BDCP EIR/EIS Review Document Comment Form

Document: ***Administrative Draft***

Comment Source: North Delta Water Agency (NDWA)
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No.	Page	Line #	Comment	ICF Response
1	Gen	Gen	**General Comments:** Overall, the EIR/EIS as currently presented is insufficient for NDWA as a Cooperating Agency or an agency with a water supply contract upon which DWR has certain obligations to evaluate or provide meaningful comments for the following reasons: 1) EIR/EIS does not provide sufficient or adequate documentation to support conclusions regarding impacts and proposed mitigations. 2) For many chapters the EIR/EIS fails to provide accurate assessment of location, size, duration, or level of severity of the anticipated and foreseeable impacts for each individual Conservation Measure (CM) or the cumulative impacts if they are all implemented during the 50-year life of the plan. Although CM 2-22 are only being evaluated at program level, since the ecological benefits of CM 1 rely on implementation of CMs 2-22, they need to be analyzed to a level of detail to at least indicated the total amount of cumulative effects anticipated. 3) EIR/EIR fails to quantify the duration and severity of impacts associated with the "temporary" construction activities for each of the CMs. We could only find one reference in Chapter 1 to the "temporary" construction period lasting almost a decade (9 years). 4) EIR/EIS fails to clearly identify or quantify the comparison of the alternatives in terms of varying levels of impacts for each CM. **Recommendations:** 1) Add more documentation as appendices for each chapter that support the conclusions made in all alternatives; 2) The EIR/EIS, both project and program level, should at least provide an in depth and accurate cumulative effects analysis as if all CMs 1-22 were implemented over the life of the Plan to give Delta communities and landowners an idea of the worst	

			case scenario; 3) Make each alternative impact in each chapter clarify how long each impact will occur and quantify the severity in terms of risk to life, loss of property, and harm to Delta economy and ecosystem; 4) Each chapter should include a new table, a matrix grid, that identifies the various impacts associated under each alternative for that chapter, so can compare side-by-side how each of them fare in terms of individual impacts for that chapter.	
1.1	Gen	Gen	**General Comment** – Fundamental flaw is having half the Plan proposing project level facilities/operations and programmatic level projects. This is particularly troubling since the Plan proposes the new water conveyance facilities as a Conservation Measure (CM1) that is permit ready, yet its ability to provide any measurable benefit to fish and therefore qualify as a Conservation Measure cannot be realized until habitat restoration projects which are programmatic and not permit ready are constructed and implemented. If CMs 2-22 which are only evaluated at the program level are not implemented, then CM1 will have detrimental impacts on species. **Recommendation:** Remove CM1 as a Conservation Measure and instead have it properly identified as a Covered Activity that needs to be mitigated.	
1.2	Gen	Gen	**Individual County Impacts** – The BDCP is a large HCP, probably the largest in the state, proposing significant land modifications in five counties. There are both temporary and permanent land disturbance/conversions that will have significant impacts on the counties' economics and ability to provide basic services to its constituency. For instance, impacts from temporary construction (which we're told is a nine year period) and long-term operations activities of the BDCP conveyance and ecosystem restoration facilities are anticipated to directly or indirectly affect local surface water resources relating to: 1) substantial alterations of existing drainage patterns or increased rate or amount of runoff that would result in localized flooding; 2) increased runoff which would exceed the capacity of existing or planned stormwater systems and create localized flooding; 3) expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee modified under the BDCP or the new 4-story ring dam (forebay) planned near Courtland; 4) significant land and daily activities of Delta citizens and county emergency services in	

			certain counties will be disturbed due to disruptions for the decade-long construction period such as: re-routed roads including Hwy. 160; productive crops destroyed by staging areas, concrete batch plants, fuel stations, spoils disposal areas, borrow pits, transmission lines, access roads, earthen embankments, pumping plants, setback levees, canals, tunnel access shafts, forebays, temporary drainage bypass facilities, long-term cross drainage facilities, dispersion facilities, excavation, grading and other impacts. These disruptions, disturbances and destruction will have a significant detrimental effect on the counties' economy and their ability to provide emergency services due to road closures and re-rerouting, school bus detours, prevent localized flooding, etc. **Recommendation** – In light of the significant effects each Delta county is likely to incur, yet the difficulty they face in identifying the cumulative impacts by county in such a large regional document, the EIR/EIS should disclose the total temporary construction and permanent impacts associated with the implementation of the BDCP alternatives in each of the five Delta counties relating to transportation, emergency services, water supply, drainage and flood protection, agricultural production, and water quality. Separating each county and listing the total impacts to each county for each alternative will allow each county to easily see the impacts and assess if the proposed mitigations are appropriate. Suggest a summary list of all potential environmental and economic impacts and mitigation be broken out by county either in the 'summary of the alternatives screening or impacts and mitigation measures related to BDCP alternatives' currently being developed for the Executive Summary OR create a new Chapter to the EIR/EIS which breaks down the individual impacts/mitigation for each county.	
2	ES-2	17-18	**Plan Goals** - The description in this section describes problems rather than goals. **Recommendation** - Should indicate this section will describe goals that are clear and measurable, so know what the Plan is trying to achieve.	
3	1-2	26-27	**Detailed descriptions** – It is incorrect to say that specific components and detailed descriptions and timing and implementation of CM 2-22 are provided, since they are only evaluated at the program level and lack specific project information to allow an adequate impact analysis, effects, or appropriate level of mitigation. In fact, page 1-13,	

			lines 12-14 states: "Design information for CM2-CM22, which include restoration and conservation strategies for aquatic and terrestrial habitat and other stressor reduction measures, is currently at ***more of a conceptual level.***" [emphasis added] Further, page 1-13, lines 18-19 states: "authorization of CM2-CM22 may not occur until a later date, ***when more detailed design information is available***. [emphasis added] **Recommendation** – Modify wording to make clear the components and descriptions of CM 2-22 are neither specific or detailed as they still require additional study, design, and EIR before implementation because they are only evaluated at the program level and not designed at a level to be permitted.	
4	1-4	19-26	**Water Supply Management** – Since the list of 'BDCP Proponents' includes public water agencies which are contractors serving urban and agricultural areas in the Central Valley, Bay Area, Central Coast, and Southern California, it is inappropriate to say water supply projects, operations, and facilities in those regions such as groundwater storage, conservation, water use efficiencies, hydropower, project and system re-operation, desaliniation, recycling, and reuse are considered 'independent' but 'relevant' to the BDCP. Since the water agency contractors as 'BDCP Proponents' are seeking a 'comprehensive conservation strategy' (page 1-1) to advance a planning goal of 'improving water supply reliability' (page 1-1), then it only seems logical that one of the BDCP Project alternatives should be to identify and analyze water supply reliability projects in those regions to reduce their dependence on water exported from the Delta ecosystem which is identified as 'vitally important in the Plan (page 1-2). These local water supply reliability projects in the export areas are certainly measures that can contribute to 'minimize and mitigate potential SWP and CVP impacts' (page 1-7) by reducing the annual amount of water exported from the Delta. Even the Delta Reform Act (Water Code 85004(b) states that "Providing a more reliable water supply for the state involves implementation of water use efficiency and conservation project, wastewater reclamation projects, desalinization, and new and improved infrastructure, including water storage and Delta conveyance facilities." Yet, the BDCP EIR fails to analyze these other methods of achieving reliable water supply as one of the alternatives and instead mainly focuses the majority of alternatives	

			on the new conveyance facilities in CM 1. **Recommendation** - These local water supply projects should not be independent from the BDCP, but added as an alternative to be analyzed in conjunction with habitat restoration projects to reduce the environmental impacts of the South Delta pumps on Delta species and ecosystem. Due to the detrimental environmental impacts to fisheries of CM1, it would also be appropriate to add an alternative that analyzes CM 2-22 with screening of South Delta pumping facilities.	
5	1-6	25-34	**CALFED ROD** – As stated in this section, a 30-year plan and EIR/EIS to improve the Delta's ecosystem, water supply reliability, water quality, and levee stability was prepared under CalFED. Unfortunately, the BDCP is *not* the 'comprehensive conservation strategy' (page 1-1) that it claims, as it does not include levee stability in its purpose and goals as CalFED did. The failure to include levee stability is a glaring omission since page 1-5, lines 20-23 of the Plan states: "Besides degradation of water quality, levee failure could also result in flooding of Delta communities, farmland, and habitat; exposure of adjacent islands to increased seepage and wave action: and impacts on water supply, communication, and energy distribution systems" and because the disruption of water exports due to levee failures is one of the main justifications given for pursuing CM1. **Recommendation** - The BDCP should be revised to include levee stability in its purpose and goals since they contribute to Delta ecosystem health and water supply reliability and will continue to be used to convey water in both the short term and life of the 50-year plan under dual conveyance.	
6	1-9	9-14	**Measurable Definitions** – The BDCP pursues the concepts presented in the Delta Vision Strategic Plan, but unfortunately neither the BDCP nor Delta Vision defines in specific measurable terms what exactly constitutes a 'reliable water supply for California' or a 'Delta ecosystem health.' "Water supply reliability" will have a different definition to every person in this state, unless it is properly defined for purposes of this Plan. Until both of these co-equal goals are quantitatively identified, there is no way for this Plan to achieve them, because there's no way to know if the BDCP's long-term conservation strategy achieves the quantifiable goal. For instance, does 'water supply reliability for California' mean: 1) reduced reliance on imported water and increased reliance on local water supply; 2) a water conveyance system	

			protected from earthquakes and floods; or 3) a lower, but consistent amount of water exported each and every year into water storage facilities? **Recommendation** – BDCP and EIR/EIS should define in quantifiable and measurable terms and goals what 'water supply reliability' and 'Delta ecosystem health' actually mean.	
7	1-10	10-11	**Available for Export** - We couldn't find reference in either the BDCP Plan or EIR/EIR to "identify the remaining water available for export and other beneficial uses" pursuant to the Delta Reform Act. **Recommendation** - This quantifiable annual water amount that remains for export should be identified in Chapter 5 based on varying water year types in Chapter 5 and for purposes of implementing CM1.	
8	1-12	6-11	**HCP/NCCP Compliance** - Since 21 Conservation Measures in this EIR/EIS fail to provide site-specific design and operation or environmental analysis, they cannot be implemented without additional information and/or documentation necessary for consideration of permit applications. Therefore, it is difficult to agree that this document provides sufficient CEQA and NEPA support for approval of the BDCP (or an alternative) as a functioning HCP and NCCP. In fact, page 1-13, lines 12-14 states: "Design information for CM2-CM22, which include restoration and conservation strategies for aquatic and terrestrial habitat and other stressor reduction measures, is currently at ***more of a conceptual level.***" [emphasis added] This is particularly troubling since the Plan proposes the new water conveyance facilities as a Conservation Measure (CM1) that is permit ready, yet its ability to provide any measurable benefit to fish and therefore qualify as a Conservation Measure cannot be realized until habitat restoration projects which are programmatic and not permit ready are constructed and implemented. Which begs the question: what if only a couple or NONE of CM 2-22 get implemented? If CMs 2-22 which are only evaluated at the program level are not implemented, then CM1 will have detrimental impacts on species. Since CM1 does NOT have ecosystem benefits without implementation of habitat projects, CM1 cannot be considered a Conservation Measure and should instead be identified as a Covered Activity to be mitigated. **Recommendation** – Eliminate the new Delta water conveyance facilities and operations (CM1) as a Conservation Measure and instead identify the conveyance facilities as a Covered Activity, and	

			then analyze the BDCP to see if it meets HCP and NCCP permit requirements.	
9	1-13	8-20	**Insufficient Project Info** - It is difficult to see how the CEQA and NEPA lead agencies can have sufficient information to make a decision on whether to approve the SWP/CVP water conveyance without implementation of the habitat project since the conveyance measure is detrimental to fish with habitat implementation. Page 1-13, lines 12-14 states: "Design information for CM2-CM22, which include restoration and conservation strategies for aquatic and terrestrial habitat and other stressor reduction measures, is currently at ***more of a conceptual level***." [emphasis added] Permitting a conveyance project that is detrimental to some fish species with only the hope and promise of implementing habitat projects that are only conceptual to offset these negative impacts does not sound consistent with HCP and NCCP requirements. **Recommendation** – Continue development of at least some of the habitat projects that offset the negative species impacts of CM1 to a project level before releasing a draft Plan and EIR/EIS.	
10	1-14	9-10	**Guiding Preparation** – NDWA disagrees with statement that as an organization it is helping to "guide the preparation of the BDCP." For a couple of years the NDWA participated as a member of the BDCP Steering committee to help guide the preparation of the BDCP, but since the Steering Committee was disbanded and has not met since late 2009, NDWA has felt less informed and less involved in development of the BDCP. Tracking content and changes to the Plan has been difficult since 2009 and progress in having NDWA's recommended changes adopted into the Plan has not proven very successful. NDWA has also applied and been accepted as a Cooperating Agency under NEPA, but has not found the process conducive to "helping to guide the preparation of the BDCP" either. NDWA has never found itself on equal footing with "BDCP Proponents" when it comes to "guiding" the development of the BDCP as a Steering Committee member or a Cooperating Agency under NEPA. **Recommendation** – To clarify the actual influence NDWA has had in guiding preparation of the BDCP we would suggest deleting: "These organizations are helping to guide the preparation of the BDCP."; and replace it with: "These organizations have played and active but limited role in helping to guide the preparation of the BDCP through public	

			processes."	
11	1-18	5	**Table 1-3** – The Delta does not have sufficient electrical power supply to operate a 15,000 cfs Intermediary pumping plant, five 3,000 cfs diversion intakes, or other facilities associated with CM1. Therefore, it seems that the BDCP may also need permits from FERC and/or state agencies to permit new power lines and electrical power stations for these facilities. Also, what about FEMA? Most if not all of the Plan Area is likely to be mapped by FEMA as Special Flood Hazard Areas which will subject to the strict NFIP building standards which would result in needing to raise each and every BDCP structure above the floodplain on elevated dirt mounds or certification of FEMA 100-year levees to protect the structures/facilities associated with CM1. The Project may also require surface mining permits for the borrow pits, excavation, concrete batch plants, and soil spoils areas, from the CA Department of Conservation. Fuel stations may also require permitting from federal or state agencies. **Recommendation** – Add federal, state, and local regulatory agencies that permit electrical power lines and substations, have regulatory control over building standards and fuel stations, or mining permitting authority for CM1.	
12	1-21		**Cooperating Agencies** – Typo, Reclamation District 550 should be changed to 551 which is the currently identified location of the forebay, spillway, intermediary pumping plant and at two intakes. Also, we don't believe the complete number of Reclamation Districts are identified as needing to provide Easement/Right Away based on recent locations of geo-tech drilling done thru eminent domain for the BDCP or the thousands of acres proposed to be converted to habitat under the Plan. **Recommendation:** Correct RD 551 typo and identify all of the Reclamation Districts likely to need easement/right away associated with all 22 CMs. There are probably another dozen RDs that need to be added.	
13	1-22	18-20	**Mitigation of BDCP Effects:** This section states that significant "environmental" effects of the BDCP will be mitigated to "the extent feasible." What about the significant "economic" impacts caused to the region by BDCP? Those also need to be mitigated, but this section only mentions environmental effects. And who decides what "extent" is "feasible?" The people in the Delta certainly have a different definition of what is	

