cost of the project, nor make cost effectiveness a project objective. Design and construction of the DCP will be the largest re-investment in the SWP since it was constructed. DWR has shown sensitivity to cost considerations in its work to this point and the Agency requests that DWR continue to prioritize cost effectiveness as a project objective.
986	Jennifer Pierre, State Water Contractors	DWR's proposed single-tunnel project will provide opportunities to retain existing water supplies into the future. The single tunnel will help the SWP adapt to climate change conditions including increasing Delta salinity caused by sea level rise and increasingly 'flashy' hydrology. Additionally, seismic risks to Delta levees can be mitigated through the construction of a tunnel that provides dual conveyance in coordination with the existing south Delta facilities, and an ability to continue water deliveries through the tunnel. The proposed new points of diversion would allow for some diversions to continue while measures are taken to flush saltier water from the Delta and restore the ability to divert from the south Delta. As such, we agree with the project purpose and objectives as stated in the NOP.

Table A-6. General Comments and Comments in Support or Opposition to the Proposed Project

Letter	Commenter Name, Affiliation	Comment Text
987	Jacklyn Shaw	(7) Are virtual waterboard meetings selective, one dimensional, or more of not acknowledged or concerned in agenda focus? The letter by R. Jones, CVflood.ca.gov suggests such. We heard at the Clarksburg workshop, July, 2015, that Delta Levee Maintenance was at 85 percent noncompliance! (That is inexcusable.) And does all this include permits for mineral sludge to rivers for an oligarchy?
988	Jacklyn Shaw	Thank you for the very helpful links towards maps, within almost 80 pages in documents. For over five years, I have gone to meetings, from Sacramento to Los Angeles, Stockton to Clarksburg. In particular, this is with the Delta Coalition of Supervisors of Five Counties letter stating that any “tunnel” (or conveyance) for water exports would be devastating to the Delta region and fresh food crops to USA. It is very heartbreaking, to see the ignorant, outrageous... Delta Plan!
1006	Jason Folkman	I have researched this, and have come to the conclusion that the environmental damage to the landscape, water ways, and flora and fauna exceed any benefit that might come from this proposal.
1006	Jason Folkman	We need to do much more to conserve water, rather than spending billions of taxpayer dollars to construct tunnels to redirect water, with potentially devastating effects on wildlife. I therefore oppose the proposed Delta conveyance facilities.
1011	Isaac Kinney	California salmon can show the bio-region and the World about diverse pathways to ecological regeneration on multiple scales; but we must keep this large obsolete infrastructure like the Delta Tunnel Conveyance Project out of California for good.

Table A-7. Comments Regarding the Project Description

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe all sources of water that the project will divert. It must describe generally what amounts of water the project will divert from each source and under what conditions it will divert water from each source. The DEIR must also clearly describe the amounts of water historically diverted from each source.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe the destinations of the water that the proposed project will divert, including but not limited to south of Delta conveyance and surface storage, groundwater banks, and groundwater replenishment. The DEIR must describe how DWR will make operational decisions about where to direct the water so diverted.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe who will operate the project. It must describe how operators will make decisions about operations, and to whom operators will be accountable.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe the role that the Bureau of Reclamation and/or the San Luis and Delta Mendota Water Authority will have in directly making operational decisions about the proposed new facilities and will have indirectly on the operation of the proposed new facilities by participating with DWR in decisions about the overall joint operation of the State Water Project (SWP) and CVP.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must state how the project will operate during droughts and must specify the proposed constraints on operations during droughts. Reliance on Temporary Urgency Change Petitions is not an acceptable description for drought operation. The DEIR must evaluate an operational alternative would meet all current Bay-Delta Water Quality Control Plan requirements, as well as any proposed “appropriate Delta flow criteria,” in an extended drought.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe operational alternatives for the project under a variety of critically dry, dry, average and wet water year conditions and sequences, including how much water the project will divert through new facilities and through new and existing Delta export facilities in combination.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe whether the new project facilities will divert water under the Joint Points of Diversion provisions of Water Rights Decision 1641 (D-1641), and if so under what claimed basis in right and under what circumstances, and whether the Bureau of Reclamation will obey state law and recognize the authority of the State Water Resources Control Board and other California jurisdictional entities regarding the delivery and use of water so conveyed.

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must analyze the difference in annual project diversions under assumptions that the Export Limits in Table 3 of D-1641 (export to Delta inflow ratio) apply or do not apply to diversions using the new north Delta diversion facilities.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must clearly describe and analyze operations of the proposed new South Delta Forebay in conjunction with the existing Clifton Court Forebay.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must present a complete operations plan for the proposed new conveyance facilities as an adaptation to climate change. It must describe how DWR will determine preferred use of the proposed facilities as opposed to diverting water from the south Delta at the south Delta diversion facilities of the SWP and (if applicable) the CVP. The DEIR must evaluate operations under sea level rise of one half meter (18 inches) by 2060.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe how climate change and associated shifts in hydrology will affect project operations and existing project facilities, including Clifton Court Forebay. It must describe how project operations under changed climate conditions will alter project impacts.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must clearly describe the existing operations of SWP and CVP storage facilities, including Trinity, Shasta, Oroville, Folsom, and San Luis reservoirs. This description must set forth existing operations as a set of rules or contingencies. Proffering a model run that professes to incorporate or embed existing SWP and CVP reservoir operations is not an acceptable description of baseline conditions of SWP and CVP reservoir operation. <i>See County of Amador et al. v. El Dorado County Water Agency et al.</i> (1999) 76 Cal.App.4th 931, 955, 956.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe how operators will integrate the operation of proposed conveyance facility with the operation of the SWP and the CVP.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe whether the project will divert water from the Trinity River, and must describe impacts of the project to the Trinity and Sacramento rivers that result from changes in the operation of the Shasta-Trinity Division of the CVP.

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe the cumulative impacts of the project in incentivizing the construction of new storage projects upstream of the Delta, particularly the proposed Sites Reservoir, the proposed raise of Shasta Dam, and other Proposition 1 Water Storage Investment Program water storage facilities.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must consider an alternative that is designed to “halt species population declines and increase populations of ecologically important native aquatic species, as well as species of commercial and recreational importance, by providing sufficient water flow and water quality at appropriate times to promote species life stages that use the Delta,” as stated in the Biological Goals in the 2010 Department of Fish and Wildlife’s <i>Quantifiable Biological Objectives and Flow Criteria for Aquatic and Terrestrial Species of Concern Dependent on the Delta</i> .
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must clearly specify proposed bypass flow criteria at the project’s new intake facilities as an enforceable condition. The DEIR must clearly describe why the proposed intake and screen design and bypass operation will protect fish and other aquatic resources. The bypass criteria must clearly specify whether they are average daily or instantaneous bypass flow requirements. The DEIR must evaluate the design and capacity of the proposed North Delta intakes simultaneously with bypass flow criteria, and must analyze the operation of the intakes for the full range of tidal flows at their proposed location.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must explicitly specify proposed daily and instantaneous diversion operations. Any dependence of diversion amounts on bypass flow requirements must clearly describe how diversions will be modified with the tidal cycle. The DEIR must consider an alternative that establishes minimum sweeping velocities at the diversion intakes as an instantaneous value adequate to protect all aquatic species. The DEIR should analyze a sweeping velocity greater than 0.67 feet per second.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must establish minimum sweeping velocities at the diversion intakes as an instantaneous value. It must explicitly specify whether the sweeping velocities refer to both upstream and downstream movement of water or only to downstream movement of water.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe the water rights that will apply to the project, and who will own them. The DEIR must provide the priority date of the water rights and all sources of water. The DEIR must describe whether use of those rights implies or requires extension of time to put water to beneficial use.

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must consider reasonably foreseeable changes to existing SWP and CVP facilities that DWR and the Bureau of Reclamation might seek to make if the State Water Resources Control Board were to grant pending petitions by the Department of Water Resources and the Bureau of Reclamation for extension of time to put water to beneficial use under the SWP and CVP water right permits. Such reasonably foreseeable changes include potential increases in the capacity of the California Aqueduct and the Delta- Mendota Canal. The DEIR must analyze operation of the proposed project in conjunction with such reasonably foreseeable changes in infrastructure.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must specify whether the project facilities will divert water under water rights for the CVP, and if so when and on what basis.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe how operation of the new project facilities will affect use at existing south Delta SWP and CVP diversion facilities of the Joint Points of Diversion provisions of D-1641.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must fully describe and disclose the Delta Conveyance Design and Construction Authority's (DCA's) engineering design efforts, ongoing since May of 2019, and must describe how the DCA's efforts relate to DWR's CEQA process. The DEIR must provide a clear timeline for DWR's approval of the design of the project. The DEIR must describe the sequence of permit applications for the project and of approvals under CEQA by responsible agencies that will be issuing permits for the project.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe the end users of water that the project diverts.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe how the project will incentivize or facilitate water transfers from Sacramento Valley water rights holders or CVP and/or SWP contract holders to other entities. The DEIR must identify the likely recipients of such transfers by geographic region and by the types of water rights and/or contracts the recipients hold. The DEIR must disclose impacts of any such transfers, including impacts to Sacramento Valley groundwater.

Table A-8. Comments Concerning Implementation Considerations

Letter	Commenter Name, Affiliation	Comment Text
987	Jacklyn Shaw	(8) Funds need to go to growth, like restoring forests, unprotected from needless fires.
987	Jacklyn Shaw	(10) Bureau of Reclamation and Department of Interior need to give funding to California coast, as soon as possible. They gave funding to 16 other states. That is ridiculous, to put it nicely.
988	Jacklyn Shaw	(1) Where is a map showing the purchase of SoCal in properties of the Delta region? (a) Surely, their concerns do not reflect stewards of the Delta of Northern California (NorCal Delta). (b) Where is it verifiable that SoCal owes water to Northern Mexico? (DWR info officer, Mark G. or other)?
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The Draft Environmental Impact Report (DEIR) must describe who will own the project. It must describe who will pay for the construction and operation of the project and how they will pay for that construction and operation.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must identify the actual project investors and beneficiaries. It must describe how much the beneficiaries will contribute to project cost and how much water they will be assured on what schedule in return for their investment.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe whether and if so to what degree and under what conditions the Bureau of Reclamation and its contractors will receive water conveyed through the proposed new conveyance facilities. If the role of the Bureau of Reclamation in the proposed project is unknown or unresolved at the time the DEIR is issued, the DEIR must analyze the effects of various reasonably foreseeable levels of the Bureau of Reclamation's participation as part of the alternatives and cumulative effects analyses. The DEIR cannot segment analysis by deferring the effects of the Bureau of Reclamation's participation in the proposed project or project alternatives to a separate NEPA analysis.

Table A-9. Comments Regarding Consistency with or Relationship to Other Processes, Plans, Program, or Policies

Letter	Commenter Name, Affiliation	Comment Text
831	Michael Wauschek (FORM LETTER A)	California needs a water management system that is in accordance with the Delta Reform Act's policy of reducing reliance on the Delta and provides benefits and protections for California's native fish, wildlife species, and communities. Thank you.
988	Jacklyn Shaw	(3) Woodbridge, WID, vs East Bay/MUD (Jan. 31, 2018), includes grower/farmers concerns on not keeping agreements (like Mono Lake, Anderson Dam, etc.) (a) Mokelumne (River) Aqueduct towards Port of Oakland adds to Lodi's history in worst recorded drought in February (2/2020, lodinews.com). (b) With water exports towards Port of Oakland since Pardee Dam, 1929, Lodi, city and rural, has been impacted, like fog for months to a few weeks if any. (c) The federal air quality gave a health alert, recently for allergies, lungs, etc., so where is documented consideration for communities (2020, lodinews.com) (d) Photos of living dead salmon are not for a Hollywood movie, but maybe it is, as Delta breeze blows more dust for needless construction of water exports. (e) The "Dust Bowl" documentary on Kansas area, showed that nobody believed the dust bowl, until it blew into the streets of New York! (For what are we waiting?)
1010	Dylan Powell	California needs a water management system that is in accordance with the Delta Reform Act's policy of reducing reliance on the Delta and provides benefits and protections for California's native fish, wildlife species, and communities.