			feasible or equitable than the BDCP Proponents. **Recommendation:** The vague term "extent feasible" needs to be defined and the mitigation and compensation to Delta residents and regions for the socio-economic effects, not just environmental must be properly identified and funded.	
14	1-23	5-7	**Flood Management:** The Delta region will also be subjected to localized flooding due to the potential of the Plan's facilities to "block, reroute, or temporarily detain and impound surface water in existing drainages" (page 6-54, lines 6-9). "These activities would result in temporary and long-term changes to drainage patterns, paths and facilities that would in turn, cause changes in drainage flow rates, directions and velocities" (page 6-54, lines 3-5). "Alternative 1A facilities could temporarily and directly affect existing water bodies and drainage facilities, including ditches, canals, pipelines, or pump stations." (page 6-54, lines 13-14) Temporary under this plan means the construction phase which is anticipated to be 9 years, so these disruptions to existing drainage systems to prevent localized flooding will be effected for a decade. "Paving, compaction of soil and other activities that would increase land imperviousness would result in decreases in precipitation infiltration into the soil, and thus increase drainage runoff flows into receiving drainages." (page 6-54, line 22-24) The result of this increase in runoff flows will be increased localized flooding, which could damage property and possibly cost lives. "Groundwater removed during construction would be treated as necessary and discharged to local drainage channels or rivers. This would result in localized increase in flows and water surface elevations in the receiving channels." (page 6-54, lines 26-29) Again, this means more localized flooding impacts. So, flood impacts are NOT just caused by changes in flow regimes are modification of existing levees as indicated in this section, but by many more of the activities of the BDCP, yet are not properly recognized. **Recommendation:** Add wording to also identify localized flood impacts associated with disruption, blockage, and over-taxing existing drainage systems.	
15	1-23	14-17	**Socioeconomics:** There are additional significant socioeconomic impacts not identified in this section. We also anticipate significant third party impacts/damages to crops and property caused by seepage, erosion, and poor water quality and need	

			to be compensated during construction and operation of BDCP. **Recommendation:** Add the following language to this section: *"Significant economic losses would result from damage to crops and property caused by seepage, erosion, and crop damage from poor water quality."*	
16	1-23	38-42	**Growth:** The new water conveyance facilities proposed in the BDCP EIR do NOT create one drop of more water than what exists today, so allowing growth in the export areas should only be allowed if those areas can create local water supplies through conservation, desalinization, contaminated groundwater clean-up, storm water capture and re-use, water recycling or other local water supply projects. The BDCP project is unlikely to increase reliability of water transportation as the new water conveyance facilities are being built in the same floodplain and vulnerable to the same earthquakes and floods the existing export facilities are in. **Recommendation:** Language should be added to recognize that new BDCP facilities will still be as vulnerable to floods and earthquakes as existing facilities and that no additional water is created by the new facilities to supply/support population growth in export areas.	
17	1-23	42	**Additional Issues of Controversy:** Two new issues of known controversy should be added: 1) Delta Assurances; 2) Benefit versus Burden. The current Plan fails to provide adequate protections and assurances to the Delta region in terms of protecting their water availability and quality or their recreation and agricultural economy. The BDCP HCP fails to provide or share benefits in terms of regulatory certainty or ESA protections in the whole Plan area, mainly providing benefits to areas to which Delta water is exported. **Recommendation:** Add "Delta Assurances" and "Benefits v. Burden" sections.	
18	1-24	9-10	**Construction Period:** The "9-year-long construction period" is the timeline associated to "temporary effects" and "temporary impacts" mentioned throughout this Plan, yet it is never really made clear that these "temporary" disruptive activities will last for a decade in the individual chapters. We do not believe than any rational human being would consider 9 years to be "temporary." This is subterfuge of the realities of the impacts at its worst and is offensive and wrong. **Recommendation:** This plan should STOP using the term "temporary" in terms of effects and	

			impacts and should replace with more transparent description of "decade long construction" effects and impacts.	
19	1-25	2-9	**Related Actions:** There are several habitat and water conveyance projects that are proceeding through separate permitting and EIR processes with the intention of being in construction prior to the final approval (ROD) for the BDCP. However, these early implementation projects are also mentioned in the BDCP as Conservation Measures or covered activities and the habitat projects in particular are intended to be used as environmental credits to meet HCP and NCCPA requirements to gain approval of the BDCP. These projects include the North Bay Aqueduct and habitat projects to comply with the Federal BiOps such as the Yolo Ranch (Lower Yolo Bypass) and Prospect Island. This EIR/EIS claims that CM 2-22 are only evaluated at a program level in this Plan because they are only conceptual, yet there are at least two habitat projects which are developing separate environmental documents (EIR) and seeking authorization before the BDCP is approved and permitted, yet this EIR fails to provide site specific mitigation or appropriately analyze their cumulative impacts. **Question:** Can these early implementation habitat projects which are being done to comply with existing BiOps be double-counted in terms of meeting HCP and NCCPA requirements under this BDCP and the BiOps? Or are these early implementation projects that intend to be incorporated into and credited under this BDCP considered "related actions, interrelated actions, or connected actions?" **Recommendation:** Please explain how these early actions with EIRs underway will be dealt with in the BDCP and include their site specific info and mitigations in the BDCP EIR.	
20	1-25	10-23	**Related Planning Efforts:** There are several other related planning efforts occurring in the planning area that will have effects on or be effected by the BDCP which are not mentioned: Central Valley Flood Control Plan, Delta Plan, USACE Delta Levee Feasibility Study, and the USACE Levee Vegetation ETL. There may also be others that should be added. **Recommendation:** Add to the list of additional activities on line 12: Central Valley Flood Control Plan, Delta Plan, USACE Delta Levee Feasibility Study, and the USACE Levee Vegetation ETL.	
21	1-27	1-35	**Appendices:** Line 1 says these appendices are to	

			"support the various chapters." Unfortunately, 14 of the 26 (MORE THAN HALF) listed on this page are NOT currently available. Therefore, there is insufficient background and supporting documentation on which to make any reasoned evaluation of the adequacy of this Plan or the EIR/EIS and its evaluation of alternatives. The 12 appendices on this page that are available for review equal 1,117 pages when combined. Therefore it is feasible that the remaining 14 appendices will likely be between 1,000-2,000 pages, which we will need more time to analyze. **Recommendation:** Provide additional time during the review of the Draft EIR/EIS to Cooperating Agencies so we can review all new appendices once they are available.	
21.1	1-27	17	**Chapter 5 Appendices:** The BDCP will have a significant effect on in-Delta water supply availability and reliability. Supporting documentation should show all of the existing in-Delta water diversion intakes and evaluate if they will be negatively impacted by implementation of BDCP. The NDWA Contract requires that water of such quality ***shall*** be available in the Delta channels for reasonable and beneficial uses and that local diversions and uses ***shall not*** be disturbed or challenged by the State. This EIR/EIS needs to evaluate the availability of water in ALL Delta channels and ALL existing water diversion intakes in the North Delta at the very least to assure compliance with the Contract, but it should analyze for the whole Delta so that landowners and counties can evaluate the impacts and determine if the mitigation provided in the BDCP EIR/EIS is sufficient. **Recommendation:** The EIR/EIS needs to add appendices analyzing all of the existing water diversion intakes in the Delta and how they will be impacted by CM 1-22 of the BDCP, this should include water surface elevation modeling for each water year type.	
22	1-27	18-19	**Chapter 6 Appendices:** There is no appendices identified for Chapter 6, Surface Water. The NDWA and other in-Delta stakeholders needs to see the modeling tools, assumptions used, and results for hydraulic and hydrology modeling to evaluate the Plan's effects on water surface elevations (seepage, flooding, and stranding of in-Delta water diversion intakes), water velocities (erosion), and natural flow direction. This data and analysis is critical to providing the information necessary to determine if the BDCP Project will be meet the	

			criteria and provisions in the NDWA 1981 Contract Agreement with DWR. Failure of the BDCP implementation to maintain the NDWA Contract criteria for water quality will result in DWR: ceasing all diversions to storage; increasing releases of stored water from SWP reservoirs; ceasing all export by the SWP from Delta channels; or any combination of these. Since the SWP and CVP are now jointly operated (page 5-17, lines 34-40), the CVP may share responsibility for meeting these Delta standards pursuant to the Coordinated Operations Agreement (COA) signed in 1986. **Recommendation:** The EIR/EIS must add appendices to Chapter 6 that show analysis and modeling tools, assumptions used, and results for hydraulics and hydrology for water surface elevations, flows and velocities. The EIR/EIS should provide all documentation and analysis that supports the conclusions made in this chapter in regards to implementation of all CMs 1-22 and compares the impacts between each of the alternatives, including impacts in years 1-50 of the Plan.	
22.1	1-27	19	**Groundwater Modeling:** Since many of the homes in the Delta use well water, the modeling in Appendix 7A needs to identify and evaluate the impacts to the drinking water in the Delta pursuant to implementation of CMs 1-22 of the BDCP. **Recommendation:** The EIR/EIS should provide all documentation and analysis that supports the conclusions made in this chapter in regards to implementation of all CMs 1-22 and compares the impacts between each of the alternatives, including impacts in years 1-50 of the Plan	
23	1-27	35	**Chapter 9 Appendices:** One of the primary reasons/justifications given for the need for the BDCP Project is the risk to the current thru-Delta water conveyance system from catastrophic flood or earthquake. Yet, despite the severe risk from earthquake damage promoted by DWR and other BDCP Proponents, there are no appendices of data, analyses, modeling or any other scientific information to support this hyperbolic hypothesis. Since the Alternatives analyze a thru-Delta and No Action options, then it seems the supporting documentation is necessary to at least evaluate those alternatives. In addition, since all of the new water conveyance facilities and habitat projects (CM 1-22) are being built in the same area claimed to be at risk of a catastrophic earthquake, then the supporting documents should be provided in the	

			EIR/EIS that clearly show how the new facilities would be impacted by such an event. Failure to do so will mean the permitting agencies or the public will have insufficient information on which to analyze each alternative against each other or to approve a final project (ROD). In addition, the Plan currently proposes building a 4-story ***unlined*** 750-acre forebay on soils that are permeable and may be unable to hold the weight of the amount of water impounded in such a ring dam. The 15,000 cfs intermediary pumping plant is also planned on these same permeable soft sandy soils and in the same earthquake zone as existing SWP conveyance facilities, so the Geology and Seismicity seem important issues that warrant supporting data in appendices to the EIR/EIS. **Recommendation:** The EIR/EIS must add data, documentation, modeling and any other scientific analysis and information regarding the stability and suitability of the soils where intakes, pumping plants, and forebays are planned in the BDCP and whether they would be subjected to the same earthquake risk as existing facilities. The EIR/EIS should provide all documentation and analysis that supports the conclusions made in this chapter in regards to implementation of all CMs 1-22 and compares the impacts between each of the alternatives, including impacts in years 1-50 of the Plan.	
24	1-28	1-35	**Appendices:** Line 1 of this section says these appendices are to "support the various chapters." Unfortunately, 11 of the 27 appendices listed on this page are NOT available. Therefore, there is insufficient background and supporting documentation on which to make any reasoned evaluation of the adequacy of this Plan or the EIR/EIS and its alternatives. The 12 appendices on this page that are available for review, combined they equal 1,117 pages. Therefore it is feasible that the remaining 14 appendices will likely be between 1,000-2,000 pages and require more time to evaluate once they become available. **Recommendation:** Provide additional time during the review of the Draft EIR/EIS to review currently unavailable supporting documentation/appendices.	
25	1-28	10-11	**Chapter 13 Appendices:** There are no appendices for Chapter 13, Land Use identified. Due to the significant "temporary" (9 years) land disturbance caused by construction and implementation and the long term conversion of land from current uses to conveyance facilities or habitat, this should	

			warrant the addition of appendices with supporting analysis regarding land use. This supporting documentation should analyze impacts to: operation of local RDs and floodplain management; urbanization in the secondary zone; existing vegetation patterns and abundance; loss of Primary Ag land; and Delta lands protected by easements/Williamson Act. Without providing the actual data and analysis on how conclusions in this chapter were made, there is no way for a cooperating agency or the public to determine if the analysis is adequate or accurate, or whether the proposed mitigation is appropriate and sufficient. **Recommendation:** The EIR/EIS should provide all documentation and analysis that supports the conclusions made in this chapter in regards to implementation of all CMs 1-22 and compares the impacts between each of the alternatives, including impacts in years 1-50 of the Plan.	
26	1-28	11	**Appendix 14A:** Analyzing individual crop effects is insufficient to analyze BDCP CMs 1-22 impacts. The Delta ag lands are identified by the State as Primary Ag lands. The Primary Ag lands throughout the State have been eliminated over several years, and the additional loss should be documented and analyzed. Without providing the actual data and analysis on how conclusions in this chapter were made, there is no way for a cooperating agency or the public to determine if the analysis is adequate or accurate, or whether the proposed mitigation is appropriate and sufficient. **Recommendation:** The EIR/EIS should add additional analysis/data regarding the loss of Primary Ag Land in the BDCP Planning Area pursuant to implementation of CMs 1-22 of the BDCP and compares the impacts between each of the alternatives, including impacts in years 1-50 of the Plan. The Delta Protection Commission's recent "Land Management Plan" and "Economic Sustainability Plan" should be used as a source.	
27	1-28	24	**Chapter 19 Appendices:** More than a traffic study needs to be analyzed in the EIR/EIS. The re-routing of roads during the 9-year-long construction phase will impact school transportation, create longer commutes and GHG impacts by residents, longer response times for emergency services such as firetrucks and ambulances and school buses. Also, transportation analysis should include shipping commerce since there are two major shipping ports in the Delta that rely on the Sacramento River for navigation and delivery of goods. The	