Letter	Commenter Name, Affiliation	Comment Text
988	Jacklyn Shaw	(4) How soon can the public view in news press — the letter of objection, last year, from the Delta Coalition of Supervisors of Five Counties? (a) Why are locals being disenfranchised by not listening to ELECTED REPRESENTATIVES of five Delta Counties? (b) That is any tunnel (or conveyance for WATER EXPORTS would be DEVASTATING? (c) Could you please make more easily accessible to widespread public — the Delta map plan ravaging Terminous [sic] resort and communities at large? of Rio Vista, the heart of the Delta River? (A snapshot photo renders a map picture, DWR, Jan. 15, p.4.) (5) Where are increasing concerns with Health Data Reports? (Check with HMO's from Elk Grove to Stockton as well as federal, state reports.) (6) Why is not Department of Interior with Bureau of Reclamation giving grants to California with Pacific Ocean Coast? (Desalination was invented with J. Leibovitz, Ph.D., UC Berkeley, 1977. It has since been used in over 100 nations and grants went to 16 other states in USA.) (7) Again, how soon will the Delta Map Plan show a “conveyance” if any water exports, to be West of Rio Vista, heart of the Delta River? (8) In 2015, we started California Water Solutions. Please see the recent statement on the “Delta Bill of Rights”. (9) Avoid flooding by restoring funds to USACE. When is that for DEEP, PURE DREDGING from Rio Vista towards Antioch Bay? (Are construction pre-plans part of delays or profiteers from Delta distress?) Levees were 80 percent non-compliance in levee maintenance, CVFCB, Clarksburg Workshop, July, 2015. (In staged show for water bonds, former US Senator sent funds to Washington State, Sacramento Bee, 2014-15. (10) Your replies would be greatly appreciated and are requested, as this affects property rights and health concerns with the Delta Breeze, 10-40-90 miles per hour. Driving from Lodi to UC Berkeley along Highway 12, it is beautiful seeing the panoramic Delta, one of the top two in the world, like Mount Kilimanjaro. Delta River from Rio Vista to Antioch Bay and then East Bay, or Rio Vista southward to Sacramento has Highway 160, which is considered historic highway. (Check the Delta uglification plans on buildings, like Darth Vader hats on the Delta River and levees.) Where is the new email links to submit these questions? We participated in the “DWR, Delta...scoping? Renee Rodriguez” <DeltaConveyanceScoping@water.ca.gov> They say it is changed to a new link on timely concerns, from time to time...

Letter	Commenter Name, Affiliation	Comment Text
1007	Joseph James, Yurok Tribe	Future Diversions from the Trinity Basin It is the Tribe's position that any increase in diversion capacity from the Sacramento River Basin has the potential for future foreseeable actions to negatively impact water quantity and quality in the Klamath-Trinity Basin. The Trinity River Project contains the only trans-basin diversion into the Sacramento River. Given that Central Valley water supplies are stretched beyond the ability to sustain a healthy ecosystem, meet the ESA requirements, and municipal and agricultural demands, we are concerned the increased diversion capacity proposed by the project will result in future efforts to divert additional Trinity Basin water to meet the unquenchable thirst of the Central Valley and Southern California. This comes amid concern of the continued ability to meet existing legal requirements associated with the 2000 and 2017 Record of Decisions (RODs) and the 1955 act authorizing an annual 50,000 AF federal water contract with Humboldt County and downstream users, and uphold trust responsibilities to restore and maintain the anadromous fisheries of the Trinity River.
1007	Joseph James, Yurok Tribe	Cold Water Pool Allowing Trinity Reservoir levels to become too low compromises the cold-water pool volume in the bottom of the reservoir. Such low cold-water pool levels can result from multi-year drought and/ or from diverting too much water from Trinity Reservoir. Without adequate cold-water, the water released to the Trinity River in the late summer/early fall can be too warm to sustain our fishery. Loss of cold-water releases to the Trinity River can lead to mortality of adult Spring Chinook salmon holding in the Trinity River below Lewiston Dam and poor egg viability of Spring Chinook, Fall Chinook, and Coho salmon holding in the River, prior to spawning. All of these species are of critical importance to sustain the Yurok way of life, for cultural and substance purposes, as well as economic opportunity when populations are in abundance. The ability of the Yurok Tribe to exercise its fishing rights are reliant on healthy and flourishing population numbers of the Spring Chinook, Fall Chinook, and Coho salmon and the State has the obligation to ensure its actions do not diminish the Yurok Tribe's fishing and water rights.
1007	Joseph James, Yurok Tribe	Additional Temperature Concerns An additional concern is the recently released "Central Valley Project (CVP) Power Initiative," which implies that power plant bypass operations at CVP dams will no longer be implemented to protect fisheries resources. This is in direct contradiction to condition 7.b of the 2000 Trinity NMFS BiOp and would make Trinity River fisheries resources even more susceptible to temperature impacts from reduced pool elevations in Trinity Reservoir. To further complicate temperature issues, a certain magnitude of diversion is required by current infrastructure to prevent warming as water passes through Lewiston Reservoir in late summer and early fall. Changes to diversion timing or magnitude, without significant upgrades to existing infrastructure, pose a threat to adult fish holding prior to spawning and embryos deposited in the stream bed below Lewiston Dam.

Letter	Commenter Name, Affiliation	Comment Text
1007	Joseph James, Yurok Tribe	Questions with the Proposed DCP Due to other time commitments, the government-to-government meeting on May 29th 2020 was ended before the Yurok Tribe could ask several technical questions and requests. Please allow the below questions and requests to be submitted to the scoping process and provide written responses to the following questions: 1. What assurances will be offered to ensure increased capacity to convey water south will not result in future efforts to increase diversions from the Trinity River? 2. What type of jurisdiction does the State have over storage and release from the Trinity River Division CVP? How will the project and the actions of the State be consistent with current federal regulatory and contractual water commitments? 3. What will the effects to Trinity Reservoir end of September carry-over storage be from the proposed project? What does the modeling show relative to historic levels? 4. Will DWR require protection for the Trinity River in the form of elevated minimum pool requirements for Trinity Reservoir in accordance with the findings from previous studies (Bender 2012; Deas 1998a; Finnerty and Hecht 1992)? 5. Are Proviso 2 water volumes (50,000 acre ft of federal water contracted to Humboldt County and downstream users) being accounted for in modeling of water quantity and quality? Will the ability of the CVP to provide this contract water be jeopardized given the DCP's increased conveyance capacity around the delta? 6. Are water volumes necessary to support the Lower Klamath Fall Augmentation Releases (FAR), authorized under the 2017 EIS, considered in modeling for this project? If so, during what water year types? Are measures present in the proposed action to ensure cold-water to perform the fall flow augmentation when deemed necessary (most likely during extended drought)? 7. Will DWR require Reclamation to address the temperature issues in Lewiston Reservoir identified in the U.S. DOI BOR 2012 Technical Memorandum through a feasibility study and NEPA document?
1007	Joseph James, Yurok Tribe	The DEIR and FEIR require: Minimum pool requirements, above the current recommended 600K AF, be adopted in the Trinity Reservoir to protect cold water pool during times of drought. Ensure the Trinity River Record of Decision water volumes are maintained and released annually to the Trinity River to sustain healthy anadromous fish production, adequate water volumes are available to meet Proviso 2 requirements annually, and Proviso 1 requirements as needed. Continue to manage diversions from Lewiston Reservoir in a manner that provides adequate cold water releases to the Trinity River. Proviso 2 and FAR volumes be accounted for in modeling for water quantity and quality. Reclamation to address the temperature issues in Lewiston Reservoir identified in the U.S. DOI BOR 2012 Technical Memorandum through a feasibility study and NEPA document.

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DCA and DWR must situate the proposed project in the context of the existing over appropriation and overallocation of water in the Bay-Delta watershed and the Central Valley. The DCA and DWR should consider the cumulative effect of project construction and operation together with future demands under existing water rights, particularly those in the areas of origin.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	If the Bureau of Reclamation and its contractors will receive water conveyed through the proposed new conveyance facilities, the DEIR must explicitly describe whether the Bureau of Reclamation will obey state law and recognize the authority of the State Water Resources Control Board and other California jurisdictional entities regarding the delivery and use of water so conveyed and regarding any other requirements the Board or other state entity may place on interrelated operation of the Central Valley Project (CVP). In such case, the DEIR must explicitly state the enforcement mechanisms DWR proposes to assure compliance by the Bureau of Reclamation with state law and authorities.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe how the proposed project will conform to the Delta Reform Act of 2009 requirement that the State Water Resources Control Board include “appropriate Delta flow criteria” in the order approving the Change in Point of Diversion.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must situate the proposed project in the context of the existing over-appropriation and overallocation of water in the Bay-Delta watershed and the Central Valley. The DEIR must consider the cumulative effect of project construction and operation together with future demands under existing water rights, particularly those in the areas of origin.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must demonstrate that the proposed project will conform to the requirements in the Delta Reform Act of 2009 to reduce reliance on the Delta, and must describe how it will do so.
1012	Osha Meserve, Local Agencies of the North Delta	Part 2 of the State Water Resource Control Board’s water rights hearing process for the California WaterFix considered: “Will the changes proposed in the Petition unreasonably affect fish and wildlife or recreational uses of water, or other public trust resources?” ⁵ The SWRCB is a responsible agency with respect to DWR’s environmental review process. In order for the SWRCB to later rely on it, the Draft EIR must disclose and provide mitigation for project effects on fish and wildlife or recreational uses of water, and other public trust resources. This includes impacts to unlisted fish.

Table A-10. Comments Regarding Permitting

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe the complete regulatory setting, including contingencies should a preferred regulatory approach or outcome prove infeasible. The DEIR must describe all permits and approvals necessary to complete the project and bring it online, and must describe how proponents will sequence proceedings to obtain such permits and approvals.

Table A-11. Comments Regarding Project Area and Study Area

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The geographic scope of the DEIR should extend to Suisun, San Pablo and San Francisco Bays, and should extend into the Pacific Ocean as far west as the Farallon Islands. Changes in Delta outflow and water quality that are reasonably foreseeable to occur as a result of the proposed project may affect both water resources and aquatic resources.
1011	Isaac Kinney	Although this project is in the central part of the State it will require more diverted water from the Trinity and Sacramento watersheds. Furthermore this project will adversely effect [sic] the people living in these watersheds and their economies. And because so much in the region relies so much on local clean water, this project directly diverts the natural flowing tributaries and their ecosystems.
1011	Isaac Kinney	More projects like the Delta tunnel conveyance project has many issues that need to be addressed before moving forward: Delta Conveyance Team must include all Federally, State, and locally recognized (i.e. "Tsunungwe" people living in the Trinity watershed) Tribes in their official consultation. This includes connected Tribes such as the Hoopa Valley and Yurok Tribes.

Table A-12. Comments Regarding Baseline

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe the imminent necessary reduction in agricultural water supply as an underlying baseline condition created by the cumulative effect of agricultural business decisions and the diversion of water; it must not describe such reduction as the product of regulatory response to the impacts of the underlying baseline condition.

Table A-13. Comments Regarding Economic Impacts

No comments identified.

Table A-14. Comments Regarding Community Benefits

No comments identified.