			construction of the intakes for conveyance and breaching of levees for habitat could create significant navigation obstructions or hazards. Without providing the actual data and analysis on how conclusions in this chapter were made, there is no way for a cooperating agency or the public to determine if the analysis is adequate or accurate, or whether the proposed mitigation is appropriate and sufficient. **Recommendation:** EIR/EIS needs to add appendices analyzing transportation patterns for cars and emergency service vehicles which includes a GHG analysis and one analyzing the navigation and commercial shipping impacts, including to the Stockton and Sacramento Ports, and supports the conclusions made in this chapter in regards to implementation of all CMs 1-22 and compares the impacts between each of the alternatives, including impacts in years 1-50 of the Plan.	
28	1-28	25-26	**Chapter 21 Appendices:** The EIR/EIS should provided the supporting data, modeling tools, assumptions used, and modeling outputs associated with evaluating each of the BDCP alternatives. Operation of a 15,000 cfs intermediary pumping plant and five 3,000 cfs pumping plants requires a great deal of annual energy and the building of transmission and distribution lines and electrical power substations. The analysis of the information/data/modeling referenced in this chapter should be supported by the corresponding Appendices with graphs, charts, data, assumptions, and comparative analyses of the EIR/EIS alternatives. Without providing the actual data and analysis on how conclusions in this chapter were made, there is no way for a cooperating agency or the public to determine if the analysis is adequate or accurate, or whether the proposed mitigation is appropriate and sufficient. **Recommendation:** EIR/EIS should add all documentation and analysis that supports the conclusions made in this chapter in regards to implementation of all CMs 1-22 and compares the impacts between each of the alternatives, including impacts in years 1-50 of the Plan.	
29	1-28	27-28	**Chapter 23 Appendices:** The "temporary" construction period is mentioned as being 9-years earlier in this chapter which is a long time. The Delta is primarily a quiet agrarian area with pockets of industrialization in the urban areas. The EIR/EIS should provide the supporting data, modeling tools, assumptions used, and modeling outputs	

			associated with evaluating each of the BDCP alternatives. The analysis of anticipated noise increases in terms of decibels, location, and duration should be shown for both during the decade-long construction phase and the permanent operation of five new intakes and an intermediary pumping plant. Without providing the actual data and analysis on how conclusions in this chapter were made, there is no way for a cooperating agency or the public to determine if the analysis is adequate or accurate, or whether the proposed mitigation is appropriate and sufficient. **Recommendation:** EIR/EIS should provide all documentation and analysis that supports the conclusions made in this chapter in regards to implementation of all CMs 1-22 and compares the impacts between each of the alternatives, including impacts in years 1-50 of the Plan.	
30	1-28	29-30	**Chapter 25 Appendices:** The EIR/EIS should provide the supporting data, modeling tools, assumptions used, and modeling outputs associated with evaluating implementation of all CMs 1-22 and a comparison of the BDCP alternatives and their impacts on human health and safety. There are significant potential public health risks associated with methyl mercury creation, deadly diseases spread by mosquitoes, and contamination of in-Delta drinking water wells, all of which can be hazardous or deadly to human health. Analysis should be provided indicating the location and size of potential hot spots for methyl mercury and mosquito breeding as well as the location and number of drinking water wells that may be contaminated or damaged by BDCP construction, implementation, or operation of CMs 1-22. The data should provide the data, modeling, assumptions, and analysis that supports the conclusions made in this chapter and provide a comparison of the health impacts between each of the alternatives. The analysis should identify impacts in years 1-50 of the Plan. **Recommendation:** EIR/EIS should provide all documentation and analysis that supports the conclusions made in this chapter in regards to implementation of all CMs 1-22 and compares the impacts between each of the alternatives, including impacts in years 1-50 of the Plan.	
31	1-29	General Comment	**General Comment:** Converting 100,000 acres from current uses to either habitat or conveyance facilities, reducing flows in the Sacramento River and surrounding channels by pumping up to 15,000	

			cfs of water out of the system for transport to areas outside of the Delta, installing water diversion intakes which have ten times the current pumping capacity of the largest urban intakes currently located in the Delta, and a construction period that lasts for a decade will have numerous, significant, and permanent impacts in the Delta that will be damaging and costly in terms of devastating the local economy to benefit economies in other areas of the State where the water will be exported. In order for Cooperating Agencies, local governments, state and federal permitting agencies, and the public to properly analyze the true impacts of this proposed project the EIR/EIS needs to provide more transparency by disclosing: data, reports, modeling, baseline data used, assumptions used, modeling results, analysis of implementation of each and combined CMs 1-22, and the comparison done of these impacts for each of the Plan's alternatives including in all years 1-50, which the EIR/EIS relied on to support the conclusions made in each of the chapters. For CM1 which is supposed to be analyzed in sufficient detail to gain project-level approval of new conveyance facilities, the analysis needs to provide specific location and size of all facilities, detailed operation criteria, as well as the specifics of all "temporary" construction activities including site locations, size duration, and severity of activities, including all site-specific mitigation for CM1 and its associated construction impacts. For the programmatic level analysis of CMs 2-22, the EIR/EIS should provide analysis of the anticipated and reasonably foreseeable environmental and economic impacts as if all CMs are in fact implemented over the 50-year life of the Plan, providing anticipated impacts and mitigation for each decade. Otherwise, the cumulative economic and environmental impacts of each and the combined CMs 1-22 cannot properly evaluated by the public. In addition, the EIR/EIS should incorporate the site-specific details of separate EIRs being done on any of the CM 1-22 of the BDCP, including but not limited to: North Bay Aqueduct, Yolo Ranch (Lower Yolo Bypass), Fremont Weir, Prospect Island, and Cache Slough Complex. Any and all EIRs currently in development by any BDCP Proponent (lead agencies and water contractors) or trustee agencies should have any information, analysis, and site-specific impacts and mitigation already developed incorporated into the Draft EIR/EIS of the BDCP since it is foreseeable. If a conclusion in a	

			chapter fails to also provide the data/analysis that supports that conclusion, then it is insufficient in which the Cooperating Agencies, local governments, state and federal permitting agencies, and the public can properly evaluate the adequacy of conclusions and proposed mitigations. Therefore, all chapters should have the data/analysis/modeling to support all conclusions in that chapter. **Recommendations:** 1) Provide more transparency in how conclusions in each chapter were made by adding appendices for each and every chapter that provides the data/reports/analysis/modeling that supports the conclusions and compares the impacts between each alternative including for each decade of the 50-year plan; 2) Each chapter should indicate the impacts/mitigations associated with the project-level *and* programmatic level Conservation Measures; 3) Each chapter should indicate the impacts/mitigations for both the decade-long "temporary" construction and the permanent implementation and operation of all CMs 10-22 so that it's clear which impacts are permanent; 4) Incorporate the site-specific details, analysis, modeling, data, assumptions, results associated with any/all EIR/EIS currently under development by DWR, water contractors or any other lead or trustee agency of the BDCP, particularly any habitat projects being developed to comply with federal BiOps which are referenced in the BDCP; 5) Provide additional appendices for each and every chapter that supports the conclusions made in each chapter; and 6) Add matrix grid to each chapter that shows the impacts of implementation of each CM.	
32	1A-2	13-25	**Water Developed:** This section fails to mention that water supply projects originally designed as part of the conveyance system were not and can never be completed and recognize how much water was actually developed versus how much was supposed to be developed under the original design. **Recommendation:** This section should also identify the amount of acre feet of water these combined existing projects developed when completed with recognition that they were supposed to develop 8 MAF of water but only developed over 4 MAF of water because the projects were never and can never be completed as originally designed. Should also state how many acre feet of water were sold in contracts and when, showing how more water is contracted for delivery	

			than what the system can produce. Should identify how much of the water is limited to "surplus" water allocations.	
33	1A-2	1-32	**Developed Water:** This section fails to mention how much water was designed to be developed versus what was actually developed and sold in long term water contracts. **Recommendation:** Bullets should be added that state when the projects were completed, how much water these projects developed/created, when the water was sold in contracts, and how many annual acre feet of water were sold in these contracts. Should identify how much of the water is limited to "surplus" water allocations.	
34	1A-2	9-25	**Water Developed and Sold:** Fails to identify how much water was developed versus how much water was sold and when. **Recommendation:** Language should be added which clarifies how many annual acre feet of water were sold under contract and when. Is the amount of water under contract greater or less than the amount of the water that was developed or was it based on the amount that was to be developed if the Plan was completed? Should identify how much of the water is limited to "surplus" water allocations.	
35	1A-5	42-44	**Contracted Water:** This section fails to mention how much water is contracted to water districts. **Recommendation:** State how much water was developed by the building of the New Melones Dam and Powerplant and how much water is contracted to water districts, and when contracts were signed. Should identify how much of the water is limited to "surplus" water allocations.	
36	1A-6	12-17	**Contracted Water:** This section is too vague and needs to be more specific as it relates to and is pertinent to: "The controversy surrounding California's water supply has primarily revolved around distribution and the ***sharing of a limited resource***." [emphasis added] The concept of priority rights and use of "surplus" water are important elements of sharing the limited resources. Also, this section doesn't identify the amount of water that CVP is required to dedicate/deliver annually to the environment/fish. **Recommendation:** This wording should be expanded to clarify how much in acre feet is developed water the CVP facilities create annually and how much water is contracted to be sold annually, and explain the amount it must deliver based on water rights and contracts pursuant to delivery limitations of available surplus water. And	

			should also identify how much water annually CVP must deliver for environmental purposes. A table should also be added to show all of the Contracts and Commitments (laws, agreements, MOUs, BiOps) for water deliver that apply to the CVP.	
37	1A-6	30-32	**Contracted Water:** In acre feet per year, how much water was sold in contracts and how much water did the SWP develop as currently completed? **Recommendation:** If the project was not completed as designed, then this section should explain how much water was developed versus what was sold in contracts and correctly identify the water shortage created by selling water without completing the project as originally designed.	
38	1A-8	24-33	**Contracted Water:** Fails to describe in acre feet terms how much water was actually developed versus what was originally designed, but never completed. This is a glaring omission since the failure to complete the project is a major contributor to the state's ability "to reduce the frequency and magnitude of variations in supply and provide more reliable and consistent deliveries" as stated on lines 24-25 of this page. **Recommendation:** Describe in more detail just how much acre feet of water the completed SWP facilities developed and how much annual water the SWP is contracted to deliver each year.	
39	1A-8	29-33	**Additional Water Supply Contracts:** This section fails to mention subsequent water supply contracts entered into by DWR for SWP water including the NDWA 1981 Contract. To provide an accurate picture of all those who have contractual rights for SWP water this section must be expanded to include NDWA Contract. The context of the NDWA Contract signed in 1981 is directly relevant to the proposal to build a peripheral canal/Delta water conveyance facilities in the North Delta and needs to be prominently mentioned and the assurances that were provided to in-Delta water users via that Contract. **Recommendation:** Add language identifying water supply contracts signed by DWR for SWP subsequent to the 1960s, including but not limited to, the NDWA 1981 Contract. A table should be added showing all of the Contracts and water amounts.	
40	1A-8	34-41	**Available Water:** This section states that "the actual supply to contractors is variable and depends on the amount of water available." However, this section fails to define what	

			"available water" means. **Recommendation:** Expand this section to describe and define what is meant by "amount of water available" for delivery by SWP. Should also define any other obligations and commitments DWR has to deliver water to others, including water for the environment.	
41	1A-18	9-12	**Delta Levees:** Stating that levee damage from a large earthquake would take years to fix and may not be worth fixing is not substantiated by the facts. Therefore, much of the representation of risks of multiple levee failures in this section is unsubstantiated speculation at best and hyperbolic misrepresentation at worst, and is an inappropriate basis on which to justify the need to divert water around the Delta. FACT: There is not ONE documented levee failure caused by an earthquake, let alone multiple levee failures alluded to in Section 1A.2. FACT: Levee failures DO NOT take years to repair. The Upper Jones Tract repair referenced on line 4 took one month to repair, so reality is 30-DAYS, not years to repair for one of the largest breaches in history. The restoration of the island did take longer, about 8 months to pump water off. FACT: Even during the worst flood events over the last 150 years there have been only between 1-5 levee failures during any given flood event, so not the wide-spread catastrophic multiple levee failure alluded to in Section 1A.2. FACT: The Delta has experienced less frequent levee failures since the establishment of the Delta Levees Subvention Program in 1973, and had no Delta levee failures in 2006 which had the highest recorded water surface elevations in the Central and West Delta. **Recommendation:** *Delete entire first sentence starting on line 9.*	
42	1A-18	14-16	**Land Subsidence:** There are several misrepresentations regarding the extent, severity, and continuation of land subsidence in this section. First, based on 2007 DWR LiDAR data there are only 96,000 acres (14% of the entire Delta) below 12 feet NGVD or more and only 57,000 acres (8.1% of the entire Delta) 15 feet NGVD or more below sea level. Therefore, it is incorrect to state that "many" of the Delta lands "now lie 25 feet or more below sea level." Using the LiDAR data, there does NOT appear to be ongoing subsidence on 8-92% of the entire legal Delta. Secondly, a comparison of the 2007 LiDAR data to the USGS Quadrangle maps surveyed between 1974 and 1977 showed that subsidence did NOT occur in areas that are	

			currently at elevation minus 10 feet below sea level and above. In addition, it's incorrect to say "increased in severity over time" in line 14 as this very statement is contradicted by language in line 32 below that states "destructive farming practices have ceased, ***slowing down the rate of subsidence***" [emphasis added]. **Recommendation:** *Correct the first sentence in lines 14-16 to clarify that there are areas of subsidence in the interior of some islands, but represent less than 14% of the entire Delta.*	
43	1A-18	16-18	**Excavation Causes Subsidence:** This sentence states that the excavation of dirt/soils from the interior of Delta islands for use in building/elevating levees was one of the causes of previous subsidence/lowering elevation of Delta islands. Yet, the BDCP relies on borrowing/excavating dirt from the interior of Delta islands to be used to build levees to protect conveyance structures, build 40-foot-high (four story) ring levee/dam around a 750-acre forebay, and to build 15-25 foot dirt pads to elevate ALL of the water conveyance structures, parking areas, electrical substations, and any other BDCP structures to meet FEMA building standards. The BDCP should avoid excavating any dirt/soils/materials from the interior of any Delta islands as it will cause a higher percentage of Delta lands to subside below sea level compared to current conditions. The BDCP will need to identify the other areas of the State from which it will "borrow" dirt for the above mentioned levees/dam and elevated dirt building pads. **Recommendation:** This section should identify any BDCP excavation of the interior Delta islands as being a major contributor to reducing the land elevation of Delta islands and consider adopting a policy of avoiding the use of any Delta island dirt/materials for the BDCP project in order to prevent further subsidence of Delta lands.	
44	1A-18	21-24	**Historical Farming Practices:** These lines mention historical farming crops and practices which no longer are used, therefore are irrelevant to the ongoing and/or future contribution to subsidence. This is especially true since lines 31-32 in the same section state that, "some of the more destructive farming practices have ceased, slowing down the rate of subsidence." **Recommendation:** *Delete line 21-24 in their entirety.*	
45	1A-18	25-27	**Subsidence Effects on Levee Stability:** We are unaware of any study or report that subsided land	

			increases hydraulic load on levees and compromises their stability. Therefore, this statement is unsubstantiated by facts and therefore speculation, and should NOT be used as the basis for justifying re-routing export water around the Delta. This is particularly true since the BDCP proposes to exacerbate land subsidence by removing dirt from the interior of Delta islands to build facilities associated with CM1-22. **Recommendation:** *Delete in its entirety the first sentence on line 25.* If the EIR/EIS wants to mention any relationship between subsidence and levee stability in this guidance policy, then it should be done in the context of wanting to support a study to determine the relationship between subsidence, sea level rise, and levee stability. In addition, the EIR/EIS should mention as a significant impact the removal of dirt/material from the interior of Delta islands and indicate it will exacerbate land subsidence and potentially contribute to reducing levee stability.	
46	1A-20	Appendix Table 1A-1	**NDWA 1981 Contract:** In 1981, DWR and the NDWA signed the "Contract between State of California Department of Water Resources and North Delta Water Agency for the Assurance of a Dependable Water Supply of Suitable Quality." The NDWA is related to the operation of the SWP as failure to maintain the Contract water quality criteria, the State ***shall***: 1) cease ***ALL*** diversions to storage; 2) increase releases of stored water from SWP reservoirs; 3) cease ***ALL*** export by the SWP form Delta channels; and 4) or any combination of these. The water quality criteria in the Contract are different than D-1641 and are year-round. In addition, the Contract states the State shall not convey SWP water so as to cause: 1) decrease in natural flow; 2) increase in natural flow; 3) reversal of natural flow direction; or 4) alteration in water surface elevation in Delta channels to the detriment of Delta channels or water users within the Agency. Also, the State shall repair or alleviate damage, improve channels as necessary due to seepage or erosion damage to lands, levees, embankments or revetments adjacent to Delta channels within the Agency, and is responsible for ***all*** diversion facility modifications required. In light of this agreement's effects on the operation of the SWP, the NDWA Contract should be added to this Table. **Recommendation:** *Add the NDWA 1981 Contract to Appendix Table 1A-1.*	
47	1A-22	18-21	**Water Quality Objectives:** DWR is also obligated	

			to meet certain water quality objectives (salinity levels) as part of its 1981 Contract with NDWA. As stated in comment 46 above, SWP operations are affected if NDWA water quality objectives are not met year-round. **Recommendation:** Add language recognizing water quality objectives under the 1981 NDWA Contract.	
48	1A-24	19-33	**In-Stream Flows:** Why doesn't the BDCP establish a pilot program with minimum in-stream flows that exceed state and federal requirements as was done in the Yuba Accord? May be a good way to test species response and impacts of new facilities associated with CM1. **Recommendation:** Add a pilot program to BDCP with minimum in-stream flows that exceed state and federal requirements.	
49	1A-25	9	**Annual Water Supplies of COA:** What are the annual water supplies identified in COA? **Recommendation:** Add language here to specify the annual water supplies in COA.	
50	1A-26	4	**Allowed Incidental Take:** What is the amount of incidental take allowed for the Delta export facilities? **Recommendation:** Add language identifying the amount of take currently allowed at existing export facilities.	
51	1A-27	16-38	**Salinity Requirements:** What are the number of days that must be met in the standard tables? What happens if the number of X2 days required by regulatory standard tables are not met even after using credits from previous month? What happens if the salinity starting gate requirements are not met? **Recommendation:** Identify the penalties or operational changes to CVP and SWP that occur if number of X2 days or salinity starting gate is not met.	
52	1A-28	4-21	**Export/Inflow Ratio:** What are the penalties or operational changes to CVP and SWP for exceeding D-1641 Export/Inflow ratio export restrictions? **Recommendation:** Identify the penalties or CVP and SWP operational restrictions that apply if export/inflow ratio export restrictions are exceeded.	
53	1A-28	23-31	**VAMP Results:** Since 2012 is the end of the 12-year experimental management program to evaluate how salmon survival rates change in response to alteration in San Joaquin River flows and SWP/CVP exports with the installation of the Head of Old River Barrier, it seems appropriate to identify the preliminary results of this management	

			experiment. If successful, then this management action should be considered for inclusion in the BDCP implementation and operation of CMs 1-22, and explained why it's not proposed if it's not included in the Draft Plan. The VAMP results should be used in the BDCP effects analysis. **Recommendation:** Add language informing us of the preliminary results of this long-term management experiment to benefit juvenile Chinook salmon migration. Consider inclusion of this long-term management program to benefit juvenile Chinook salmon or explain why it's not incorporated into the BDCP Plan as a Conservation Measure.	
54	1A-28	33	**Minimum Delta Outflow:** What is the minimum monthly Delta outflow required under D-1641? This seems important and related to how CM1 will "improve the amount of flow through the Delta" as stated on page 1-2, lines 15-16 of this EIR/EIS. **Recommendation:** Add language explaining what the D-1641 outflow requirements are currently.	
55	1A-41	12-19	**DSC's Delta Plan's Projects:** Like the BDCP, the DSC Delta Plan proposes projects to achieve co-equal goals and has an EIR that is programmatic in nature. Many of the projects in the DSC's Delta Plan overlap with the BDCP CMs 1-22. What is the relationship between BDCP EIR/EIS and Delta Plan EIR? We would like to know if they have exact same projects, impacts, and mitigations or how their similar projects in same locations differ from each other and which document supersedes the other in terms of project design and mitigation. **Recommendation:** Expand this section to describe the project similarities and differences between Delta Plan and BDCP CMs 1-22 and clarify which EIR will supersede the other on the event they are both adopted.	
56	1A-41	35-40	**Delta Conservancy:** What is the relationship between the projects and activities in the Conservancy's strategic plan and the BDCP? Are Conservancy projects similar to BDCP CMs? If so how are they the same and how do they differ? Which Plan supersedes the other if both are adopted? **Recommendations:** Expand this section to describe the similarities and differences between Conservancy Strategic Plan projects/activities and BDCP EIR/EIS and how the two Plans coordinate or incorporate the other in their Plans.	
57	2-1	29-40	**Project Objectives, Purpose, Need:** This section declares "continuing subsidence of lands within the Delta, increasing seismic risks and levee failures" as	

			factors that contribute to conflicts over Delta water supply and the Delta's ecological health and as a basis for justification for re-designing the water conveyance system (CM1). Recent UCLA earthquake tests in the Delta of a 7.0 earthquake seem to suggest otherwise. As stated earlier in NDWA's comments #41-45, using continuing subsidence and increasing seismic risks for levee failures as justification for implementing CM1 lacks scientific documentation to support such a claim. These hyperbolic claims only serve to create a Chicken Little mentality to scare people into believing the sky is falling (or levees in this case) in order to justify and convince the public to pay for such a costly endeavor which is an old 20th Century design. In addition, as NDWA comment #43 points out, the excavation and removal of soil materials from the interior islands to build CM1 will in fact exacerbate an increase in Delta land subsidence and consequently increasing the risk of levee failure if the premise on lines 29-40, page 2-1 are in fact correct. **Recommendation:** The BDCP Purpose and Need and Project Objectives should be modified to eliminate continuing subsidence of Delta lands and increasing seismic risks of levee failures as justification for BDCP in general and CM1 specifically unless validated scientific documentation is provided to support such claims.	
58	2-3	13-16	**See NDWA comment # 57**	
59	2-4	10-25	**Restore Full Contract Amounts:** The very fact that lines 15-25 attempt to clarify and/or moderate lines 10-14 are an indication that it is inappropriate for this Conservation Plan to state delivery of up to full contract amounts as a Purpose. This Purpose is also in conflict with existing CA law, the Delta Reform Act, which includes provisions for reducing the reliance on the Delta for water supply and the identification of reasonable Delta flows and operations which will also identify the remaining water available for export and other beneficial uses. By committing to delivery of up to full contract amounts, this BDCP Purpose, inappropriately could result in putting junior right water holders in a higher priority than senior right holders. It is inappropriate for unachievable expectations to be permitted or even promised to BDCP Proponents (water exporters) as it prevents the BDCP Proponents from accurately determining whether the water delivery costs pursuant to implementation of BDCP are "not so high as to preclude, and in amounts that are sufficient to	

			support, the financing of the investments necessary to fund construction and operation of facilities and/or improvements" as stated in the Project Objectives on lines 20-25, page 2-3. **Recommendation:** Delete lines 10-14 and replace with language that balances water export supply availability with other competing beneficial uses based on water right seniority and provide clarity regarding actual "surplus water" available for export needs.	

BDCP EIR/EIS Review Document Comment Form

Document: ***Preliminary Administrative Draft***

Comment Source: North Delta Water Agency, Chapters 1, 1-A, 2, 4 and 31
Submittal Date: April 16, 2012

No.	Page	Line #	Comment	ICF Response
1	Gen	Gen	**Insufficient for Analysis:** Overall, the EIR/EIS as currently presented is insufficient for NDWA as a Cooperating Agency to properly evaluate or provide meaningful comments for the following reasons: 1) The EIR/EIS does not provide sufficient or adequate documentation (half of appendices are currently not available) to support conclusions regarding impacts and proposed mitigations in either the narrative or appendices. 2) For many chapters, the EIR/EIS fails to provide an assessment of specific location, size, duration, or level of severity of the anticipated and foreseeable impacts in enough detail for each individual Conservation Measure (CM) or the cumulative impacts of the 50-year Plan. Since the very limited biological benefits of CM1 rely on implementation of CMs 2-22 in order to achieve a benefit to listed fish species, they need to be analyzed to a level of detail to at least indicate the total amount of cumulative effects anticipated and to justify the implementation of CM1. 3) The EIR/EIS fails to quantify in sufficient detail the duration and severity of impacts associated with all of the "temporary" construction activities for each CM. We could only find one reference in Chapter 1 to how long the "temporary" construction period lasts – which is almost a decade (9 years). The duration of these "temporary" impacts should be made clear in every action. 4) The EIR/EIS lacks sufficient documentation supporting conclusions made in each chapter and fails to provide an adequate comparison of the alternatives to each other in terms of the severity of impacts expected to occur due to implementation of each CM. **Recommendation:** 1) Add more documentation as appendices for each chapter that support the	

			conclusions made in all alternatives; 2) the EIR/EIS, both project and program level, should at least provide an in depth and accurate cumulative effects analysis as if all CMs 1-22 were implemented over the 50-year life of the Plan to give Delta communities and landowners an idea of the worst case scenarios; 3) Make each alternative impact in each chapter clarify how long each temporary impact will occur and quantify the severity in terms of risk to life, loss of property, and harm to Delta economy and ecosystem; 4) Each chapter should include a new table (a matrix grid) that identifies the various impacts associated under each alternative, and their proposed mitigation, for that chapter, so they can be compared side-by-side on how each of them fare in terms of individual impacts for that chapter. Otherwise, it's difficult to determine which alternatives are superior to the others. This was done for the DSC EIR.	
2	Gen	Gen	**CM 1 a Covered Action, Not a Conservation Measure:** A fundamental flaw of the BDCP and EIR/EIS is having half the Plan proposing project level facilities/operations (CM 1)and the other half only analyzing habitat/stressor projects (CM 2-22) at a programmatic level. This is particularly troubling since the Plan proposes the new water conveyance facilities as a Conservation Measure (CM1) that is permit ready, yet its ability to provide any measurable benefit to fish and therefore qualify as a Conservation Measure cannot be realized until habitat restoration projects which are programmatic and not permit ready are constructed and implemented. Thus, the BDCP lacks balance as it focuses on implementing the goals of water supply over the ecosystem. If CMs 2-22 which are only evaluated at the program level are not implemented, then according to the effect analysis, CM 1 will have detrimental impacts on species. Consequently, we contend that CM 1 is improperly identified in the BDCP as a Conservation Measure, instead of appropriately being listed as a Covered Action that must be mitigated. This inequitable and uneven treatment of water supply versus ecosystem restoration is a systemic problem in the BDCP due to the Notice of Intent project purpose which provides clear and measurable objectives for water supply to deliver up to full contract amounts, but only contains vague direction on ecosystem. As a result, the BDCP ends up only being a take permit for water conveyance operations and a long list of potential	

			ecosystem management tactics with no clear over-arching or cohesive strategy or certainty regarding their implementation. **Recommendation:** Remove CM1 as a Conservation Measure and instead have it properly identified as a Covered Activity to be mitigated. The BDCP and EIR/EIS should condition the implementation of CM 1 until a level of benefits to listed fish species is offset by species benefits from implementation of habitat/stressor projects (CM 2-22). Since the BDCP anticipates the construction of CM 1 to take nine years, that is plenty of time to see if the CMs which are currently at a programmatic level (CM 2-22) can be analyzed to a project level and implemented to provide species benefits before the implementation and operation of CM 1 is allowed to proceed.	
3	Gen	Gen	**Vague, Unmeasurable Objectives & Goals:** To use a GPS analogy: it is impossible for a car to navigate its driver to their intended location without first inputting a specific address. The BDCP suffers from this same navigation problem. The BDCP and EIR/EIS is unlikely to be able to achieve improvement from the status quo as it fails to provide/define specific, measurable, and clear objectives and goals for recovery and restoration of the Delta's ecosystem or water supply. The BDCP and EIR/EIS need to add quantified objectives and associated performance targets and metrics as a pre-requisite to designing, evaluating and selecting the suite of Conservation Measures that will ultimately become the Plan. Quantified objectives, targets and metrics are necessary to measure how successful the Plan's implementation is over the 50-year life of the Plan. **Recommendation:** Develop and insert quantified and measurable objectives, targets and metrics for each CM and the Plan as a whole.	
4	Gen	Gen	**Water Supply Delivery v. Reliability:** The BDCP fails to define what is meant by water supply reliability in terms of this Plan, other than in the Purpose to "deliver full contract amount." Failure to define "water supply reliability" is problematic since each person in the state probably has a different definition of what it means. The BDCP should put more emphasis on decreasing annual export diversion amounts and reducing the physical vulnerability of existing conveyance facilities instead of building new facilities in the same risk prone area that would ultimately be vulnerable to same chance of earthquake and flood damage.	