Table A-15. Comments Regarding Alternatives

Letter	Commenter Name, Affiliation	Comment Text
831	Michael Wauschek (FORM LETTER A)	I am writing to urge the Department of Water Resources to fully include and consider a “no tunnel” alternative in the environmental impact report (EIR) of the Delta Conveyance Project.
831	Michael Wauschek (FORM LETTER A)	The EIR should analyze alternatives that increase Delta outflow and reduce exports as compared to current conditions in the Delta. Specifically, the EIR should examine a “no tunnel” alternative that analyzes the use and investment in water conservation, efficiency, and additional demand reduction measures that are less environmentally harmful than the tunnel and achieve the same water supply reliability goals and targets.
850	Jerry Creech	We do not need to divert water from north to south to enrich almond growers and other at the expense of causing stagnant waters throughout 1300 miles of delta. The Delta supply’s water to agricultural interest and has been for many years. It is one of the most fruitful valleys in the world. In addition it will have a detrimental affect [sic] on boating marinas, fishing and may even cause damage to San Francisco Bay. If the delta becomes polluted where will the money come from to resurrect the failing delta. We already have problems with the water flow to Discovery Bay and Stockton harbor. Calif needs a new source of water through desalinization which is a FIX not a Band-Aid.
980	Kathy Cortner, Mojave Water Agency	A single-tunnel Delta Conveyance project is one of the critical and necessary solutions for ensuring that Californians have a reliable water supply for their homes and businesses amidst the growing threat and impacts of climate change. However, we request that in developing and selecting a proposed project, DWR also consider the cost-effectiveness of the project. For the SVP investment, we believe a 6,000 cfs facility has the greatest possibility of fulfilling this need, because the costs as compared to benefits goes up sharply as the capacity is reduced below 6,000 cfs. MWA looks forward to the development of the EIR for this important and critical project. Thank you for considering these comments.
985	Thomas McCarthy, Kern County Water Agency	The NOP describes a proposed project of 6,000 cubic feet per second (cfs) and alternatives that will be analyzed in the EIR ranging from 3,000 cfs to 7,500 cfs. The Agency supports the 6,000 cfs proposed project and analysis of alternatives at the 3,000 cfs and 7,500 cfs sizes. USBR is not participating in the development of the DCP at this time. However, should USBR decide to participate in the project prior to the start of construction, then a capacity at the higher end of the range of alternatives must be available.

Letter	Commenter Name, Affiliation	Comment Text
987	Jacklyn Shaw	(3) To avoid staged show of “flooding”, restore DEEP, PURE DREDGING, by USACE, Sacramento and Pacific offices. That is from Rio Vista towards Antioch Bay. In 2014-15, Sacramento Bee reported that the former US Senator sent funds to Washington State. (Who profits from water bonds?) If any “conveyance” or “funnel” to divert water from Nor Cal towards SoCal, it is better and less intrusive on WEST SIDE OF DELTA RIVER.
987	Jacklyn Shaw	(9) Melones Dam for Tulare and Hetch Hetchy Dam for Fresno -- need to be reclaimed by local areas. Both San Francisco and Port of Oakland need to use their Desalination Plants. Desalination was invented at UCB, with J. Leibovitz, PhD, 1977, and since used in 100 nations.
988	Jacklyn Shaw	I will send a snapshot, p.4, DWR, (Jan. 15, 2020) on the “Devastating” Delta Plan with any “Conveyance” of Water export. Most timely and vitally vs any East of Delta River “funnel” towards 500 miles, up to 67 foot wide. (That is the size of an underground highway.). If any, a plan needs to show a “funnel” to be West of Rio Vista or West of Delta River. Terminous [sic] Resort is only seven to 12 miles from my late folks homestead vineyard. Temporary construction jobs would displace hardworking agricultural business families and agri-tourism. That is with over 100 kinds of fresh food crops to USA from one of the most fertile soils in the world. The cost is prohibitive for an empty tunnel and amidst increasing drought recycles. Also, Southern California Metro in Los Angeles (SoCal, Metro, LA) knows that construction (with phases for 10 years) costs more than desalination.
988	Jacklyn Shaw	(2) How soon will a Delta plan show a “conveyance” to be west of Rio Vista, heart of the Delta River? (a) If any tunnel, it is better to be WEST of the DELTA RIVER. (b) It is ridiculous to not recognize Terminous Resort, part of Lodi Unified School District for decades, as part of the bipartisan Greater Delta Heritage Act. (c) Terminous Resort is amidst fresh food crops, communities, etc. and is only 7-12 miles from Lodi City Hall. (d) Lodi in 2015 rated #1 in the world for Wines, heart healthy, and any water exports would increase drought cycles. (e) That is amidst Sheriffs’, SJC.gov concerns of narco crops plus FBI finds of ignorant terrorists in Lodi area.
992	Dylan Powell	I am writing to urge the Department of Water Resources to fully include and consider a “no tunnel” alternative in the environmental impact report (EIR) of the Delta Conveyance Project.

Letter	Commenter Name, Affiliation	Comment Text
992	Dylan Powell	The EIR should analyze alternatives that increase Delta outflow and reduce exports as compared to current conditions in the Delta. Specifically, the EIR should examine a “no tunnel” alternative that analyzes the use and investment in water conservation, efficiency, and additional demand reduction measures that are less environmentally harmful than the tunnel and achieve the same water supply reliability goals and targets.
992	Dylan Powell	!!!—Please consider looking into the placement of swales on contour throughout watersheds in order to raise water tables, reduce runoff, encourage healthy and hydrated forests, and granted - overtime - increase available water resources to the southern portion of California. This is the only truly sustainable means of handling our water situation that I can see supporting a healthy future for everyone here. This also seems perfect for our current, COVID affected situation, as done correctly this can be achieved with very minimal intermingling of “swale installers.”
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DCA and DWR evaluate a range of locations for project intakes that would make the project reliable under a range of reasonably foreseeable potential sea level rise over the expected service life of the project, according to the best available science. We request such analysis.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DCA and DWR should dismiss as an unreasonable alternative the 3,000 cfs intake design and locations previously proposed for the “California WaterFix” project, because this these locations cannot reasonably protect fish and other aquatic species.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DCA and DWR must evaluate a smaller intake design that will allow juvenile salmon and sturgeon to be exposed to the intakes for no more than 15 minutes at the proposed minimum bypass flows. Tentatively, we suggest that the DCA and DWR analyze intakes with a capacity of 1,000 cfs.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DCA and DWR must analyze near-screen sweeping velocities at the proposed intake locations. The DCA and DWR must evaluate alternative locations with smaller intakes on the outside bends of the river channel to provide adequate near-screen sweeping velocities.

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DCA and DWR must ground its consideration of project alternatives to reduce impacts to terrestrial species in biological surveys conducted on terrestrial species and their habitat within the footprint of the project facilities and their construction area. The DCA and DWR must analyze alternatives that fully mitigate those impacts, including relocation of facilities away from the sites selected for the previous “California WaterFix” project. The DEIR must analyze project impacts on golden eagle, bald eagle, Swainson’s hawk, greater sandhill crane, California black rail, California clapper rail, giant garter snake, riparian brush rabbit, burrowing owl, tricolored blackbird, bank swallow, least bell’s vireo, California yellow warbler, western yellow-billed cuckoo, loggerhead shrike, pallid bat, valley elderberry longhorn beetle, vernal pool invertebrates, and rare or sensitive native plants.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DCA and DWR should consider an alternative that maximizes local water supplies, including conservation, water recycling, stormwater capture, brackish groundwater desalination and other groundwater remediation.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must clearly analyze present and future discretionary operations of the SWP and CVP as part of the alternatives analysis and not as part of baseline conditions. Existing SWP and CVP facilities are part of the baseline condition. Operation of existing SWP and CVP facilities to meet regulatory requirements are part of the baseline condition. Discretionary operations of the SWP and CVP are ongoing operational choices, not part of the baseline condition; the DEIR must analyze discretionary operations as part of the various project alternatives.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must evaluate a range of locations for project intakes that would make the project reliable under a range of reasonably foreseeable potential sea level rise over the expected service life of the project, according to the best available science. Tentatively, we recommend such analysis under sea level rise of up to two meters by 2100.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe the operation and performance of the project under a reasonable range of alternative flow requirements for the Sacramento River, Delta inflow and Delta outflow.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR should dismiss as an unreasonable alternative the 3,000 cfs intake design and locations previously proposed for the “California WaterFix” project, because this design at these locations cannot reasonably protect fish and other aquatic species.

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must evaluate a smaller intake design that will allow juvenile salmon and sturgeon to be exposed to the intakes for no more than 15 minutes at the proposed minimum bypass flows. Tentatively, we suggest that the DEIR analyze intakes with a capacity of 1,000 cfs.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must analyze near-screen sweeping velocities at the proposed intake locations. The DEIR must evaluate alternative locations with smaller intakes on the outside bends of the river channel to provide adequate near-screen sweeping velocities.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must evaluate an operational alternative that would restore a more natural hydrograph to the Bay-Delta ecosystem.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must analyze an alternative that will contribute to the recovery of the at-risk terrestrial species in the Bay-Delta estuary and its watersheds, meeting the Biological Goals and Objectives identified in the Department of Fish and Wildlife's 2010 <i>Quantifiable Biological Objectives and Flow Criteria for Aquatic and Terrestrial Species of Concern Dependent on the Delta</i> .
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must analyze an alternative that relocates intakes away from Delta legacy communities.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must reject locating the project along the Central Delta Corridor as an unreasonable alternative because of impacts to terrestrial species, Delta levees, local communities, and Delta recreational uses.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must consider an alternative that maximizes local water supplies, including conservation, water recycling, stormwater capture, brackish groundwater desalination and other groundwater remediation. The DEIR must analyze and compare embedded greenhouse gas emissions of the local water supply alternative and the proposed project.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must analyze a reasonable range of project alternatives that are sufficiently distinct from one another. We recommend that the DEIR evaluate an alternative that includes a smaller conveyance facility than that of the proposed project, with smaller intakes as described in the section of these comments on Delta Flows and Impacts on Aquatic Species, above.

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must analyze an alternative that includes reducing agricultural water demand in the SWP service area and adjacent areas through crop shifting, agricultural water conservation, and soil management, as well as retirement of marginally productive lands and land without reliable dry year supply. The DEIR must also discuss and evaluate greater reliance on local supplies for agricultural and urban entities south of Delta, in lieu of a new Delta conveyance facility, consistent with the Delta Reform Act.
1011	Isaac Kinney	Additionally, Tribes in California are clear decision-making agencies in this project and must include all tribes along the Trinity and Sacramento Rivers as well as the Bay Delta. Because of the natural interconnectedness of these tributaries, project scope must include impacts on all watersheds in the upcoming Environmental Impact Report. Tribal consultation in relation to that EIR needs to have adequate time for project review and needs to include a status quo or "no build" alternative.
1011	Isaac Kinney	Include scalable and long term water conservation strategies for the no build alternative for the EIR.
1012	Osha Meserve, Local Agencies of the North Delta	LAND is disappointed that the Department of Water Resources ("DWR") is proposing the same intake locations as the failed California WaterFix project. This letter explains that: (1) the proposed intake locations identified in the NOP along the Sacramento River were not approved in any way by the Fish Facilities Technical Team ("FFTT"); (2) the proposed intake locations would be a disaster for fish; (3) the DCP must include protections for all fish in the river, not just listed fish; and (4) the proposed intake locations were not selected with any regard for the nearby Delta communities. The Draft EIR for the project must evaluate alternative intake locations that could lessen the significant impacts to fish and Delta communities.
1012	Osha Meserve, Local Agencies of the North Delta	NOP Intake Locations Were Not Approved by Fish Facilities Technical Team The currently proposed intakes are the same as those proposed in the abandoned California WaterFix project, and were not the result of any agency decision that those locations were the only options available. Moreover, DWR and the Delta Conveyance Design and Construction Authority's ("DCA") decision to retain the cancelled WaterFix project intake locations is absolutely contrary to Governor Newsom's directive to limit impacts of the Project on Delta legacy communities and fish. Furthermore, the intake locations were never approved by the FFTT.

Letter	Commenter Name, Affiliation	Comment Text
1012	Osha Meserve, Local Agencies of the North Delta	While it has been suggested by DWR staff and staff for the DCA that the FFTT recommended the three intake locations proposed in the NOP, that is not true. For instance, a member of the DCA's Stakeholder Engagement Committee asked: I would like to know who in the California Department of Fish and Wildlife approved intake locations 2, 3, and 5, and when? And how did they consider effects of the intakes on North Delta communities and North Delta businesses in making that approval? Particularly on the towns of Hood and Clarksburg? And will they give a presentation to the Stakeholder Engagement Committee on their "constraints and siting criteria?" 1 The DCA engineer Phil Ryan responded: As you know, a detailed assessment of a variety of resource issues were completed as part of the BDCP/California WaterFix environmental review process. Where appropriate, the information from that process was reviewed and updated for application to the Delta Conveyance Project. For BDCP/California WaterFix, a Fish Facilities Technical Team (FFTT) comprised of expert resource agencies (including USFWS, NMFS, CDFW, USBR, and DWR) and consultant members was formed to evaluate intake sites. The FFTT conducted a series of evaluations using a wide variety of criteria (focusing [primarily] on engineering feasibility and avoidance of impacts to sensitive fish species but also considering land use effects) to select the number and location of suitable intake sites for the project. The agency members of the FFTT ultimately provided final recommendations regarding intake siting. That process and associated impact analysis were summarized in the BDCP/California WaterFix EIR. For the Delta Conveyance Project, the original analyses from the WaterFix Project were reviewed by DCA and DCO, with input from USFWS, NMFS, and CDFW, and supplemented with more current information regarding the study area, including new bathymetric data and characteristics of the area. Suitable sites were identified as part of that process and they turned out to be substantially the same as those recommended for the BDCP/California WaterFix Project, primarily due to river bathymetry. A comparative analysis between sites was conducted, and sites 2, 3 and 5 were recommended for further consideration. The results of the updated siting analysis were shared with agency staff, including representatives from USFWS, CDFW, and NMFS, and will again be summarized in the EIR for the Delta Conveyance Project. Effectively, DWR determines the actual intake locations if and when the project is approved and the only specific "approval" from the regulatory agencies for these sites would come in the form of permits for implementing the propose project DWR will analyze. (Ibid., bold added.) This answer misrepresents the FFTT process by making it sound as though the five sites on the Sacramento River considered previously are the only possible intake sites in the entire Delta that the FFTT determined could be used by the project.

Letter	Commenter Name, Affiliation	Comment Text
1012	Osha Meserve, Local Agencies of the North Delta	In 2008, the FFTT was initially directed by the BDCP consulting team to consider specific locations for intakes (2008 FFTT, p. 2), and were given a very narrow geographic scope: “on the Sacramento River between Sacramento and Walnut Grove.” (2008 FFTT, p. 12.) ² Following the 2008 FFTT report, it was the BDCP consulting team that actually specified the locations for the intakes by applying the 2008 FFTT location guidance in addition to its own political and economic analysis: “The DHCCP engineering teams placed the conceptual diversions at the locations agreed upon based on information of the FFTT in 2008 and a Value Planning Study, as well as the integrated considerations of the EIR/EIS team.” (2011 FFTT Recommendations [“2011 FFTT”], p. 13.) In this way, the BDCP advanced DWR’s and the consultants’ proposed locations and did not evaluate other alternatives.
1012	Osha Meserve, Local Agencies of the North Delta	In 2011, a new geographic scope without a specified range was formalized for the FFTT locations by the 5-Agency Group, consisting of representatives from DWR, California Department of Fish and Game (now called Department of Fish and Wildlife), U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service (, and the National Marine Fisheries Service. This time, the BDCP consulting team had been given direction by the BDCP Steering Committee in July 2010 to look at more than 5 locations because of the potential for significant reduction in Salmonid mortality if one or more intakes were located upstream of the American River.
1012	Osha Meserve, Local Agencies of the North Delta	This second effort resulted in the 2011 FFTT Recommendations that provided siting parameters that “could allow intakes along much of the river.” (2011 FFTT Recommendations 1-2, p. 6.) In other words, the FFTT did not choose or give any specific recommendations for particular intake locations, but only gave general recommendations that could be applied to review potential diversion locations. Potential diversion locations were “identified by the EIR/EIS team and DWR.” (2011 FFTT, p. 42.) Moreover, the FFTT actually advised review of additional locations for analysis of suitability, assessment of actual risk to fish species and evaluation of final suitability for diversion. (2011 FFTT Recommendations 1-21, pp. 6-8.)
1012	Osha Meserve, Local Agencies of the North Delta	Noting the high level of uncertainty stemming from the type and magnitude of impacts from the proposed intake facilities, FFTT stressed that the entire population of several anadromous species (Sacramento basin salmonids and green sturgeon) must pass through the river reach to complete their life cycles. (2011 FFTT, p. 33.) As a result, FFTT specified a number of studies to be completed prior to final design. A selection is provided in its 2011 report. (2011 FFTT Recommendations, pp. 37-38: Table 1. List of Near-Term Aquatic Studies Needed Prior to Diversion Structure Construction to Reduce Key Uncertainties.) Further, currently proposed NOP intake locations (i.e., BDCP selected diversion locations) and FFTT alternatives can be compared to scoring and initial ranking of suitability by the 2011 FFTT on pages 57-60.

Letter	Commenter Name, Affiliation	Comment Text
1012	Osha Meserve, Local Agencies of the North Delta	In summary, the FFTT made a series of recommendations for general criteria applicable to siting new diversion intakes along the Sacramento River in 2008 and again in 2011, but never approved specific intake locations. The FFTT report was then modified by BDCP to select locations for further engineering without the evaluations of alternatives. The intake sites were never approved by the FFTT or the fish agencies, and would nevertheless result in take of listed fish, as acknowledged in the Biological Opinions issued for the California WaterFix project in 2017.3
1012	Osha Meserve, Local Agencies of the North Delta	Conclusion As explained above, the Delta Conveyance Project is no better than the failed California WaterFix project in terms of impacts on fish species, the Delta environment and Delta communities. DWR's premature rejection of all alternatives that do not include these same intakes in the North Delta should be reversed, and a full analysis of potential project impacts, project alternatives and mitigation measures prepared. DWR's identified project objectives could still be met by following a proper CEQA alternatives process. Such an approach could provide a pathway for consideration of less impactful alternatives with wider support.

Table A-16. Comments Regarding the Approach to the Analysis

Letter	Commenter Name, Affiliation	Comment Text
831	Michael Wauschek (FORM LETTER A)	For years, the Bay-Delta ecosystem has been severely depleted of freshwater flows that has led to the loss of natural habitat for species and reduced the livelihood of residents in Delta communities.
831	Michael Wauschek (FORM LETTER A)	This project will hasten the decline of the Delta.
852	Rachel Huang	I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need. This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).
852	Rachel Huang	Negative impacts on environment for people to money.
986	Jennifer Pierre, State Water Contractors	A single-tunnel Delta Conveyance project is one of the critical and necessary solutions for ensuring that Californians have a reliable water supply for their homes and businesses amidst the growing threat and impacts of climate change. However, we request that in developing and selecting a proposed project, DWR also consider the cost-effectiveness of the project. For the SWP investment, we believe a 6,000 cfs facility has the greatest possibility of fulfilling this need, because the costs as compared to benefits goes up sharply as the capacity is reduced below 6,000 cfs.
987	Jacklyn Shaw	(1) Again, Where is MAP access or readability here and to public newspapers? To build a "funnel", 67 foot wide and 500 miles to N. Mexico defies common sense. Note Delta locals and bipartisan "Greater" Delta Heritage Act. Certainly, west of Lodi, about 12 miles away to any Terminous Marina tunnel is "devastating to the Delta", raising health concerns with federal data in air quality (LodiNews.com, May, 2020).
987	Jacklyn Shaw	(2) Authorities alert us to a potential "Dust Bowl". Apparently, concerns of Fishermen organizations are not acknowledged either.

Letter	Commenter Name, Affiliation	Comment Text
987	Jacklyn Shaw	(6) SoCal knows that concrete costs more than desalination plants. Is this towards “fracking farmlands” for oil oligarchy? People best move to where the water is, not necessarily on the Delta counties most fertile soil in the world for food crops, nor by destroying rivers.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must deploy an appropriate temporal scope for its cumulative effects analysis. It must describe the cumulative impacts of the past and present operation of the SWP and CVP taken together with the proposed future operation of the SWP and CVP under the proposed project; the DEIR must not limit analysis to the incremental impacts of the proposed project compared to the existing operations of the SWP and CVP. These cumulative impacts must include, non-exclusively, impacts to fisheries and aquatic ecosystems.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe both the short-term and long-term impacts of each project alternative and its construction to Delta communities and Delta recreational uses, particularly those in the vicinity of the proposed intakes. This includes, non-exclusively, noise impacts, traffic impacts, impacts to boat traffic, and impacts to recreational fishing and associated businesses.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must evaluate reasonably foreseeable changes in water supply demand in the SWP service areas. Among these changes are impacts to both agricultural and urban demand caused by the COVID-19 pandemic and the resulting economic contraction. Also among these changes are recent reductions in population projections by the California Department of Finance due to changes in migration into and out of California.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must describe the cumulative impacts of the project in incentivizing the continuation and expansion of irrigation on lands in the southern San Joaquin Valley that would otherwise likely cease or never begin production; among these impacts, the DEIR must identify increasing groundwater overdraft based on the occasional availability of surface water for irrigation.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must consider the ongoing process of the salinization of soil and groundwater in the San Joaquin Valley, and the resulting loss of productivity. The DEIR should analyze an alternative that does not include any further state investments in impaired lands, except for funding for habitat acquisition and restoration.

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	Finally, the DEIR must be a stand-alone document that does not rely on references to previous iterations of CEQA documents for the Bay-Delta Conservation Plan and/or the "California WaterFix." The DEIR will be an extensive and complex document. Previous EIR's and supplements for the Bay-Delta Conservation Plan and California WaterFix are 90,000 pages in volume and were already daunting due to the difficulty in understanding which sections which were superseded by subsequent documents. Retention of previous CEQA documents would force even a well-informed reader to conduct a treasure hunt through earlier documents to extract pertinent information. The problem is not so much whether there is useful information in previous documents, but in determining which specific information would be relevant and germane to the instant new proposed project. Reliance on cross-referencing with earlier documents would thus defeat the informational purpose of CEQA.
1011	Isaac Kinney	Delta Conveyance Team must analyze the cumulative impacts of the Delta Conveyance in relation to Gov. Newsom's Water Portfolio and Trump Administration's Biological Opinion/Water Plan
1011	Isaac Kinney	Delta Conveyance Team must analyze the cumulative impacts of the Delta Conveyance in relation to the Site Reservoir, Shasta Dam Raise and Klamath Dam Removal Projects
1012	Osha Meserve, Local Agencies of the North Delta	NOP Intake Locations Were Not Selected with Regard for Nearby Delta Communities The North Delta intakes currently proposed in the NOP would impact the Delta legacy towns of Clarksburg, Hood, and Courtland. Traffic, noise and other impacts during construction of the intakes would also impact the towns of Locke and Walnut Grove. Since the current proposed intake locations are the same as those proposed in the WaterFix Final EIR/EIS, those documents continue to be relevant.
1012	Osha Meserve, Local Agencies of the North Delta	Specifically, Appendix 3F of the WaterFix Final EIR/EIS documents the process by which DWR selected the intake locations and shows that the engineering and EIR teams made early decisions about the intake locations with minimal consideration of land use impacts in the Delta. For example, Appendix 3F cites a 2010 Technical Memorandum 20-2: Proposed North Delta Intake Facilities for the Draft EIR/S that construction traffic impacts were eliminated from consideration because it represented a short-term impact that is less important than the long-term changes in communities that could result from the intake option. DWR's failure to provide analysis for any traffic impacts during construction, as well as lack to consider potential noise impacts, was improper and did not consider land uses, as claimed in the DCA response quoted above.