			Recommendation: Provide a quantifiable and measurable definition of water supply reliability.	
5	Gen	Gen	**Broader Range of Alternatives:** Consistent with Water Code 85021 to reduce reliance on the Delta in meeting California's future water supply needs, the BDCP should evaluate adding Conservation Measures to increase regional investments in water efficiency, wastewater recycling, improved groundwater management, urban stormwater capture, and other effective regional water supply tools or analyze funding a suite of these activities in the export areas as an EIR/EIS alternative. Including increased investments in regional self-reliance would reflect recent history in terms of urban water districts' long term water supply plans and investments in local water supply infrastructure. This alternative analysis should analyze the costs of building such regional water supply projects and measure in terms of how much acre feet per year of water they develop/create so that can be compared to how much new water is created by CM1 and its cost. Combining water supply projects in export areas with habitat projects in the BDCP, may warrant a smaller, and maybe even eliminate the need for, new in-Delta water conveyance facility. **Recommendation:** Add Conservation Measures to BDCP to build regional water supply projects in the export areas.	
6	Gen	Gen	**Screening Conservation Measures:** The BDCP does not provide any sort of analysis of how each of CM1-22 relate to each other. Every action, or in this case Conservation Measure, causes a reaction. Yet, the BDCP fails to analyze how each CM1-22 react to each other, conflict with each other, or complement each other. In addition, it's unclear how the BDCP's authors and Plan development decision-makers synthesized the hydrologic, geologic, and ecological interactions that led to the selection of CMs 1-22. The BDCP's CMs 1-22 are simply a list of menu items that are disconnected, poorly integrated, and not justified with supporting documentation or comparison of how they are better than other options. The following excerpt from the DRERIP emphasizes this point: "Collectively, the synthesis team concluded that a number of the conservation measures have the potential for additional synergistic effects that can raise or lower the value of some individual conservation measures when implemented concurrently with other actions. The complexity of various trade-offs between expected positive and	

			negative effects make it difficult to predict the biological responses to concurrent multiple measures." The BDCP still suffers from this synthesis problem and needs to provide explanation of how and why measures were chosen and how they interact with each other when implemented in order to support the collective CMs proposed in the Plan and allow a Preferred Project to be selected. **Recommendation:** Add a Chapter to the EIR/EIS that shows what action and reaction each of the CMs have to each other and how/why the Plan's Proponents selected the current CMs 1-22.	
7	Gen	Gen	**Nexxus:** The BDCP needs to provide a clearer picture and analysis of how each of the CMs interact with each other and how the BDCP interacts with different planning efforts in the Delta and how they all fit together. This is a systemic problem that needs to be remedied in order for the BDCP to work as a comprehensive Plan, otherwise it is impossible to evaluate the effects of projects (CMs) that would achieve the goals because it is impossible to identify the consequences that would be deemed acceptable if these projects are implemented. **Recommendation:** Provide clearer nexus between each CM and between the BDCP and other efforts being implemented in the Delta.	
8	Gen	Gen	**Alternative Analysis:** The analysis of each alternative is not as robust or equitable as it should be. **Recommendation:** Each round of effects analysis should include the same level of analysis for each of the alternatives, not just for the preferred alternative.	
9	Gen	Gen	**Effects Analysis:** As currently written the BDCP and EIR/EIS is simply an incidental take permit that identifies and analyzes a pre-selected project of a new 15,000 cfs water conveyance facility and operations with conservation measures to minimize and mitigate the water supply project's adverse impacts, rather than a habitat conservation plan to protect, restore and enhance the ecosystem while providing regulatory certainty to permit applicants. Unfortunately, from the beginning the BDCP started with a proposed solution (15,000 cfs conveyance around the Delta estuary) and then designed the effects analysis to reach a preferred outcome, instead of conducting effects analysis first to help define and develop solutions/projects to benefit the species and improve water supply reliability.	

			Recommendation: The BDCP analysis should be revised to perform an objective effects analysis on the causes of the species' declines, then design a proposed alternative to current operations to help reverse those declines, and then perform a second effects analysis on the probable effects of the proposed alternative. Until and unless this new method of effects analysis is done, the BDCP will only serve as an application for a permit to incidentally taking listed species for purposes of increasing export water supplies, rather than a conservation plan to protect, restore and enhance the Delta ecosystem.	
10	Gen	Gen	**How much is enough?:** It is difficult to determine what the actual volume, in acre feet per year, is to be diverted in each of the alternatives. The Plan and EIR/EIS speaks to facility size and conveyance capacities in terms of cubic feet per second (cfs), but not the actual amount (acre feet) of water to be diverted annually through implementation of each CM and alternative. **Recommendation:** Identify in acre feet per year (for all water year types) the annual amount of water to be diverted with implementation of CM1 and EIR/EIS alternatives.	
11	Gen	Gen	**Habitat Prioritization:** The BDCP provides no guidance on which actions (CMs) are most important, which actions are more feasible, which species are more or less susceptible to extinction if CMs implemented, which restoration efforts are most difficult, or which actions might be most easily and immediately implemented. BDCP lacks a strategic plan or timeline for moving habitat measures from being just conceptual to implementation. Therefore, as stated earlier, the BDCP fails to integrate and coordinate water supply and ecosystem measures into one plan as long as have BDCP split into two: Project Level and Program Level. Without timeline and prioritization schedule that is directly tied to the implementation of CM 1 (similar to double-joining legislative bills), the habitat/species measures are relegated to a "trust us" status for implementation. **Recommendation:** Need to specifically detail the order of prioritization with a timeline that is directly linked to the completion of CM 1 (one does not happen without the other). Add information to the Plan that provides guidance on: which actions (CMs) are most important and why, which actions are more feasible, which species are more or less still susceptible to extinction under this Plan, which restoration efforts are most difficult or costly to	

			implement, or which actions might be most easily and immediately implemented.	
12	Gen	Gen	**Individual County Impacts:** The BDCP is a large HCP, probably the largest in the state, proposing significant land modifications in five counties which is uncommon in other HCPs. There are both temporary and permanent land disturbances/conversions that will have significant impacts on the counties' economics and ability to provide basic services to their constituencies. For instance, impacts from the decade –long "temporary" construction (9 years) are anticipated to directly or indirectly affect local surface water resources relating to: 1) substantial alterations of existing drainage patterns or increased rate or amount of runoff that would result in localized flooding; 2) increased runoff which would exceed the capacity of existing or planned stormwater systems and create localized flooding; 3) expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee modified under the BDCP or the new 4-story ring dam (forebay) planned near Courtland; 4) significant land and daily activities of Delta citizens and county emergency services in certain counties will be disrupted. These detrimental impacts due to disruptions for the decade-long "temporary" construction period include: re-routed roads including Hwy. 160; productive crops destroyed by staging areas, concrete batch plants, fuel stations, spoils disposal areas, borrow pits, transmission lines, access roads, earthen embankments, pumping plants, setback levees, canals, tunnel access shafts, forebays, temporary drainage bypass facilities, long-term cross drainage facilities, dispersion facilities, excavation, grading and other impacts. These disruptions, disturbances, and destruction will have a significant detrimental effect on the counties' economy and their ability to provide emergency services due to road closures and re-rerouting, school bus detours, provide local drainage to prevent local flooding, etc. **Recommendation** – In light of the significant effects each Delta county is likely to incur, yet the difficulty they face in identifying the cumulative impacts for each county in such a large regional document, the EIR/EIS should disclose the total temporary construction and permanent impacts associated with the implementation of the BDCP alternatives in each of the five Delta counties relating to transportation, emergency services,	

			water supply, drainage and flood protection, agricultural production, groundwater, and water quality. Separating each county and listing the total impacts to each county for each alternative will allow each county to easily see the impacts and assess if the proposed mitigations are appropriate. Suggest a summary list of all potential environmental and economic impacts and mitigation be broken out by county either in the 'summary of the alternatives screening or impacts and mitigation measures related to BDCP alternatives' currently being developed for the Executive Summary OR create a new Chapter to the EIR/EIS which breaks down the individual impacts/mitigation for each county.	
13	ES-2	17-18	**Plan Goals** - The description in this section describes problems rather than goals. **Recommendation** - Should indicate this section will describe goals that are clear and measurable, so know what the Plan is trying to achieve.	
14	1-2	26-27	**Detailed descriptions**: It is incorrect to say that specific components and detailed descriptions and timing and implementation of CM 2-22 are provided, since they are only evaluated at the program level and lack specific project information to allow an adequate impact analysis, cumulative effects, or appropriate level of mitigation. In fact, page 1-13, lines 12-14 states: "Design information for CM2-CM22, which include restoration and conservation strategies for aquatic and terrestrial habitat and other stressor reduction measures, is currently at ***more of a conceptual level***." [emphasis added] **Recommendation**: Modify wording to make clear the components and descriptions of CM 2-22 are neither specific or detailed as they still require additional study, design, and EIR before implementation because they are only conceptual, evaluated at the program level, and not designed at a level to be permitted.	
15	1-4	19-26	**Water Supply Management**: Since the list of 'BDCP Proponents' includes public water agencies which are contractors serving urban and agricultural areas in the Central Valley, Bay Area, Central Coast, and Southern California, it is inappropriate to say water supply projects, operations, and facilities in those regions such as groundwater storage, conservation, water use efficiencies, hydropower, project and system re-operation, desaliniation, recycling, and reuse are considered 'independent' but 'relevant' to the BDCP. Since the water agency contractors as 'BDCP Proponents' are seeking a	

			'comprehensive conservation strategy' (page 1-1) to advance a planning goal of 'improving water supply reliability' (page 1-1), then it only seems logical that one of the BDCP Project alternatives should be to identify and analyze water supply reliability projects in those regions to reduce their dependence on water exported from the Delta ecosystem which is identified as 'vitally important in the Plan (page 1-2) and is required in the Delta Reform Act of 2009. These local water supply reliability projects in the export areas are certainly measures that can contribute to "minimize and mitigate potential SWP and CVP impacts" (page 1-7) by reducing the annual amount of water exported from the Delta. Even the Delta Reform Act (Water Code 85004(b) states that "Providing a more reliable water supply for the state involves implementation of water use efficiency and conservation project, wastewater reclamation projects, desalinization, and new and improved infrastructure, including water storage and Delta conveyance facilities." Yet, the BDCP EIR fails to analyze these other local water supply methods of achieving reliable water supply as one of the alternatives and instead mainly focuses the majority of alternatives on the new conveyance facilities proposed as CM1. In fact, according to lines 24-26, page 3-1 of the EIR/EIS, "The 15 action alternatives are variations of conservation plans that primarily differ in the location, design, and operation of conveyance facilities implemented under BDCP Conservation Measure (CM) 1." **Recommendation**: These local water supply projects in water export service areas should not be independent from the BDCP, but added as an CMs or an alternative to be analyzed in conjunction with habitat restoration projects to reduce the environmental impacts of the South Delta pumps on Delta species and ecosystem. Due to the detrimental environmental impacts to fisheries of CM1, it would also be appropriate to add an alternative that analyzes CM 2-22 with screening of South Delta pumping facilities, without CM1.	
16	1-6	25-34	**CALFED ROD**: As stated in this section, a 30-year plan and EIR/EIS to improve the Delta's ecosystem, water supply reliability, water quality, and levee stability was prepared and approved under CalFED. Unfortunately, the BDCP is *not* the "comprehensive conservation strategy" (page 1-1) that it claims, as it does not include levee stability in its purpose and goals as CalFED EIR did. The failure to include levee stability is a glaring omission since page 1-5, lines	

			20-23 of the Plan states: "Besides degradation of water quality, levee failure could also result in flooding of Delta communities, farmland, and habitat; exposure of adjacent islands to increased seepage and wave action: and impacts on water supply, communication, and energy distribution systems." Under the BDCP, the Delta levees will continue to be part of the dual water conveyance system for the SWP and CVP. In addition, due to the BDCP's significant impact on State Plan of Flood Control project levees and non-project levees, they should be included in the BDCP as covered activities. **Recommendation**: The BDCP should be revised to include levee stability in its purpose and goals since they contribute to Delta ecosystem health and water supply reliability and will continue to be used to convey water in both the short term and life of the 50-year Plan under dual conveyance proposed in CM 1.	
17	1-9	9-14	**Measurable Definitions**: The BDCP pursues the concepts presented in the Delta Vision Strategic Plan, but unfortunately neither the BDCP nor Delta Vision defines in specific measurable terms what exactly constitutes a 'reliable water supply for California' or 'Delta ecosystem health.' "Water supply reliability" will have a different meaning to every person in this state, unless it is properly defined for purposes of this Plan in measurable and quantifiable terms. Until both of these co-equal goals are quantitatively defined, there is no way for this Plan to achieve them, because there's no way to know if the BDCP's long-term conservation strategy achieves the quantifiable goal. For instance, does 'water supply reliability for California' mean: 1) an increase in water supply infrastructure in export service areas to reduce reliance on imported water; 2) a water conveyance system protected from earthquakes and floods; or 3) a lower, but consistent amount of water exported each and every year into water storage facilities? **Recommendation** – BDCP and EIR/EIS should define in quantifiable and measurable terms and goals what 'water supply reliability' and 'Delta ecosystem health' actually mean.	
18	1-10	10-11	**Available for Export**: We could not find reference in either the BDCP Plan or EIR/EIR to "identify the remaining water available for export and other beneficial uses" pursuant to the Delta Reform Act. **Recommendation**: This quantifiable annual water amount that remains for export should be	

			identified in Chapter 5 based on varying water year types in chapter 5 and for purposes of implementing CM1.	
19	1-12	6-11	**HCP/NCCP Compliance** - Since 21 Conservation Measures in this EIR/EIS fail to provide site-specific design and operation or environmental analysis, they cannot be implemented without additional information and/or documentation necessary for consideration of permit applications. Therefore, it is difficult to agree that this document provides sufficient CEQA and NEPA support for approval of the BDCP (or an alternative) as a functioning HCP and NCCP. In fact, page 1-13, lines 12-14 states: "Design information for CM2-CM22, which include restoration and conservation strategies for aquatic and terrestrial habitat and other stressor reduction measures, is currently at ***more of a conceptual level.***" [emphasis added] This is particularly troubling since the Plan proposes the new water conveyance facilities as a Conservation Measure (CM1) that is permit ready, yet CM1's ability to provide any measurable benefit to fish and therefore as a Conservation Measure cannot be realized until habitat restoration projects which are programmatic and not permit ready are constructed and implemented. Which begs the question: what if only a couple or NONE of CM 2-22 get implemented? If CMs 2-22 which are only evaluated at the program level are not implemented, then CM1 may have detrimental impacts on species. Since CM1 does not appear to have ecosystem benefits without implementation of habitat projects, CM1 cannot be considered a Conservation Measure and should instead be identified as a Covered Activity to be mitigated. **Recommendation** – Eliminate the new Delta water conveyance facilities and operations (CM1) as a Conservation Measure and instead properly identify the conveyance facilities as a Covered Activity, and then analyze the BDCP to see if it meets HCP and NCCP permit requirements.	
20	1-13	8-20	**Insufficient Project Info:** It is difficult to see how the CEQA and NEPA lead agencies can have sufficient information to make a decision on whether to approve the SWP/CVP water conveyance without implementation of the habitat projects (CM 2-22) since the conveyance measure (CM 1) appears to be detrimental to fish without implementation of CM 2-22. Permitting a conveyance project that is detrimental to some listed fish species with only the hope and promise of implementing habitat projects that are only	