Letter	Commenter Name, Affiliation	Comment Text
1012	Osha Meserve, Local Agencies of the North Delta	Appendix 3F shows that proposed intake sites were chosen with minimal consideration of landowner and community impacts. Furthermore, the intakes were constrained to the stretch of river between Courtland and Clarksburg, and no locations were considered that would not have significant and unavoidable impacts on these Legacy communities. Appendix 3F of the WaterFix Final EIR/EIS further serves to show that impacts on Delta communities were not considered, in a general sense, because none of the information referenced indicated that other alternative sites upstream, downstream or elsewhere were infeasible for any particular reason.

Table A-17. Comments Regarding Mitigation Measures

No comments identified.

Table A-18. Comments Regarding Water Supply

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must consider the potential impacts of flooding due to sea level rise and/or increased frequency of river flooding on the project during the proposed construction period and early long-term operations. The DEIR must analyze an alternative that improves Delta levees over the near term to protect infrastructure, people, and property in the Delta.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must analyze impacts of the project on the operation of SWP and CVP storage facilities, including Trinity, Shasta, Oroville, Folsom, and San Luis reservoirs, and describe how the project will affect storage in these facilities. This analysis must consider a reasonable range of alternatives for reservoir operation, such as a high delivery scenario and a high carryover storage scenario.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must base its analysis on transparent modeling to assess impacts on flow, water temperature, and water quality. The DEIR must clearly state all modeling assumptions. The DEIR must make publicly available all models and all model input and output generated in support of the DEIR.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must analyze the effects of the project construction and operation on Delta levees, including potential increased risks of flooding.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must quantify the amount of water that the project will reliably produce on an annual basis under a quantified variety of bypass flow and other physical and regulatory scenarios.

Table A-19. Comments Regarding Surface Water Resources

Letter	Commenter Name, Affiliation	Comment Text
1007	Joseph James, Yurok Tribe	I would like to thank you for the May 29, 2020 opportunity to meet government-to-government with California Department of Water Resources (DWR) regarding the State's environmental review process under the California Environmental Quality Act (CEQA) for the tunnel conveyance project through the Sacramento-San Joaquin Delta. The Yurok Tribal Council would also like to accept your offer to have regular quarterly government-to-government consultation meetings regarding the proposed Delta Conveyance Project (DCP or proposed project) as well as other issues of mutual interest. As the Tribal Council noted during the meeting, our primary concern with the proposed DCP is related to potential water quantity and quality cumulative impacts to the Trinity River and Lower Klamath River, impacts to Klamath and Trinity River fishery resources, and impacts to the Yurok Tribe's fishing rights. Furthermore, the Trinity River is designated as critical habitat for the Endangered Species Act (ESA) listed Coho salmon. If there are impacts to the Trinity that result in failure to meet temperature objectives as required in the 2000 Trinity River National Marine Fisheries Service Biological Opinion (2000 Trinity BiOp), direct take of Coho would result in violation of the ESA.
1007	Joseph James, Yurok Tribe	As you may be aware, approximately 52 percent of the water impounded above Lewiston Dam is diverted to the Central Valley on an annual basis; this follows decades of nearly 90 percent of the water being diverted following construction of the Trinity Dam. These diversions resulted in substantial impacts to the health of the Trinity River, the viability of our fishery resource, and the ability of the Yurok People to fully exercise our federally reserved fishing rights. It is our understanding that CEQA does not excuse an EIR from evaluating past, present, and future foreseeable actions and cumulative impacts and the Yurok Tribe requests the DWR review all impacts the DCP will have on the Trinity River, the endangered Coho salmon, and the Yurok Tribe's water and fishing rights.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DCA and DWR consider the potential impacts of flooding due to sea level rise and/or increased frequency of river flooding on the project during the proposed construction period and early long-term operations. The DCA and DWR analyze an alternative that improves Delta levees over the near term to protect infrastructure, people, and property in the Delta.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DCA and DWR must analyze the effects of the project construction and operation on Delta levees, including potential increased risks of flooding. The DCA and DWR must analyze an alternative that relocates intakes away from Delta legacy communities. The DCA and DWR should reject locating the project along the Central Delta Corridor as an unreasonable alternative because of impacts to terrestrial species, Delta levees, local communities, and Delta recreational uses.

Table A-20. Comments Regarding Groundwater

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must disclose impacts of the construction and use of new project facilities on groundwater resources in the Delta and adjacent groundwater basins.

Table A-21. Comments Regarding Water Quality

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must disclose the water quality impacts of the project, including impacts in the Sacramento River and the Delta resulting from diversions at the new project facilities and impacts of releases from storage. The water quality analysis must pay particular attention to salinity, water temperature, and algal blooms.

Table A-22. Comments Regarding Geology and Seismicity

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must use the current best available scientific information on seismic sources and ground movements in the Delta to determine the maximum considered earthquake in the Delta. The DEIR must use the same assumptions about seismic hazards and geotechnical conditions to analyze both the existing Delta levees and the proposed new project facilities.

Table A-23. Comments Regarding Soils

No comments identified.

Table A-24. Comments Regarding Fish and Aquatic Resources

Letter	Commenter Name, Affiliation	Comment Text
1010	Dylan Powell	For years, the Bay-Delta ecosystem has been severely depleted of freshwater flows that has led to the loss of natural habitat for species and reduced the livelihood of residents in Delta communities. This project will hasten the decline of the Delta.
1006	Jason Folkman	I have researched this, and have come to the conclusion that the environmental damage to the landscape, water ways, and flora and fauna exceed any benefit that might come from this proposal. We need to do much more to conserve water, rather than spending billions of taxpayer dollars to construct tunnels to redirect water, with potentially devastating effects on wildlife. I therefore oppose the the proposed Delta conveyance facilities.
1007	Joseph James, Yurok Tribe	Requests: The Draft Environmental Impact Report analysis include the cumulative impacts the project will have on the Klamath-Trinity Chinook salmon, SONCC Coho Salmon, and Yurok fishing and water rights.
1007	Joseph James, Yurok Tribe	Summary Again, I'd like to thank you for our recent government-to-government consultation and I look forward to future meetings with the DWR. As noted above, we have significant concerns with the proposed DCP and the potential impacts it will have to our fishery resource. We know all too well the unquenchable thirst that interests to the south have for our water; water that has already been diverted to levels beyond what can sustain a healthy ecosystem. We are continuously trying to regain lost water for the survival of our fishery resource, it is concerning to see this proposed project that could cause additional flow reductions in the future. Please don't hesitate to contact myself, or Dave Hillemeier (Fisheries Department Director), at the address in the letterhead if you have any questions.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must analyze impacts of the project on fishery resources in rivers downstream of SWP and CVP storage facilities, including Trinity, Shasta, Oroville, and Folsom reservoirs, and describe how operation of the proposed new facilities will affect these resources under a reasonable range of reservoir operations. It must describe how the project would affect the ability of the DWR and Bureau of Reclamation to meet fish protection requirements downstream of these reservoirs as applicable, including Order WR 90-05 and the existing and proposed American River flow standard.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must disclose the impacts of the project to the food web in the Delta, including impacts resulting from diversions at the new project facilities and impacts of releases from storage.

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must analyze and disclose the impacts of the project on circulation, water quality and marine habitat in Suisun, San Pablo, and San Francisco bays.
1011	Isaac Kinney	Currently, the salmon populations in the Klamath and Trinity Rivers and Sacramento River/Bay Delta are at the brink of extinction due to the obsolete infrastructure. The California State and Federal water projects have assisted in the decline of all living things relying on the Trinity River for survival.
1012	Osha Meserve, Local Agencies of the North Delta	Using the Proposed Locations Would be a Disaster for Fish The intakes reviewed by the FFTT, proposed for the failed California WaterFix project, and now proposed for the DCP, have been roundly criticized by fish experts. ⁴ Even with two rather than three diversions, the primary criticisms lodged by fish screening expert Dave Vogel remain relevant. As he explains, There is a high probability the structures will be catastrophic for salmon and severely undermine progress for salmon restoration in upstream areas. Except when the Yolo Bypass is flooding, all four runs of Chinook salmon in the entire watershed would be forced to migrate past these enormous diversions. • Analyses conducted for the project revealed that young salmon could be exposed to each of the three individual WaterFix screens for an astounding one-hour period (not a typo) ... not exactly the original 60 seconds criterion mentioned above. • In the worst-possible scenario for salmon, all three water intakes are to be located on the same side of the river and in relative close proximity. Water (and therefore fish) will be driven toward the east riverbank, particularly when all intakes are operating in unison. • [I]ncreasingly fatigued and exposed downstream-migrating juvenile salmon will become more and more consolidated along the east bank of the river as the fish traverse the long length of each individual screen structure and arrive (if the fish have not already perished) at the downstream end . . . • Predatory fish will unquestionably become accustomed to these ideal “feeding stations” at the lower end of each fish screen. These criticisms would also apply with the T-Screen concept to the extent that is now being considered, which is known to provide additional habitat for predators.
1012	Osha Meserve, Local Agencies of the North Delta	The DCP Must Include Protections for All Fish in the River, Not Just Listed Fish The location and design of the intakes cannot be based only on listed fish, such as the Delta smelt and Spring run salmon. The Sacramento River hosts a rich fishery, and has numerous fish species in it throughout the year that would be potentially affected by new large diversions. The constant presence of fish species in the vicinity of the proposed intake sites was discussed in the environmental review documents for the California WaterFix. (See Exhibit B, Fish Presence Table.)

Letter	Commenter Name, Affiliation	Comment Text
1012	Osha Meserve, Local Agencies of the North Delta	[Attachment 1] Exhibit A, The Twin-Tunnels Project: A Disaster for Salmon Parts 1-4 of a Series, Posted on July 30, 2017, August 2, 2017, August 9, 2017, and August 19, 2017
1012	Osha Meserve, Local Agencies of the North Delta	[Attachment 2] Exhibit B, Fish Presence Table

Table A-25. Comments Regarding Biological and Terrestrial Resources

Letter	Commenter Name, Affiliation	Comment Text
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must ground its analyses of project impacts to terrestrial species in biological surveys conducted on terrestrial species and their habitat within the footprint of the project facilities and their construction area. The DEIR must analyze alternatives that fully mitigate those impacts, including relocation of facilities away from the sites selected for the previous “California WaterFix” project. The DEIR must analyze project impacts on golden eagle, bald eagle, Swainson’s hawk, greater sandhill crane, California black rail, California clapper rail, giant garter snake, riparian brush rabbit, burrowing owl, tricolored blackbird, bank swallow, least bell’s vireo, California yellow warbler, western yellow-billed cuckoo, loggerhead shrike, pallid bat, valley elderberry longhorn beetle, vernal pool invertebrates, and rare or sensitive native plants.
1008	AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, and California Water Research	The DEIR must analyze and disclose the impacts of project operations on water birds, including impacts on north and south of Delta wildlife refuges and other habitat, as well as food sources in San Francisco Bay and the Farallon Islands. The DEIR must explicitly analyze impacts to migratory waterfowl, greater sandhill cranes, cormorants, pelicans, and the common murre.

Table A-26. Comments Regarding Land Use

No comments identified.

Table A-27. Comments Regarding Agricultural Resources

No comments identified.

Table A-28. Comments Regarding Recreation

No comments identified.

Table A-29. Comments Regarding Socioeconomic Resources

Letter	Commenter Name, Affiliation	Comment Text
987	Jacklyn Shaw	(5) Why displace the generational agri-business economy for fresh food crops to USA, by temporary jobs to others in construction?
1010	Dylan Powell	For years, the Bay-Delta ecosystem has been severely depleted of freshwater flows that has led to the loss of natural habitat for species and reduced the livelihood of residents in Delta communities. This project will hasten the decline of the Delta.

Table A-30. Comments Regarding Aesthetic and Visual Resources

No comments identified.