			conceptual to offset these negative impacts does not sound consistent with HCP and NCCP requirements. **Recommendation:** Continue development to a project level of at least some of the habitat projects that offset the detrimental listed species impacts associated with implementation of CM1, before releasing a draft Plan and EIR/EIS.	
21	1-14	9-10	**Guiding Preparation:** NDWA disagrees with the statement that as an organization it is helping to "guide the preparation of the BDCP." For a couple of years the NDWA participated as a member of the BDCP Steering Committee, but the BDCP Management Team were the primary decision-makers on the BDCP project definition/purpose and analysis, not Steering Committee members. NDWA and other environmental Steering Committee members had less access to information and influence over decision-making in guiding the development of the Plan than the Management Team. The Steering Committee was disbanded and has not met since 2009, resulting in the NDWA feeling less informed and less involved in development of the BDCP since then. The BDCP public process has been nothing more than a delivery system to disseminate information on how the BDCP Proponents have developed the Plan, rather than an opportunity to "help guide development." The BDCP process fails to provide a mechanism for interested and affected Delta stakeholders to have their input incorporated into the Plan or help guide which Conservation Measures are appropriate. NDWA has also applied and been accepted as a Cooperating Agency under NEPA, but has not found the process conducive to "helping to guide the preparation of the BDCP" either. The BDCP Proponents have always and continue to dominate the "guiding" of Plan development. **Recommendation:** To clarify the actual influence NDWA and other stakeholders have had in guiding preparation of the BDCP we would suggest deleting: "These organizations are helping to guide the preparation of the BDCP."; and replace with: *"These organizations have played an active but limited role in helping to guide the preparation of the BDCP through public processes."*	
22	1-18	5	**Table 1-3:** The Delta does not have sufficient electrical power supply to operate a 15,000 cfs intermediary pumping plant, five 3,000 cfs diversion intakes, or other facilities associated with CM1. Therefore, it seems that the BDCP may also	

			need permits from FERC and/or state agencies to permit new power lines and electrical power stations for these facilities. Also, what about FEMA? Most if not all of the Plan Area is likely to be mapped by FEMA as Special Flood Hazard Areas which will be subject to the strict NFIP building standards which would result in needing to raise each and every BDCP structure above the floodplain on elevated dirt mounds or building levees to meet FEMA 100-year standard to protect the structures/facilities associated with CM1. The Project may also require surface mining permits for the borrow pits, excavation, concrete batch plants, and soil spoils areas from the CA Dept. of Conservation. Fuel stations may also require permitting from federal or state agencies. **Recommendation:** Add federal, state, and local regulatory agencies that permit electrical power lines and substations, have regulatory control over building standards in a floodplain or fuel stations, or mining permitting authority for CM1.	
23	1-21		**Cooperating Agencies:** Typo, Reclamation District 550 should be changed to 551 which is the currently identified location for the forebay, spillway, intermediary pumping plant and at least two intakes. Also, we don't believe the complete number of Reclamation Districts are indentified for Easement/Right of way based on recent locations of geo-tech drilling eminent domain proceedings or the thousands of acres proposed to be converted under CM 2-22 for habitat. **Recommendation:** Correct RD 551 typo and identify the complete list of Reclamation Districts likely to need easement/right of way associated with all 22 CMs. There are probably another dozen RDs that need to be added.	
24	1-22	18-20	**Mitigation of BDCP Effects:** This section states that significant "environmental" effect of the BDCP will be mitigated to "the extent feasible." What about the significant "economic" impacts caused to the region by the BDCP implementation? Those also need to be mitigated, but this section only mentions environmental effects, completely omitting economic effects. And who decides what "extent feasible" means? The people in the delta certainly have a different definition of what is feasible than the BDCP Proponents. **Recommendation:** The vague term "extent feasible" needs to be defined in the Plan and EIR/EIS and the mitigation and compensation to Delta residents and regions for the socioeconomic impacts, not just environmental must be properly	

			identified and funded.	
25	1-23	5-7	**Flood Management:** The Delta region will also be subjected to localized flooding due to the potential of the Plan's facilities to "block, reroute, or temporarily detain and impound surface water in existing drainages." (page 6-54, lines 6-9) "These activities would result in temporary and long-term changes to drainage patterns, paths and facilities that would in turn, cause changes in drainage flow rates, directions and velocities." (page 6-54, lines 3-5) "Alternative 1A facilities could temporarily and directly affect existing water bodies and drainage facilities, including ditches, canals, pipelines, or pump stations." (page 6-54, lines 13-14) Temporary under this plan means the construction phase which is anticipated to be 9 years, so these disruptions to existing drainage systems to prevent localized flooding will be affected for a decade. "Paving, compaction of soil and other activities that would increase land imperviousness would result in decreases in precipitation infiltration into the soil, and thus increase drainage runoff flows into receiving drainages." (page 6-54, lines 22-24) the result of this increase in runoff flows will be increased localized flooding, which could damage property and possibly cost lives. "Groundwater removed during construction would be treated as necessary and discharged to local drainage channels or rivers. This would result in localized increase in flows and water surface elevations in the receiving channels." (page 6-54, lines 26-29) Again, this means more localized flooding impacts. So, flood impacts are NOT just caused by changes inflow regimes or modification of existing levees as indicated in this section, but also by many BDCP activities, yet are not properly recognized in this section. **Recommendation:** Add wording in this section to also identify localized flood impacts associated with disruption, blockage, and over-taxing existing drainage systems with implementation of BDCP.	
26	1-23	14-17	**Socioeconomics:** There are additional significant socioeconomic impacts not identified in this section, most notably detrimental third party impacts/damages to crops and property caused by seepage, erosion, and poor water quality and need to be compensated during construction and operation of BDCP. **Recommendation:** Add the following language to this section: *"Significant economic losses would result from damage to crops and property caused by seepage, erosion, and poor water quality."*	

27	1-23	38-42	**Growth:** The new water conveyance facilities proposed in the BDCP EIR do NOT create one drop of more water than what exists today, so allowing growth in the export areas should only be allowed if those areas can create local water supplies through conservation, desalinization, contaminated groundwater clean-up, storm water capture and re-use, water recycling or other local water supply projects. The BDCP project is unlikely to increase reliability of water transportation from the existing system as the new water conveyance facilities are to be built in the same floodplain and vulnerable to the same earthquakes and floods the existing export facilities are in. An unlined forebay located on an island with existing seepage problems and soft sandy soils is likely particularly vulnerable to earthquakes and subsequent disruptions of any water deliveries from proposed new North Delta intakes. **Recommendation:** Language should be added to recognize that new BDCP facilities will still be as vulnerable to floods and earthquakes as existing facilities and that no additional water is created by the new facilities to supply/support population/building growth in export areas.	
28	1-24	9-10	**Construction Period:** The "9-year-long construction period" is the timeline associated to "temporary effects" and "temporary impacts" mentioned throughout this Plan, yet it is never really made clear in the individual chapters that **these "temporary" disruptive activities will last for a decade**. We do not believe that any rational human being would consider 9 years to be "temporary." This is subterfuge of the realities of the impacts at its worst and wrong to not be more transparent in the disclosure of true length of these impacts. **Recommendation:** This plan should STOP using the term "temporary" in terms of impacts and should replace it with more transparent description of "decade long construction" effects and impacts.	
29	1-25	2-9	**Related Actions:** There are several habitat and water conveyance projects that are proceeding ahead of the BDCP through separate permitting and EIR processes with the intention of being in construction prior to final approval and implementation of BDCP. However, these early implementation projects are also mentioned in the BDCP as Conservation Measures or covered activities and the habitat projects in particular are intended to be used as environmental credits to	

			meet HCP and NCCPA requirements necessary to gain approval of BDCP. These projects include the North Bay Aqueduct and habitat projects to comply with the Federal BiOps such as the Yolo Ranch (Lower Yolo Bypass) and Prospect Island. This EIR/EIS claims that CM 2-22 are only evaluated ata program level in this Plan because they are only conceptual, when in fact there are at least two habitat projects which are developing separate environmental documents (EIR and seeking authorization before the BDCP is approved and permitted, yet this EIR fails to provide site specific mitigation or appropriately analyze their cumulative impacts as reasonably foreseeable projects. **Question:** Can these early implementation habitat projects which are being done to comply with existing BiOps be double-counted in terms of meeting HCP and NCCPA requirements under this BDCP and the BiOps? Or are these early implementation projects that intend to be incorporated into and credited under this BDCP considered "related actions, interrelated actions, or connected actions?" **Recommendation:** Please explain how these early actions with EIRs underway will be dealt with in the BDCP and include their site specific info and mitigations in the BDCP EIR.	
30	1-25	10-23	**Related Planning Efforts:** There are several other related planning efforts occurring in the Plan Area that will have effects on or be affected by the BDCP which are not mentioned: Central Valley Flood Control Plan, Delta Plan, USACE Delta Levee Feasibility Study, and the USACE Levee Vegetation ETL. There may also be others that should be added. **Recommendation:** Add to the list of additional activities on line 12: Central Valley Flood Control Plan, Delta Plan, USACE Delta Levee Feasibility Study, and the USACE Levee Vegetation ETL.	
31	1-27	1-35	**Appendices:** Line 1 says these appendices are to "support the various chapters." Unfortunately, 14 of the 26 appendices (MORE THAN HALF) listed on this page are NOT currently available for review. Therefore, there is insufficient background and supporting documentation on which to make any reasoned evaluation of the adequacy of this Plan or the EIR/EIS and its evaluation of alternatives and mitigation. The 12 appendices on this page that are available for review equal 1,117 pages when combined. Therefore, it is feasible that the remaining 14 appendices will likely be up to 2,000	

			pages which we will need more time to analyze. **Recommendation:** Provide additional time before the release of the Draft Plan for cooperating agencies to review all new appendices once they are available.	
32	1-27	17	**Chapter 5 Appendices:** The BDCP will have a significant effect on in-Delta water supply availability and reliability. Supporting documentation should show all of the existing in-Delta water diversion intakes and evaluate if they will be detrimentally impacted by implementation of BDCP. The NDWA contract requires that water of such quality ***shall*** be available in the Delta channels for reasonable and beneficial uses and that local diversions and uses ***shall not*** be disturbed or challenged by the State. This EIR/EIS needs to evaluate the availability of water in ALL Delta channels and ALL existing water diversion intakes in the North Delta at the very least to assure compliance with the Contract, but it should also analyze for the whole Delta so that landowners and counties can evaluate the impacts and determine if the mitigation provided in the BDCP EIR/EIS is sufficient and appropriate. **Recommendation:** The EIR/EIS needs to add appendices analyzing all of the existing water diversion intakes in the Delta and how they will be impacted by CM 1-22 of the BDCP, this should include water surface elevation modeling for each water year type.	
33	1-27	18-29	**Chapter 6 Appendices:** There are no appendices identified for Chapter 6, Surface Water, despite the significant impacts identified in that chapter. The NDWA and other in-Delta stakeholder need to see the modeling tools, assumptions used, and results for hydraulic and hydrology modeling to evaluate the Plan's impacts on water surface elevations (seepage, flooding, and stranding of in-Delta water diversion intakes), water velocities (erosion), and natural flow direction. This data and analysis is critical to providing the information necessary to determine if the BDCP Project will meet the criteria and provisions in the 1981 NDWA Contract Agreement with DWR. Failure of the BDCP implementation to maintain the NDWA Contract criteria for water quality will result in DWR: ceasing all diversions to storage; increasing releases of stored water form SWP reservoirs; ceasing all export by the SWP form Delta channels; or any combination of these. Since the SWP and CVP are now jointly operated (page 5-17, lines 34-40), the CVP may share responsibility for meeting these	

			NDWA standards pursuant to the Coordinated Operations Agreement (COA) signed in 1986. **Recommendation:** The EIR/EIS must add appendices to Chapter 6 that show analysis and modeling tools, assumptions used, and results for hydraulics and hydrology for water surface elevations, flows and velocities. The EIR/EIS should provide all documentation and analysis that supports the conclusions made in this chapter in regards to implementation of all CMs 1-22 and compares the impacts between each of the alternatives, including impacts in years 1-50 of the Plan.	
34	1-27	19	**Groundwater Modeling:** Since many of the homes in the rural Delta use well water for their drinking water, the modeling in Appendix 7A needs to identify and evaluate the impacts to the drinking water in the Delta pursuant to implementation of CMs 1-22 of the BDCP. **Recommendation:** The EIR/EIS needs to provide all documentation and analysis that shows how Delta's drinking water is impacted and supports the conclusions made in Chapter 7 in regards to implementation of all CMs 1-22 and compares the impacts between each of the alternatives, including impacts in years 1-50 of the Plan.	
35	1-27	35	**Chapter 9 Appendices:** One of the primary reasons/justifications given for the need for the BDCP Project (Chapter 2) is the risk to the current thru-Delta water conveyance system from catastrophic flood or earthquake. Yet, despite the severe risk for earthquake damage promoted by DWR and other BDCP Proponents, there is no appendices of data, analyses, modeling or any other scientific information to support this hyperbolic hypothesis. Therefore it lacks credibility as a valid justification for Need or Purpose as stated in Chapter 2 of the BDCP EIR/EIS. Since all of the new water conveyance facilities (CM1) and habitat projects (CM2-12) are to be built in the same area claimed to be at risk of a catastrophic earthquake, then the supporting documents should be provided in the EIR/EIS that clearly show how the new facilities would be more resistant to earthquake damage than existing levees which have never had a documented levee failure caused by an earthquake. Failure to do so will mean the permitting agencies or the public will have insufficient information on which to analyze each alternative against each other or to approve a final project ROD. In addition, the Plan currently proposes building a 4-story ***unlined*** 750-acre	

			forebay (ring dam) on soils that are permeable, known to have seepage issues. The 15,000 cfs intermediary pumping plant is also planned on these same permeable soft sandy soils and in the same earthquake zone as existing SWP conveyance facilities, so the Geology and Seismicity seem important issues that warrant supporting data in appendices to the EIR/EIS. **Recommendation:** The EIR/EIS must add data, documentation, modeling and any other scientific analysis and information regarding the stability and suitability of the soils where intakes, pumping plants and forebays are planned in the BDCP and whether they would be subjected to the same earthquake risk as existing facilities. This information is available from the geo-technical drilling done pursuant to eminent domain. The EIR/EIS should provide all documentation and analysis that supports the conclusions made in this chapter in regards to implementation of CMs 1-22 and compare the impacts between each of the alternatives, including impacts in years 1-50 of the Plan.	
36	1-28	1-35	**Appendices:** Line 1 of this section says these appendices are to "support the various chapters." Unfortunately 11 of the 27 appendices listed on this page are NOT currently available. Therefore, there is insufficient background and supporting documentation on which to make any reasoned evaluation of the adequacy of this Plan or the EIR/EIS and its alternatives. **Recommendation:** Provide additional time before the release of the Draft Plan for cooperating agencies to review all new appendices once they are available.	
37	1-28	10-11	**Chapter 13 Appendices:** There are no appendices for Chapter 13, Land Use identified, despite the significant land use changes that would occur if BDCP and CMs 1-22 are implemented. Due to the significant "temporary" (9 years) land disturbance caused by construction and implementation of CMs 1-22 and the long term conversion of land from current uses to conveyance facilities or habitat under the BDCP, this should warrant the addition of appendices with supporting analysis regarding land use and economic impacts and how the BDCP will comply with the Delta Reform Act to protect and preserve the Delta as an evolving place. This new appendix should evaluate impacts to: operation of local RDs and floodplain management; urbanization in the secondary zone; loss of Prime Ag Land; and Delta lands protected by	

			easements/Williamson Act. **Recommendation** Without providing the actual data, assumptions and analysis on how conclusions in this chapter were made, there is no way for a cooperating agency or the public to determine if the conclusions and proposed mitigation are appropriate and sufficient. The EIR/EIS should provide all documentation and analysis that supports the conclusions made in this chapter in regards to implementation of all CMs 1-22 and compare the impacts between each of the alternatives, including impacts in years 1-5 of the Plan.	
38	1-28	11	**Appendix 14A:** Analyzing individual crop effects is insufficient to analyze BDCP 1-22 impacts on agriculture. The Delta ag lands are identified by the State as Prime Ag Lands which statewide have been declining over the last few years due to development and other activities that convert these lands to non-ag uses, including habitat restoration projects. The additional loss of Delta Prime Ag Lands should be documented and analyzed in terms of a statewide impact due to such a large loss from one project. Without providing the actual data, assumptions and analysis on how conclusions in this chapter were made, there is no way for a cooperating agency or the public to determine if the conclusions and proposed mitigation are appropriate and sufficient. **Recommendation:** The EIR/EIS should add additional analysis/data regarding the loss of designated Prime Ag Land in the BDCP Plan Area pursuant to implementation of CMs 1-22 of the BDCP and compare the impacts between each of the alternatives years 1-50. The Delta Protection Commission's recent Land Use and Management Plan and Economic Sustainability Plan should be used as a source for this additional appendix.	
39	1-28	24	**Chapter 19 Appendices:** More than a traffic study needs to be analyzed in the EIR/EIS. The re-routing of roads, including Hwy 160, during the decade long construction phase will impact school transportation, increased trucking of BDCP materials, create longer commutes and GHG impacts by residents, longer response times for emergency services such as firetrucks and ambulances. Also, transportation analysis should include shipping commerce since there are two major shipping ports in the Delta that rely on the Sacramento River for delivery of goods. The construction of the intakes for conveyance with coffer dams choking the width of the Sacramento	

			River and breaching of levees for habitat could create significant navigation obstructions or hazards for ships. Without providing the actual data, assumptions and analysis on how conclusions in this chapter were made, there is no way for a cooperating agency or the public to determine if the analysis is adequate or accurate, or whether the proposed mitigation is appropriate and sufficient. **Recommendation:** The EIR/EIS needs to add appendices analyzing altered transportation patterns and distances for cars and emergency service vehicles which includes a GHG analysis and one analyzing the navigation and commercial shipping impacts, including to the Stockton and Sacramento Ports. These appendices should support conclusions in this chapter for CMs1-22 with comparison of alternatives.	
40	1-28	25-26	**Chapter 21 Appendices:** The EIR/EIS should provide the supporting data, modeling tools, assumptions used, and modeling outputs associated with evaluating each of the BDCP alternatives for energy use increases. Operation of a 15,000 cfs intermediary pumping plant and five 3,000 cfs pumping plants, and the building of transmission and distribution lines and electrical power substations requires a great deal of additional annual energy creation and consumption. Without providing the actual data, assumptions and analysis on how conclusions in this chapter were made, there is no way for a cooperating agency or the public to determine if the conclusions and mitigation are appropriate and sufficient. **Recommendation:** The EIR/EIS should add all documentation and analysis that supports the conclusions made in this chapter regarding implementation of CMs 1-22 and comparing the alternatives.	
41	1-28	27-28	**Chapter 23 Appendices:** The "temporary" construction period is mentioned briefly as being 9-years which is a long time to deal with noise impacts associated with this Project. The Delta is primarily a quiet agrarian area with pockets of industrialization in the urban areas. The EIR/EIS should provide all data associated with evaluating each of the BDCP alternatives and CMs for their impacts on humans and animals in terms of increased noise. The analysis of anticipated noise increases in terms of decibels, location, and duration should be shown for both during the decade-long construction phase and the	

			permanent operation of CM1 facilities. Without providing the actual data, assumptions and analysis on how conclusions in this chapter were made, there is no way for a cooperating agency or the public to determine if the analysis is adequate or accurate, or whether the proposed mitigation is appropriate and sufficient. **Recommendation:** The EIR/EIS should provide all documentation and analysis that supports the conclusions made in Chapter 23 for implementation of CM 1-22 and comparison of alternatives.	
42	1-28	29-30	**Chapter 25 Appendices:** The EIR/EIS should provide the supporting data, assumptions and outputs associated with evaluating human health impacts if CM 1-22 are implemented. There are significant public health risks associated with methyl mercury poisoning, deadly diseases spread by mosquitoes, and contamination of in-Delta drinking water wells, all of which can be hazardous or deadly to humans. Analysis should be provided indicating the location and size of potential hot spots for methyl mercury and mosquito breeding as well as the location and number of drinking water wells that may be exposed to contamination or damaged by construction or implementation of CM 1-22. This appendix should include the data that supports the conclusions in Chapter 25. **Recommendation:** The EIR/EIS should provide all documentation and analysis that supports the conclusions made in Chapter 25 in regards to implementation of CM 1-22 and comparing alternatives in the EIR.	

43	1-29	Gen	**General Comment:** Converting 100,000 acres from current uses to either habitat or conveyance facilities, reducing flows in the Sacramento main stem of the river and surrounding Delta channels by pumping up to 15,000 cfs of water out of the system for transport to areas outside of the Delta, installing five water diversion intakes which individually have ten times the current pumping capacity of the largest urban intakes currently located in the Delta, and a "temporary" construction period that lasts for a decade will have numerous, significant, and permanent impacts in the Delta that will be damaging and costly in terms of devastating the local Delta economy to benefit economies in other areas of the State where the water will be exported. In order for Cooperating Agencies, local governments, state and federal permitting agencies, and the public to properly analyze the true impacts of this proposed project, the EIR/EIS needs to provide more transparency by disclosing: data, reports, modeling assumptions and results, analysis of implementation of each and combined CMs 1-22, and the comparison done of these impacts for each of the Plan's alternatives including in all years 1-50, for which the EIR/EIS relied on to support the conclusions made in each chapter. For CM1 which is supposed to be analyzed in sufficient detail to gain project-level permit approval for new conveyance facilities, the analysis needs to provide specific location and size of all facilities, detailed operation criteria, as well as the specifics of all "temporary" decade-long construction activities including site locations, size, number of, duration, and severity of activities associated with implementing CMs 1-22. Like the Delta Stewardship did in the EIR for the Delta Plan, the BDCP EIR/EIS should provide an analysis for the programmatic level CMs 2-22, based on the anticipated and reasonably foreseeable environmental and economic impacts as if all CMs are in fact implemented over the life of the 50-year Plan. Otherwise, the cumulative economic and environmental impacts of each and combined CMs 1-22 cannot properly be evaluated by the public. In addition, the EIR/EIS should incorporate the site-specific details of separate EIRs being developed for projects that are to be credited as conservation measures or protected as covered actions in the BDCP later, including but not limited to: North Bay Aqueduct, Yolo Ranch (Lower Yolo Bypass), Fremont Weir, Prospect Island, and Cache Slough Complex. Any and all EIRs currently in development	

			by any BDCP Proponent (lead agencies and water contractors) or trustee agencies under BDCP should have the BDCP EIR/EIS provide site specific info on these projects since they are clearly foreseeable and beyond a programmatic conceptual stage. If a conclusion in the BDCP EIR/EIS Chapters fails to also provide the data/analysis that supports that conclusion, then it is insufficient in for the Cooperating Agencies, local governments, state and federal permitting agencies, and the public to properly evaluate the adequacy of conclusions and proposed mitigations for CMs 1-22. **Recommendation:** 1) Provide more transparency in how conclusions in each chapter were made by adding appendices for each and every chapter that provides the data/reports/analysis/modeling that supports the conclusions and compares the impacts between each alternative; 2) Each chapter should indicate the impacts/mitigations associated with the Project-level *and* Programmatic-level Conservation Measures; 3) Each chapter should indicate the impacts/mitigations for temporary and permanent impacts in a more clear fashion; 4) Incorporate the site-specific details and other data associated with any/all EIR/EIS currently under development by DWR, water contractors or any other BDCP Proponent, particularly any habitat projects being developed to comply with federal BiOps which are referenced in the BDCP; 5) Provide additional appendices for each and every chapter that supports the conclusions made in each chapter; and 6) Add a matrix grid to each chapter that shows the impacts and corresponding mitigation associated with each alternative so can compare each alternative against each other in terms of specific and cumulative impacts.	
44	1A-2	13-25	**Water Developed:** This section fails to describe in acre feet terms how much water was actually developed versus what was originally designed, but never completed. This is a glaring omission since the failure to complete the project's utilizing of additional Northern California watersheds is a major contributor to the state's difficulty "to reduce the frequency and magnitude of variations in supply and provide more reliable and consistent deliveries" as stated on lines 24-25 of page 1A-8. **Recommendation:** This section should also identify the amount of acre feet of water these combined existing projects developed when completed with recognition that they were supposed to develop 8 MAF of water but only	

			developed somewhere over 4 MAF of water because the projects were never and can never be completed as originally designed.	
45	1A-6	12-17	**Contacted Water:** This section is too vague and needs to be more specific as it relates to and is pertinent to: "The controversy surrounding California's water supply has primarily revolved around distribution and the **sharing of a limited resources**." [emphasis added] Should identify how much water the CVP yields each year for different water years types, so can see the fluctuations caused by nature. Also, this section doesn't identify the amount of water that the CVP is required to dedicate/deliver annually to the environment/fish. **Recommendation:** This wording should be expanded to clarify how much in acre feet is developed water the CVP facilities create annually and identify how much water annually CVP must deliver for environmental purposes.	
46	1A-8	29-33	**Additional Water Supply Contracts:** This section fails to mention subsequent water supply contracts entered into by DWR for SWP water including the NDWA 1918 Contract. To provide an accurate picture of all water users who have contractual rights for SWP water, this section must be expanded to include NDWA Contract. The content of the NDWA Contract signed in 1981 is directly relevant to the BDCP proposal to build a peripheral canal/tunnel and North Delta water conveyance facilities and therefore needs to be prominently mentioned and the assurances provided by DWR to in-Delta water users discussed in detail. **Recommendation:** Add language identifying water supply contracts signed by DWR for SWP water deliveries subsequent to the 1960's original contracts, including but not limited to, the NDWA 1981 Contract.	
47	1A-18	9-12	**Delta Levees:** Stating that levee damage from a large earthquake would take years to fix and may not be worth fixing is not substantiated by the facts or peer-reviewed science. Therefore, much of the representation of risks of multiple levee failures in this section is unsubstantiated speculation at best and hyperbolic misrepresentation at worst, and is an inappropriate basis on which to justify the need to divert water around the Delta's naturally functioning estuary. FACT: There is not ONE documented levee failure in the Delta caused by an earthquake, let alone multiple levee failures alluded to in Section 1A.2. FACT: Levee failures DO NOT take years to repair. The Upper Jones Tract repair, which was one of the largest breaches in	

			Delta history and took one month to repair, so the reality is 30-DAYS, not years to repair as referenced on line 4. The restoration of the island did take longer, about 5 months to pump the flood water off of the island. FACT: Even during the worst flood events of the past 150 years, there have only been between 1-5 simultaneous levee failures during any given flood event, so again there's not a history of the of the wide-spread double-digit multiple levee failure alluded to in Section 1A.2. FACT: The Delta has experienced less frequent and less severe levee failures since the establishment of the Delta Levees Subvention Program in 1973, and had no Delta levee failures in 2006 which had the highest recorded water surface elevations in the Central and West Delta, so the Delta levees are better today, not worse and therefore should not be represented as not worth maintaining and improving. **Recommendation:** Stop trying to invent and promote Chicken Little 'the sky is falling' (or levees in this case) scenarios to justify CM1 or to scare people into supporting and paying for CM1. *We suggest you delete the entire first sentence starting at line 9.*	
48	1A-18	14-16	**Land Subsidence:** There are several misrepresentations regarding the extent, severity, and continuation of land subsidence and its potential risk to levees in this section. First, based on 2007 DWR LiDAR data there are only 96,000 acres (14% of the entire Delta) below 12 feet NGVD or more and only 57,000 acres (8.1% of the entire Delta) 15 feet NGVD or more below sea level. Therefore, it is incorrect to state that "many" of the Delta lands "now lie 25 feet or more below sea level." Using the LiDAR data, there does NOT appear to be ongoing subsidence on 86%-92% of the entire legal Delta. Secondly, a comparison of the 2007 LiDAR data to the USGS Quadrangle maps surveyed between 1974 and 1977 shows that subsidence did NOT occur in areas that are currently at elevation minus 10 feet below sea level and above. Therefore, it is incorrect to say "increased in severity over time" in line 14 as this very statement is contradicted by the LiDAR and the language in line 32 below that states "destructive farming practices have ceased, **slowing down the rate of subsidence.**" [emphasis added]. In addition, the BDCP EIR/EIS cannot promote Delta land subsidence as an unacceptable risk to current Delta levees as water conveyance system and propose in the BDCP EIR/EIS to	

			increase Delta land subsidence by lowering interior land elevations by excavating Delta island soild to build foundations and protective levees for new structures in CM 1. Can't have it both ways. Either the Delta land subsidence causes risk to existing levees still needed under BDCP to convey water and puts new CM 1 facilities at risk, which means the BDCP ***cannot*** use Delta island soils to build CM 1 facilities and EIR/EIS must show importing dirt from elsewhere. Or, if BDCP CM 1 must lower the Delta islands land elevation further below sea level by excavating Delta island dirt to build CM 1, then it cannot also claim Delta land subsidence as a justification for building CM 1 in the first place. **Recommendation:** Stop trying to invent and promote Chicken Little 'the sky is falling' (or levees in this case) scenarios to justify CM1 or to scare people into supporting and paying for CM1. *Correct the first sentence in line 14 to clarify that there are patches of subsidence in the interior of some islands, but they represent less than 14% of the entire Delta and are not currently increasing in severity.*	
49	1A-18	16-18	**Excavation Causes Subsidence:** This sentence states that the excavation of dirt/soils from the interior of Delta islands for use in building/elevating levees was one of the causes of historical subsidence/lowering elevation of Delta islands. Yet, CM1 of the BDCP and EIR/EIS relies on borrowing/excavating dirt from the interior of several Delta islands to be used to build new levees to protect conveyance structures, build 40-foot-high (4-story) ring levee/dam around a 750-acre forebay, and to build 15-25 foot dirt pads to elevate ALL of the water conveyance structures, electrical substations, storage buildings, and any other BDCP structures associated with CM1 to meet FEMA's strict building standards in SFHA zones. Despite this significant environmental impact, the EIR/EIS fails to provide an appendix showing or analyzing the effects of further lowering Delta island elevations below sea level pursuant to implementation of CM1. The BDCP should avoid excavating any dirt/soils/materials from the Delta islands as it will cause a higher percentage of the Delta lands to subside significantly below sea level compared to current conditions, particularly in light of projected sea level rise. The BDCP should identify more appropriate areas than Delta islands from which it will excavate dirt for the implementation of CM1. **Recommendation:** This section should identify any	