Table A-31. Comments Regarding Cultural Resources

Letter	Commenter Name, Affiliation	Comment Text
1009	Tim Hawkins, County of Sacramento Office of Planning and Environmental Review	Construction activities may impact bridges that have architectural or historical importance and will need to be preserved per the County General Plan.
1011	Isaac Kinney	Delta Conveyance Team must include cultural impacts from this project

Table A-32. Comments Regarding Transportation

Letter	Commenter Name, Affiliation	Comment Text
1009	Tim Hawkins, County of Sacramento Office of Planning and Environmental Review	The DEIR must describe and analyze the effects the project will have on access into and out of the Delta. For example: (1) how will levee failures and mean sea level rise affect circulation, (2) will all roads remain passable for vehicles (e.g.; for farm to market roads, evacuation roads, etc.), (3) will there be any roads that have to be realigned, and if so what is the required right-of-way, and (4) what will be the source of funding for future roadway realignments and/or right-of-way acquisition.
1009	Tim Hawkins, County of Sacramento Office of Planning and Environmental Review	Many of the roadways in the Delta do not meet the County's current standards for rural roadways, which include two twelve-foot (12') travel lanes and two six-foot (6') shoulders. The DEIR should evaluate how construction activities and the presence of heavy equipment will impact safety on these substandard roadways for all users (e.g.; farm equipment, recreational vehicles, boat trailers, cyclists). Additionally, Sacramento County's old draw bridges are operating at their threshold. Any additional activities that occur as a result of this project could put them above their safe operating levels of service. Presently, no oversized and/or overweight trucks are allowed on Sacramento County's draw bridges in the study area. The applicant should coordinate with Sacramento County DOT for structural limits on each bridge.
1009	Tim Hawkins, County of Sacramento Office of Planning and Environmental Review	Early roads in the Delta were built over old trails that ran along the tops of levees, on peat, or in tidal areas. Roads were built with the structural standards of that time and no longer meet present structural standards. At a minimum, this analysis must include the impacts to roadways by any heavy equipment used to do work on the levees. For instance, how will heavy equipment affect and accelerate the degradation of the existing roadways in the Delta? Construction impacts may require reconstructing roadways to current structural standards. Delta-area experience has demonstrated that, due to limited oversight, sub-contract haulers do not adhere to prescribed haul routes. The analysis should therefore consider all roadway segments potentially impacted by construction activities. The DEIR must address all roadway maintenance issues related to the Delta Conveyance project (e.g.; potholes, raveling). Lastly, the DEIR must address the impacts of construction activities on recreational and barge traffic.

Table A-33. Comments Regarding Public Services

No comments identified.

Table A-34. Comments Regarding Energy

No comments identified.

Table A-35. Comments Regarding Air Quality and Greenhouse Gases

No comments identified.

Table A-36. Comments Regarding Noise

No comments identified.

Table A-37. Comments Regarding Hazards

Letter	Commenter Name, Affiliation	Comment Text
1009	Tim Hawkins, County of Sacramento Office of Planning and Environmental Review	The DEIR should address the project's haulage, which will generate thousands of tons of nuisance dusts, asbestos from brake linings, and petroleum drips and spills. Trucks frequently cut corners, causing gravel and motor vehicle fluids to enter the water. This could be mitigated by widening and improving the levee roads prior to hauling activities, requiring all aggregate and spoil loads to be tarped beyond minimum requirements, and environmental monitoring of construction materials movement-related activities.

Table A-38. Comments Regarding Public Health

No comments identified.

Table A-39. Comments Regarding Mineral Resources

No comments identified.

Table A-40. Comments Regarding Paleontological Resources

No comments identified.

Table A-41. Comments Regarding Environmental Justice

No comments identified.

Table A-42. Comments Regarding Climate Change

No comments identified.

Table A-43. Comments Regarding Growth Inducement

No comments identified.

Table A-44. Comments Regarding Tribal Cultural Resources

No comments identified.

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**Addendum B—
Summary of Comments Received
After Close of CEQA Scoping Period
December 15, 2020 – December 31, 2021**

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Chapter 1

Introduction

This document is the second addendum to the *Scoping Summary Report* for the Delta Conveyance Project (project) that was published in July 2020. This document summarizes comments about the project received after the close of the official California Environmental Quality Act (CEQA) scoping period, which was April 17, 2020, at 5:00 p.m. Comment letters included in this addendum were received between December 15, 2020, and December 31, 2021. Information regarding the project and the scoping process is not repeated in this addendum. Please refer to the July 2020 *Scoping Summary Report* for additional information.

2.1 Overview of Commenters

After the close of the scoping period, the California Department of Water Resources (DWR) continued to receive comments pertaining to the alternatives considered and the scope of analysis in the Draft Environmental Impact Report (Draft EIR) for the project. Comments were submitted in the form of letters or emails. Following is a list of commenters whose comments were reviewed and are included in this addendum.

Non-Governmental Organizations

Natural Resources Defense Council

Restore the Delta

California Sportfishing Protection Alliance

San Francisco Baykeeper

Save California Salmon

Defenders of Wildlife

Golden State Salmon Association

Sierra Club CA

2.2 Summary of Comments Received

The following sections summarize comments received; comments are presented by EIR resource section and topic.

DWR reviewed all comments received between December 15, 2020, and December 31, 2021, in detail to understand and the project team about issues of concern related to the project, both general concerns and specific concerns regarding the environmental review's scope. Comments relevant to the EIR will be considered during development of the document.

Chapter 4, *Comment Summary Tables*, of this addendum contains more detailed comment summaries arranged by commenter and by category of resource section analyzed in the EIR. Comments may not be presented verbatim; they may be summarized or rephrased, as appropriate. Comments are categorized by resource topic to help DWR and the project team review comments relevant to specific topics or resource areas. Copies of the comment letters received between December 15, 2020, and December 31, 2021, are provided at the end of this addendum.

2.2.1 Alternatives

Commenters requested that DWR evaluate a “no project” alternative.

2.2.2 Approach to Analysis

Commenters stated that DWR should evaluate impacts on terrestrial biological and aquatic resources and their habitats, flow needs and foodwebs, impacts on the fishing industry, and reexamine proposed operation criteria. Commenters also requested that the EIR describe any levee improvements that might be proposed as part of the project and identify any erosion impacts from construction and a clear description of what elements are included in the proposed project and project alternatives.

2.2.3 Public Involvement, Consultation, and Coordination

Commenters stated that the public review period for the Draft EIR should be sufficient to allow stakeholders adequate time to review and comment on the Draft EIR.

2.3 Consideration of Comments in the Draft EIR

All comments received about the scope of the EIR are reviewed by DWR. Comments are sorted and distributed to the appropriate subject-matter experts, who are writing the environmental analysis for consideration during development of the Draft EIR.

Subject-matter experts review comments for issues related to the scope of analysis and resources to be evaluated, consider recommendations for methods and data to be used in the analysis, and consider suggested mitigation measures.

Comments are also reviewed by DWR for suggested alternatives and suggestions for modifying the project to avoid or minimize impacts. Alternatives suggested will be considered in the process of developing a reasonable range of alternatives to study in the EIR.

Index of Scoping Commenters

Table B-1 lists the name and agency, organization, or affiliation of those who submitted comments between December 15, 2020, and December 31, 2021. The letter number in this table corresponds to the letter number assigned to the comment letter and included in the comment summary tables on the following pages.

Table B-1. Commenters Submitting Comments December 15, 2020 – December 31, 2021

Letter Number	First Name	Last Name	Agency, Organization, or Affiliation
1013	Doug	Obegi	Natural Resources Defense Council
1013	Barbara	Barrigan-Parrilla	Restore the Delta
1013	Chris	Shutes	California Sportfishing Protection Alliance
1013	Jon	Rosenfield	San Francisco Baykeeper
1013	Regina	Chichizola	Save California Salmon
1013	Rachel	Zwillinger	Defenders of Wildlife
1013	John	McManus	Golden Gate Salmon Association
1013	Brandon	Dawson	Sierra Club CA
1014	Brandon	Dawson	Sierra Club CA
1014	Caty	Wagner	Sierra Club CA
1014	Molly	Culton	Sierra Club CA

Comment Summary Tables

Tables B-2 through B-7 summarize comments about the project received after the close of the official CEQA scoping period (i.e., received between December 15, 2020, and December 31, 2021). Please refer to the July 2020 *Scoping Summary Report* for additional information regarding the scoping process and other comments received during the scoping period.

1 Table B-2. Comments Regarding the Scoping Process and the CEQA/National Environmental Policy Act (NEPA) Process

Letter Number	Commenter Name, Affiliation	Comment Text
1014	Sierra Club CA	Why is DWR rushing the water rights petition and the EIR? And how does a 90-day CEQA review period serve environmental justice communities? Many small EJ groups lack the capacity to tackle review of an EIR as large and significant as this one, and 90 days will not be enough. How will DWR ensure that EJ groups that want to respond have sufficient time and capacity to do so? DWR responded only that the period may be longer than 90 days, but can you specify how, and how you will help prepare communities to give feedback?

2

1 **Table B-3. Comments Regarding Participation in the EIR/EIS Process**

Letter Number	Commenter Name, Affiliation	Comment Text
1014	Sierra Club CA	We have serious concerns regarding the content and process of the webinars.
1014	Sierra Club CA	DWR is not making a fair and true effort to include Tribes in this make-or-break decision.

2

1 **Table B-4. Comments Concerning Implementation Considerations**

Letter	Commenter Name, Affiliation	Comment Text
1013	Natural Resources Defense Council Restore the Delta California Sportfishing Protection Alliance San Francisco Baykeeper Save California Salmon Defenders of Wildlife Golden State Salmon Association Sierra Club CA	We were surprised and alarmed to see that DWR's proposed operational criteria for the Delta Tunnel are significantly more environmentally harmful than the operations required by state and federal permits for the California WaterFix project, even though the WaterFix project was shown to reduce the survival and abundance of salmon, would have worsened environmental conditions in the estuary, and was ultimately withdrawn in the face of numerous lawsuits. We therefore request that DWR substantially revise the proposed operational criteria and propose new operational criteria that are significantly more environmentally protective than those required by the permits for the California WaterFix project.
1013	Natural Resources Defense Council Restore the Delta California Sportfishing Protection Alliance San Francisco Baykeeper Save California Salmon Defenders of Wildlife Golden State Salmon Association Sierra Club CA	First, DWR is proposing to use the Delta tunnel for water exports in the summer months, whereas WaterFix prioritized pumping from the South Delta for the months of July to September. This change in operations appears likely to reduce Delta outflow and worsen water quality conditions in the estuary during the summer months, including by reducing the incidental contributions to Delta outflow that result from water transfers. As well as harming fish and wildlife that depend on outflow during the summer months, this operational change appears likely to increase the frequency and extent of harmful algal blooms and harm to other legal users of water, including farms and cities in the legal Delta.
1013	Natural Resources Defense Council Restore the Delta California Sportfishing Protection Alliance San Francisco Baykeeper Save California Salmon Defenders of Wildlife Golden State Salmon Association Sierra Club CA	Second, DWR's operational criteria for the Delta tunnel does not include requirements to reduce pumping from the South Delta (less negative Old and Middle River flows ("OMR")), whereas WaterFix required less negative OMR during the winter and spring months in order to help mitigate some of the new environmental harm caused by diversion through the new tunnels.

Letter	Commenter Name, Affiliation	Comment Text
1013	Natural Resources Defense Council Restore the Delta California Sportfishing Protection Alliance San Francisco Baykeeper Save California Salmon Defenders of Wildlife Golden State Salmon Association Sierra Club CA	Third, DWR's proposed bypass flow criteria for the Delta tunnel is significantly weaker than what was required by the permits for WaterFix.
1013	Natural Resources Defense Council Restore the Delta California Sportfishing Protection Alliance San Francisco Baykeeper Save California Salmon Defenders of Wildlife Golden State Salmon Association Sierra Club CA	Finally, DWR's proposed Delta outflow criteria for the Delta Tunnel project is the same as the criteria included in the Incidental Take Permit, even though that permit shows that these outflow criteria will reduce the abundance of Longfin Smelt (which is listed as threatened under the California Endangered Species Act and is at near record lows of abundance).
1014	Sierra Club CA	We request that DWR provide full and complete technical information on the ways that DWR's modeling of project operations is incorporating climate change, as well as how DWR is proposing to inform decision makers of uncertainties in forecast water yield from the project.
1014	Sierra Club CA	We also request that DWR provide more information on the "appropriate Delta flow criteria" that DWR is considering to propose inclusion in the order approving the Change in Point of Diversion for the project, as required by Water Code section 85086(c)(2.)
1014	Sierra Club CA	We are also concerned that DWR has not provided information on updated seismic engineering performance standards for the project. Without engineering performance standards, it is not clear how the proposed Delta tunnel project would resolve risks associated with climate change and seismic activity.
1014	Sierra Club CA	Another concern Sierra Club California has regarding the EIR for the proposed Delta tunnel project relates to the design and construction of the project itself. The sediments under the Delta channels are made of clayey silt and silty clay, and are too soft to provide long term support for the joints of the tunnel.

1 **Table B-5. Comments Regarding Consistency with or Relationship to Other Processes, Plans, Program, or Policies**

Letter	Commenter Name, Affiliation	Comment Text
1014	Sierra Club CA	The proposed Delta tunnel project is not consistent with the Delta Reform Act's policy of reduced reliance on the Delta and opens DWR, and thus taxpayers, to litigation by environmental organizations as well as the affected municipalities and Tribal councils.

2

1 **Table B-6. Comments Regarding Alternatives**

Letter	Commenter Name, Affiliation	Comment Text
1014	Sierra Club CA	To reiterate a top concern that has been vocalized by Sierra Club California, DWR must consider a no-tunnel alternative that includes realistic changes like levees and repairs to damages, rather than just a no-tunnel alternative that has absolutely no additional improvements.

2

1 **Table B-7. Comments Regarding the Approach to the Analysis**

Letter	Commenter Name, Affiliation	Comment Text
1014	Sierra Club CA	DWR must analyze and assess the tunnel's impact on biological resources, including all species that may be impacted by the State Water Project, as well as upland habitats that may be affected.
1014	Sierra Club CA	DWR has not indicated how reservoir operations with the tunnels will address the need to provide adequate flows for salmon and other species.
1014	Sierra Club CA	DWR must analyze and assess the impact the Delta tunnel will have on California's fishing industry and the complex food web system.
1014	Sierra Club CA	How will the EIR reflect the impact of the Delta Conveyance Project on the Delta smelt when there are already so few Delta smelt to study currently?
1014	Sierra Club CA	Will levee improvement projects in the Delta be part of these "many projects" and factored into the EIR assessment? Would levee improvements happen without the construction of the tunnel, or are improvements to levees only going to happen if the public gives in to the tunnel?
1014	Sierra Club CA	How does DWR and the EIR plan to capture runoff from storms during tunnel construction over the estimated 14-16 years it will take? How will DWR deal with erosion during construction? Moreover, is further storage going to be a part of the tunnel design? Will further storage be included in this EIR?

2



October 18, 2021

Karla Nemeth, Director
California Department of Water Resources
1416 Ninth Street, 12th Floor
Sacramento, CA 95814

Sent via email to: karla.nemeth@water.ca.gov and deltaconveyance@water.ca.gov

RE: Request that DWR Reconsider the Proposed Operational Criteria for the Delta Tunnel Project

Dear Director Nemeth:

On behalf of the Natural Resources Defense Council, Restore the Delta, Sierra Club California, California Sportfishing Protection Alliance, San Francisco Baykeeper, Defenders of Wildlife, Save California Salmon, and Golden State Salmon Association, we are writing to express our concerns with the proposed operational criteria for the Delta tunnel project that were summarized in the August 3, 2021 Fisheries webinar. We were surprised and alarmed to see that DWR's proposed operational criteria for the Delta Tunnel are significantly more environmentally harmful than the operations required by state and federal permits for the California WaterFix project, even though the WaterFix project was shown to reduce the survival and abundance of salmon, would have worsened environmental conditions in the estuary, and was ultimately withdrawn in the face of numerous lawsuits. We therefore request that DWR substantially revise the proposed operational criteria and propose new operational criteria that are significantly more environmentally protective than those required by the permits for the California WaterFix project.

First, DWR is proposing to use the Delta tunnel for water exports in the summer months, whereas WaterFix prioritized pumping from the South Delta for the months of July to September. *See* WaterFix Final Biological Assessment at 3-96 ("Jul-Sep: Prefer south delta intake up to total pumping of 3,000 cfs; No specific intake preference beyond 3,000 cfs."). This change in operations appears likely to reduce Delta outflow and worsen water quality conditions in the estuary during the summer months, including by reducing the incidental contributions to

Coalition letter to DWR regarding concerns with Delta Tunnel Operational Criteria
October 18, 2021

Delta outflow that result from water transfers. As well as harming fish and wildlife that depend on outflow during the summer months, this operational change appears likely to increase the frequency and extent of harmful algal blooms and harm to other legal users of water, including farms and cities in the legal Delta. *See id.* at 3-86 (“The PA operations include a preference for south Delta pumping in July through September months to provide limited flushing flows to manage water quality in the south Delta.”).

Second, DWR’s operational criteria for the Delta tunnel does not include requirements to reduce pumping from the South Delta (less negative Old and Middle River flows (“OMR”)), whereas WaterFix required less negative OMR during the winter and spring months in order to help mitigate some of the new environmental harm caused by diversion through the new tunnels. *See id.* at 3-85 to 3-86. Moreover, DWR’s current operational criteria would allow more negative OMR flows than were permitted in WaterFix, using OMR criteria in the Incidental Take Permit for the State Water Project. Several of our organizations are challenging that permit in state court because of its failure to adhere to the best available science and other requirements of the California Endangered Species Act.

OMR Required by Month & Water Year type	WaterFix	Delta Tunnel (proposed)
January and February Wet Above Normal Below Normal Dry & Critically Dry	0 cfs -3,500 cfs -4,000 cfs -5,000 cfs	-6,250 cfs if there is “measurable precipitation” in the Central Valley and D- 1641 is not controlling, otherwise -5,000 cfs (all water years)
March Wet & Above Normal Below Normal & Dry Critically Dry	0 cfs -3,500 cfs -3,000 cfs	-6,250 cfs if there is “measurable precipitation” in the Central Valley and D- 1641 is not controlling, otherwise -5,000 cfs (all water years)
April and May	Ranges from -2,000 cfs to +2,000 cfs, depending on Vernalis inflow	Ratio of San Joaquin River inflow to exports ranges from 1:1 (critically dry year) to 4:1 (wet and above normal years)
June	Ranges from -3,500 cfs to +2,000 cfs, depending on Vernalis inflow	-6,250 cfs if there is “measurable precipitation” in the Central Valley and D- 1641 is not controlling, otherwise -5,000 cfs (all water years)

Third, DWR’s proposed bypass flow criteria for the Delta tunnel is significantly weaker than what was required by the permits for WaterFix.¹ The Delta tunnel criteria only allows for two pulse protection events when salmon are migrating through the Delta, only applies those pulse protection criteria during the months of December to April (which fails to protect fall run Chinook salmon and other salmon that migrate in May and June), and allows unlimited pumping even during periods when peer reviewed scientific studies show it would reduce salmon survival through the Delta. In contrast, the permits for WaterFix rejected criteria similar to those now proposed for the Delta tunnel and instead required “unlimited pulse protection,” meaning that diversions in the North Delta had to cease when salmon were migrating through the Delta and applied these pulse protection criteria from the months of December through June. *See* NMFS Biological Opinion for WaterFix at 100, 731-732, 751. The permits for WaterFix also established that full pumping was allowed when flows at Freeport were greater than 35,000 cfs. *See id.* at 731-732. These bypass flows and pulse protection measures were required because water diversions from the North Delta significantly reduce the survival of juvenile salmon migrating through the Delta when flows are less than 35,000 cfs. *See id.*; *see also* Perry et al 2018.

Bypass Flow Criteria for the North Delta Tunnel Intakes	WaterFix	Delta Tunnel (proposed)
Number of “pulse protection” events where pumping ceases to protect migrating salmon	Unlimited	2
Instream flow level when pumping is unlimited (offramp)	35,000 cfs	26,285 cfs for 2 pulse protection events 18,750 cfs after 2 pulse protection events
Months when pulse protection applies	December through June	December to April

Finally, DWR’s proposed Delta outflow criteria for the Delta Tunnel project is the same as the criteria included in the Incidental Take Permit, even though that permit shows that these outflow criteria will reduce the abundance of Longfin Smelt (which is listed as threatened under the California Endangered Species Act and is at near record lows of abundance). *See* California Department of Fish and Wildlife, Incidental Take Permit for the State Water Project, Appendix 7 at 75. Moreover, these criteria mean that the Delta tunnel is likely to significantly reduce Delta outflow during the winter months (December to March), harming other species as well, including salmon. Years of scientific data and studies demonstrate the need to increase Delta outflow during the winter and spring months, and in 2018 the State Water Resources Control Board explained that the staff proposal would significantly increase Delta outflow in the long overdue

¹ Many of our organizations have significant concerns with this general approach of modifying bypass flow requirements based on monitoring for fish presence, which is likely to significantly underestimate the harm that will be caused to migrating salmon and other native fish species.

update of the Bay-Delta Water Quality Control Plan. DWR's failure to include any increases in Delta outflow in the proposed operating criteria – instead proposing to reduce Delta outflow – is inconsistent with the best available science.

Analyses of the California WaterFix project showed that the project was likely to reduce the survival and abundance of salmon and other fish species listed under the state and federal Endangered Species Acts. *See, e.g.*, NMFS Biological Opinion for WaterFix at 795-796, 799-802 (reduced abundance of winter-run Chinook salmon under WaterFix as compared to the No Action Alternative); *id.* at 758-761 (concluding that WaterFix would reduce the survival of all salmon runs migrating through the Delta in the months of October through June). Moreover, the State Water Resources Control Board has a legal duty to protect fall-run Chinook salmon and other species that are not protected under the State and federal Endangered Species Acts, and the Board has the authority and legal duty to consider protections that are significantly stronger than those acts in order to maintain fish in good condition, achieve the salmon doubling objective in the water quality control plan, and provide reasonable protection of fish and wildlife.

Despite the fact that WaterFix would have worsened conditions for native fish species that live or migrate through the Delta, DWR has proposed operating criteria for the Delta tunnel project that will significantly increase the impacts to native fish species and further reduce their survival and abundance compared to WaterFix. Our native fish and wildlife cannot survive such additional impacts, and there is no scientific basis for proposing operational rules that are less protective than those required for the WaterFix project – indeed, a water rights permit from the State Water Resources Control Board will almost certainly require stronger environmental protections than what is required by the ESA and CESA.

In addition, the proposed operating criteria for the Delta tunnel project are likely to worsen water quality for all beneficial uses in the Delta, including contributing to the proliferation of harmful algal blooms, and further reduce fish populations available for subsistence fishers and Northern California Tribes. As a result, the Delta Tunnel project is likely to cause significant negative impacts for Northern California's environmental justice communities.

We therefore urge DWR to reconsider the proposed operations criteria for the Delta tunnel project.

Thank you for consideration of our views.

Sincerely,



Doug Obegi
Natural Resources Defense Council



Barbara Barrigan-Parrilla
Restore the Delta

Coalition letter to DWR regarding concerns with Delta Tunnel Operational Criteria
October 18, 2021



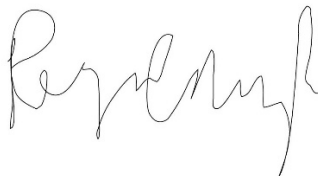
Brandon Dawson
Sierra Club California



Chris Shutes
California Sportfishing Protection Alliance



Jon Rosenfield
San Francisco Baykeeper



Regina Chichizola
Save California Salmon



Rachel Zwillinger
Defenders of Wildlife



John McManus
Golden State Salmon Association



October 8, 2021

California Department of Water Resources (DWR)
715 P Street
Sacramento, CA 95814
DeltaConveyance@water.ca.gov

ATTN: Carrie Buckman, Environmental Program Manager

RE: Questions and comments regarding the informational webinars on the Delta tunnel EIR process

Dear Ms. Buckman,

Sierra Club California has been an active participant in the informational webinar series on the Delta tunnel Environmental Impact Report (EIR) process. We appreciate the effort on behalf of DWR to keep the public informed and engaged on this process, as well as efforts to make the process more transparent and the webinars accessible to all.

However, we have serious concerns regarding the content and process of the webinars. This letter details those concerns.

Operations of the State Water Project and Delta Conveyance: Wednesday, July 14, 2021

We are concerned that there has been very little substantive technical information provided about the methods that DWR will use to incorporate uncertainties about the impacts of climate change on temperatures and runoff into the modeling for project operations.

According to the [2021 Delta Stewardship Council Final Vulnerability Assessment](#), climate change will make Delta water exports less reliable in the future (regardless of wet or dry years). Recent events have shown that climate change is accelerating, and that impacts that are forecast for the latter half of the century may be happening now. In July 2021, the Pacific Northwest experienced an unprecedented heatwave. Maximum temperatures in many locations were 7 to 9 degrees higher than previous records. NASA's Jet Propulsion Laboratory found that global evapotranspiration rose by 10% from 2003 to 2019. Sierra runoff in Spring of 2021 has been unprecedentedly low. Sierra Club California is therefore increasingly concerned that DWR is only evaluating the project at 2040 with current models.

We request that DWR provide full and complete technical information on the ways that DWR's modeling of project operations is incorporating climate change, as well as how DWR is proposing to inform decision makers of uncertainties in forecast water yield from the project.

We also request that DWR provide more information on the "appropriate Delta flow criteria" that DWR is considering to propose inclusion in the order approving the Change in Point of Diversion for the project, as required by Water Code section 85086(c)(2.) DWR should not be

planning a project for which it is increasingly unclear how much water will flow through the project, especially given the dire impacts of climate change this year and the fact that the state has stalled development and implementation of the Bay Delta Water Quality Control Plan.

We are also concerned that DWR has not provided information on updated seismic engineering performance standards for the project. Without engineering performance standards, it is not clear how the proposed Delta tunnel project would resolve risks associated with climate change and seismic activity. And while the State Water Project (SWP) definitely has an impact on local resilience projects, why is DWR more focused on putting billions of dollars into a potentially unused and wasteful project when the agency should be concerned with the seismic and climate resiliency of the existing SWP infrastructure? In response to this inquiry, DWR stated “The tunnel isn’t a silver bullet, it’s one of many projects”, but the existing SWP infrastructure remains vulnerable to these risks.

Another concern Sierra Club California has regarding the EIR for the proposed Delta tunnel project relates to the design and construction of the project itself. The sediments under the Delta channels are made of clayey silt and silty clay, and are too soft to provide long term support for the joints of the tunnel. Similar tunnels in China have had shortened lifetimes due to differential settlement of the tunnel segments. The seismic analysis used for the last design of the tunnel assumed a harder ground surface based on models of a pipeline in China, and this could lead to devastating and expensive cracks and leaks in the pipeline, especially with seismic activity. The 40ft diameter tunnel shaft will be jerked up and down or side to side in seismic activity, so it must be flexible in the muck environment. The best ground surface is hard rock, not sand, silt, or gravel. The connectors between the shafts for a tunnel of that size need to be fixed and not able to move with seismic activity, but if they are unsupported and unconstrained, then the differentials in stresses and strains would lead to breakage. DWR has provided no information on how the EIR is proposing to assess and consider these impacts. What is the risk associated to human life or property in a catastrophic burst?

And finally, the proposed Delta tunnel project is not consistent with the Delta Reform Act’s policy of reduced reliance on the Delta and opens DWR, and thus taxpayers, to litigation by environmental organizations as well as the affected municipalities and Tribal councils. How will the EIR for the Delta tunnel project reflect and resolve this contradiction with the Delta Reform Act?

Fisheries; Tuesday, August 3, 2021

DWR must analyze and assess the tunnel’s impact on biological resources, including all species that may be impacted by the State Water Project, as well as upland habitats that may be affected. The Delta serves as a key migration area for many fish, birds and other wildlife species. As such, DWR must analyze and assess the impacts to all Central Valley anadromous fish species, such as Chinook salmon and green sturgeon, that migrate through the Delta to survive.

Winter-run Chinook salmon, in particular, [are facing mass die-offs in the Sacramento River](#) due to increased water temperatures and decreased stream flows. DWR has not indicated how reservoir operations with the tunnels will address the need to provide adequate flows for salmon

and other species. How will the EIR assess the ecological impacts to the Chinook salmon if the Delta tunnel is constructed, especially given that salmon are already suffering from lack of flows in the rivers that feed into the Delta? DWR has also not indicated how operations will address Harmful Algal Blooms (HABs) in the Delta, which impact not only the ecosystem but all beneficial uses that involve water contact. Nor did DWR indicate how the cumulative impact with warmer temperatures, increased salinity, and the impacts of the voluntary agreements will be addressed. Will the EIR consider economical impacts to industries that rely on these fisheries for revenue generation? DWR mentioned a community benefits fund, but not paying reparations to the businesses destroyed by the impacts of the tunnel. Is DWR comfortable spending taxpayer funds to challenge the eventual litigation in court?

Fish species born in the Delta travel through the Bay to the ocean, and are both a key part of California's fishing industry and a source of food for marine mammals including seals, sea lions, and whales in the Pacific. DWR must analyze and assess the impact the Delta tunnel will have on California's fishing industry and the complex food web system. Orca whales, for example, rely on the Chinook salmon for sustenance. Will the EIR examine the impact the Delta tunnel would have on this complex food web, and how the orcas might be affected? What kinds of partnerships does DWR have with marine mammal protection agencies?

Finally, the native Delta smelt is an [endangered species that is on the verge of extinction](#). How will the EIR reflect the impact of the Delta Conveyance Project on the Delta smelt when there are already so few Delta smelt to study currently?

Climate Change: Wednesday, August 25, 2021

Rising sea levels and salinity intrusion are a top concern for all stakeholders in the Delta. DWR stated in this webinar that "the tunnel isn't a silver bullet, it's one of many projects." Will levee improvement projects in the Delta be part of these "many projects" and factored into the EIR assessment? Would levee improvements happen without the construction of the tunnel, or are improvements to levees only going to happen if the public gives in to the tunnel?

We are already experiencing decreased snowpack in the Sierra Nevadas. Climate change models suggest there will be even less snowmelt, and perhaps more rain in the future. How does DWR and the EIR plan to capture runoff from storms during tunnel construction over the estimated 14-16 years it will take? How will DWR deal with erosion during construction? Moreover, is further storage going to be a part of the tunnel design? Will further storage be included in this EIR?

Construction of the Delta tunnel will create greenhouse gas emissions. To what extent will the EIR detail the greenhouse gas (GHG) impacts? Is there a plan to further impact the Delta region by attempting to offset GHG with carbon sequestration in the Delta?

To reiterate a top concern that has been vocalized by Sierra Club California, DWR must consider a no-tunnel alternative that includes realistic changes like levees and repairs to damages, rather than just a no-tunnel alternative that has absolutely no additional improvements. The solution should not be between merely doing nothing and creating a \$40

billion tunnel in the face of climate change. There are many other options that should be considered and taken into account when preparing the EIR.

Environmental Justice; Thursday, September 16, 2021

Many Tribal communities North of the Delta meet the definition of environmental justice (EJ) communities, but are not considered in DWR's environmental justice survey. The Delta is the source of life for many wild salmon species, and the tunnel may decimate their already-suffering populations. Salmon are not only a main source of food for Tribes like the Winnemem Wintu people, but also a central component of their economy. By destroying the staple of their economy, DWR is threatening their livelihood and food security, as well as opening themselves to lawsuits. Speakers tried to reassure the public that they follow separate procedures under AB 52 to communicate with the Tribes, but it is well-documented that the affected Tribes asked DWR to postpone tunnel planning until after the pandemic. DWR granted a 60 day postponement, but even then, DWR continued to move forward. The pandemic is now on month 18 and the tunnel has already been put to a vote and is deep into its EIR research. COVID, the financial ramifications of COVID, and the enormous wildfires have devastated the California Tribes to the point where participation in the process is extremely difficult. DWR is not making a fair and true effort to include Tribes in this make-or-break decision.

Within the Delta, your survey found that 90% of disadvantaged respondents eat salmon 4 or more times per week. The impacts to subsistence fishing will likely be huge during construction and afterwards. DWR will be decimating a food staple for Californians in a second EJ community outside of the Tribes.

The definition of environmental justice per Government Code Section 65040. 12(e)(1)) includes the fair treatment of communities in the "implementation and enforcement" of policies. Considering that 65% of tunnel construction would be paid for by Metropolitan Water District (MWD) ratepayers, many of whom also meet your definition of disadvantaged or underserved, perhaps they should be considered in your assessment considering ratepayers can receive a lien on their homes for non-payment of water bills, and this project would drastically affect water rates and/or property taxes.

71% of disadvantaged people surveyed oppose the Delta tunnel. It is clear from the disclaimer at the beginning of each of these workshops that DWR is aware that the public does not want this tunnel project and is growing ever more hostile. When asked at what percentage would DWR stop moving forward, Ms. Buckman replied that it is up to the water agencies to make that decision. We hope that the disapproval of the project from California residents will be made fully transparent to water contractors.

DWR suggested they plan to move the "reusable tunnel material," or muck, to the tunnel sites, Southern Forebay, or Bouldin Island. This muck will be heavily contaminated with not only the agricultural runoff it is already exposed to, but also the additives from the drilling process during construction. It will likely not be safe for mitigation purposes. If Bouldin Island floods, it is susceptible to erosion from the waves and it has not been classified according to risk for construction.

Ag Innovations may not be the most appropriate firm to partner with. They said environmental justice communities are “often left out of the process because they don’t know how important it is, how to access information, or they have more pressing concerns.” This perspective on EJ communities is paternalistic and insulting. The all-white panel speaking on matters concerning “non-white” communities, by their own definition, is tone deaf, and made worse by the fact that no one attempted to answer the question, “how many BIPOC staff worked on the survey?” It suggests that Ag Innovations, and DWR as their contractor, fear what would be found if BIPOC staff had written the questions or participated in the surveying process.

It looks from the project schedule on slide 11 that DWR’s public review period is perhaps 90 days ending in mid 2022. This project is not much different from California WaterFix which had a lengthy public review period, closer to 210 days. Your schedule suggests the water rights petition will go to the State Water Board about November 2022. Why is DWR rushing the water rights petition and the EIR? And how does a 90-day CEQA review period serve environmental justice communities? Many small EJ groups lack the capacity to tackle review of an EIR as large and significant as this one, and 90 days will not be enough. How will DWR ensure that EJ groups that want to respond have sufficient time and capacity to do so? DWR responded only that the period may be longer than 90 days, but can you specify how, and how you will help prepare communities to give feedback?

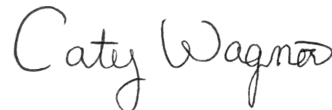
Throughout the series, the excuse was often used that the EIR will focus only on the tunnel project’s impacts, but there are many other variables already harming the Delta that would be greatly compounded by the tunnel. The air and water quality of the Delta are already heavily impacted by pollutants and climate change, but these would be compounded by both the construction of the tunnel, and then the reduced flow coming out of the tunnel thanks to diversions to the SWP. DWR needs to study the exponential impacts to the region by the combination of these items. In the Central Valley, scientists were aware that methane from cow manure and ammonium from cow urine were problems by themselves, but later learned that the molecules in the air formed to create a new compound that was even more toxic.

Thank you for taking the time to review this letter. We look forward to receiving your responses.

Sincerely,



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Director, Sierra Club California



Caty Wagner
Conservation Organizer, Sierra Club
California



Molly Culton
Conservation Organizer, Sierra Club
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