			BDCP excavation of the interior Delta islands as being a major contributor to lowering Delta island land elevations below sea level and accelerating land subsidence in the Delta. The EIR/EIS should add an appendix identifying and analyzing the effect of the locations/amounts of dirt excavations on Delta lands to be done to implement CM 1-22. The BDCP should consider adopting a policy of avoiding the use of any Delta island dirt/materials for the BDCP CM 1-22 in order to prevent further subsidence of Delta islands, particularly in light of expectations for rising sea levels under climate change.	
50	1A-18	21-24	**Historical Farming Practices:** These lines mention historical farming crops and practices in the Delta which no longer are widely used, therefore are irrelevant to the ongoing and/or future contribution to subsidence. This is especially true since lines 31-32 of page 1A-18 states that, "some of the more destructive farming practices have ceased, slowing down the rate of subsidence." As mentioned in NDWA's comment #47 above, implementation of the BDCP's CM1 pose the most potential to contribute to the future subsidence of lands in the Delta, so are far more relevant to contributing to future Delta subsidence than abandoned farming practices. **Recommendation:** *Delete lines 21-24 in their entirety or add language about BDCP's future contribution to Delta land subsidence if the language is kept.*	
51	1A-18	25-27	**Subsidence Effects on Levee Stability:** We are unaware of any scientific study or report that shows subsided land increases hydraulic load on levees and compromises their stability. This statement is unsubstantiated by facts and therefore speculation, and should NOT be used as the basis for justifying re-routing export water around the Delta's natural tidal estuary. This is particularly true since the BDCP proposes to increase land subsidence by removing dirt from Delta islands to build facilities associated with CM 1-22, despite sea level rise projections over the 50-year life of this Plan. **Recommendation:** *Delete in its entirety the first sentence in line 25.* Stop trying to invent and promote Chicken Little 'the sky is falling' (or levees in this case) scenarios to justify CM1 or to scare people into supporting and paying for CM1. If the EIR/EIS wants to mention any relationship between subsidence and levee stability in this guidance policy, then it should be done in the context of fully	

			disclosing the BDCP and EIR/EIS future contribution to Delta land subsidence and wanting to support a study to determine the relationship between subsidence, sea level rise, and levee stability before excavating Delta islands as proposed in CM 1-22. The EIR/EIS needs to fully disclose in this section the significant impact CM 1-22 will have on lowering Delta island land elevations by increasing land subsidence in the Delta through implementation of this EIR/EIS and provide full analysis of how this increases risks of levee failures or other Delta damage in an appendix to the EIR/EIS.	
52	1A-20	Appendix Table 1A-1	**NDWA 1981 Contract:** In 1981, subsequent to the passage of SB 200 and ACA 90 authorizing the construction of a peripheral canal and guaranteeing certain protections and assurances to the Delta, DWR and the NDWA signed the "Contract Between State of California Department of Water Resources for the Assurance of a Dependable Water Supply of Suitable Quality." DWR's maintenance of the NDWA Contract's provisions is tied to the operation of the SWP. Failure by DWR to maintain the 1981 Contract water quality criteria provides that the State ***shall***: 1) cease ***ALL*** diversions to storage; 2) increase releases of stored water form SWP reservoirs; 3) cease ***ALL*** export by the SWP from Delta channels; and 4) or any combination of these. The water quality criteria in the Contract are different than D-1641 and must be met year-round. In addition, the 1981 Contract states the State shall not convey SWP water so as to cause a: 1) decrease in natural flow; 2) increase in natural flow; 3) reversal of natural flow direction; or 4) alteration in water surface elevations in Delta channels to the detriment of Delta channels or water users within the Agency. Also, the State shall repair or alleviate damage, improve channels as necessary due to seepage or erosion damage to lands, levees, embankments or revetments adjacent to Delta channels within the Agency, and is responsible for ***all*** diversion facility modifications required. In light of this agreement's effect on the operation of the SWP, the NDWA Contract should be added to Appendix Table 1A-1. **Recommendation:** *Add the NDWA 1981 Contract to Appendix Table 1A-1.*	
53	1A-22	18-21	**Water Quality Objectives:** DWR is also obligated under the 1981 NDWA Contract to meet certain water quality objectives (salinity levels). As stated in NDWA comment #50 above, the SWP operations	

			are affected if NDWA water quality objectives are not met year-round. **Recommendation:** Add language recognizing water quality objectives under the 1981 NDWA Contract.	
54	1A-25	9	**Annual Water Supplies of COA:** What are the annual water supplies identified in COA? At some point, the BDCP and EIR/EIS need to identify how much flow is needed to protect the Delta water quality and ecosystem health, in order to determine how much water is remaining for export, so identifying existing obligations would be important for the discussion. **Recommendation:** Add language in this section to specify the annual water supplies in COA.	
55	1A-26	4	**Allowed Incidental Take:** What is the amount of incidental take (number of fish) allowed for the Delta export facilities annually? **Recommendation:** Add language identifying the amount of incidental take (number of fish) currently allowed annually at existing export facilities.	
56	1A-27	16-23	**Salinity Requirements:** What are the number of days that must be met in the standard tables? What happens if the number of X2 days required by regulatory standard tables are not met even after using credits from previous month? What happens if the salinity starting gate requirements are not met? Have the number of X2 day required not been met by CVP/SWP in past 30 years? If so, how many times, for how many days, what was the remedy, and what was the penalty for the violation? Since the BDCP proposes changes in water operations and proposes to change existing water operations, including moving the D-1641 salinity criteria location from Emmaton to Three Mile Slough, it is important to understand how good of a job the CVP/SWP have historically done in meeting existing salinity requirements. **Recommendation:** If there have been violations of these salinity requirements, then add a Table to this section disclosing how many times and for how long these salinity requirements have been violated over the last thirty years. Identify the penalties or operational changes to CVP/SWP that occur if the number of X2 days or salinity starting gate requirements are not met.	
57	1A-28	4-21	**Export/Inflow Ratio:** What are the penalties or operational changes to CVP/SWP for exceeding D-1641 Export/Inflow ratio export restrictions? If they've ever been violated, then how often and for how long have they been violated over the last 30	

			years? **Recommendation:** If there have been violations of this ratio, then add a Table to this section disclosing how many times and for how long these ratios have been violated over the last 30 years.	
58	1A-28	23-31	**VAMP Results:** Since 2012 is the end of the 12-year experimental management program to evaluate how salmon survival rates change in response to alteration in San Joaquin River flows and SWP/CVP exports with installation of the Head of Old River Barrier, it seems appropriate to disclose in this section the preliminary results of this management experiment, since it would be relevant to the new water operations proposed in CM1. **Recommendation:** Add language to this section disclosing the preliminary results of this long-term management experiment to benefit juvenile salmon migration.	
59	1A-28	33	**Minimum Delta Outflow:** What is the minimum monthly Delta outflow required under D-1641. Important to have this information disclosed so can understand the difference between existing requirements and those proposed in the new water operations in CM1 and whether CM1's new water operations will "improve the amount of flow through the Delta" as stated on page 1-2, lines 15-16 of Chapter 1 of this EIR/EIS. **Recommendation:** Add language disclosing the monthly D-1641 outlfow requirements.	
60	1A-41	12-19	**DSC's Delta Plan's Projects:** Like the BDCP, the DSC Delta Plan proposes projects to achieve co-equal goals and has an EIR that is programmatic. Many of the projects in the DSC's Delta Plan overlap with the BDCP CMs 1-22. What is the relationship between BDCP EIR/EIS and Delta Plan EIR? Full disclosure should be made in the BDCP EIR/EIS of the similar nature of the conveyance and habitat projects, impacts, and mitigations and explain or how they differ from each other and which document and projects supersedes the other in terms of project design and mitigation. What are the consequences if BDCP conflicts with the Delta Plan? Also, this section fails to describe the DSC's role in implementation and governance of BDCP. Having too many entities with jurisdiction and overlapping responsibilities was one of the primary reasons given by the Legislature for creating the Delta Stewardship Council in 2009, yet it unclear how these two different EIRs will work together. **Recommendation:** Expand this section to describe	

			the conveyance and habitat similarities and differences between Delta Plan and BDCP CMs 1-22, and clarify which EIR will supersede/trump the other in the event they are both approved. Add language explaining the role the DSC plays in implementation and governance of BDCP.	
61	1A-41	35-40	**Delta Conservancy:** What is the relationship between the projects and activities in the Conservancy's strategic plan and the BDCP? Will the Conservancy have a role in the implementation of any BDCP CMs 1-22? If so, the Conservancy's duties, statutory directive and authority, and role in BDCP implementation should be explained in this section. What are the consequences, if any, if the BDCP CMs 1-22 and implementation conflict with the Conservancy's Strategic Plan? **Recommendation:** Expand this section to describe how the Conservancy's Strategic Plan relates to the BDCP and what role the Conservancy will play in governance and implementation of BDCP.	
62	2-1	29-40	**Project Objectives, Purpose, Need:** This section declares "continuing subsidence of lands within the Delta, increasing seismic risks and levee failure" as factors that contribute to conflicts over Delta water supply and the Delta's ecological health and as a basis for justification for re-designing the water conveyance system (CM1). Yet, the BDCP and this EIR/EIS does not propose to build the CM1 facilities outside of the earthquake area and floodplain, but instead proposes building the new conveyance facilities (CM1) in the same area the EIR/EIS claims is at great risk of earthquake and all facilities will be built in the same floodplain. In addition, the BDCP EIR/EIS CM1 proposes to excavate and "borrow" dirt/soils/materials from Delta islands which the BDCP EIR/EIS claims is one of the activities that caused historical Delta land subsidence which lowered Delta land elevations and increased the risk of flood. The BDCP EIR/EIS ***cannot*** have it both ways. The BDCP EIR/EIS cannot claim the risks of Delta earthquakes and floods as the justification for needing CM1 and then propose to build new facilities proposed in CM1 in an area with the ***same risk*** of earthquake and flood that currently exists. The BDCP EIR/EIS needs to choose either: 1) The Delta is too risky due to earthquakes and floods and therefore too dangerous a place to build the facilities proposed in the EIR/EIS and CM1 should be eliminated; or 2) The risk of catastrophic multiple levee failure from earthquakes and floods is not as great as this EIR/EIS claims and is therefore safe to build the	

			facilities in CM1 in the Delta and the BDCP EIR/EIS will need to offer alternate reasons for justifying the need to build the facilities in CM1 other than risk of earthquake and flood. As mentioned in earlier comments (#48-51), there are no recorded examples of levee failures from earthquakes and no scientific studies and reports showing subsided land increases hydraulic load on levees and compromises their stability. In fact, the most recent study of how Delta levees would fare in an earthquake was UCLA tests in the Delta of a 7.0 earthquake seem to show Delta levees hold up quite well in an earthquake event, so the BDCP EIR/EIS claim that the levees are falling lacks credibility. Therefore, the justification given for the need for CM1 of the BDCP EIR/EIS is not substantiated by facts or scientific studies and only serves to create a Chicken Little mentality to scare people into believing the sky is falling (or levees in this case) in order to justify and convince beneficiaries this project is need and to pay for such a costly endeavor which is an old 20th Century design which poses the same amount of risk to water supply reliability as the existing thru-Delta water conveyance system. In addition, as NDWA's comment #49 points out, the excavation and removal of soil materials from the interior Delta islands to build CM1 facilities will in fact exacerbate and increase land subsidence in the Delta and consequently increase the risk to the new CM1 facilities, particularly in light of sea level rise projections in the BDCP EIR/EIS. **Recommendation:** The BDCP Purpose and Need and Project Objectives should be modified to eliminate continuing subsidence of Delta lands and increasing seismic risk of levee failure as justification for BDCP in general and CM1 in particular unless validated scientific documentation is provided to support such claims and the BDCP EIR/EIS abandons its plan to use Delta island soils as building materials for CM 1 and finds these materials from another source that won't lower Delta land elevations further below sea level.	
63	2-3	13-16	**See NDWA comment #62.**	
64	2-4	10-25	**Restore Full Contract Amounts:** The very fact that lines 15-25 attempt to clarify and/or moderate lines 10-14 are an indication that it is inappropriate for this Conservation Plan to state delivery of up to full contract amounts as a Purpose. This Purpose was strenuously objected to by NDWA and other members of the BDCP Steering Committee, AFTER	

			it had already been decided and adopted by Project Proponents behind closed doors and without the benefit of public discussion or knowledge. The NDWA believes a Project Purpose that proposes significantly increasing water exports out of an already stressed estuary is the wrong policy and should be stricken from the BDCP. We agree with the California Supreme Court's following opinion voiced in its evaluation of the CALFED Bay Delta Program: "The CALFED Program is premised on the theory, as yet unproven, that it is possible to restore the Bay-Delta's ecological health while maintaining and perhaps increasing Bay-Delta water exports through the CVP and SWP. If practical experience demonstrates that the theory is unsound, Bay-Delta water exports may need to be capped or reduced." [emphasis added] The health of the Delta estuary's ecosystem has only declined since this opinion was rendered, therefore we contend it is inappropriate to have the BDCP Purpose propose the ability for higher amounts of Delta water to be exported on an annual basis. This Purpose is also in conflict with existing CA law, the Delta Reform Act, which includes provisions for reducing reliance on the Delta for water supply. By committing to delivery of up to full contract amounts, this BDCP Purpose, could inappropriately result in putting junior right water holders in a higher priority than senior water right holders which is also against state law. It is inappropriate for unachievable expectations to be permitted in an HCP or even promised to BDCP Proponents (water exporters in particular) as such false expectations prevents the BDCP Proponents from being able to accurately determine whether the water delivery costs pursuant to how much water can actually be delivered with implementation of BDCP are "not so high as to preclude, and in amounts that are sufficient to support, the financing of the investments necessary to fund construction and operation of facilities and/or improvements" as stated in the Project Objectives on lines 20-25, page 2-3. This creates an unacceptable tension that will result in either pressure for BDCP implementation to increase Delta water exports that could further harm the Delta ecosystem or a perceived failure to meet water supply expectations by the BDCP Proponents. If the BDCP keeps "deliver full contract amounts" as one of the Purposes of this Plan and EIR/EIS, then the EIR/EIS needs to add an alternative that analyzes the environmental and economic effects of the dual conveyance actually	

			delivering full contract amounts. **Recommendation:** Delete lines 10-14 and replace with language that balances water export supply availability with competing beneficial uses based on water right seniority and provide clarity regarding actual "surplus water" available for export needs. Add a new alternative to the EIR/EIS or modify existing alternatives to provide analysis of the environmental and economic impacts of the new CM1 conveyance facilities combined with existing South Delta facilities (dual conveyance) delivering full contract amounts.	
65	4-1	16-23	**Timeframes:** Agree that the BDCP CMs need to be phased in a balanced manner so the programmatic environmental commitments (CMs) and mitigation can occur before or concurrent with CM 1 water facilities. BDCP lacks a strategic plan or timeline for moving habitat measures from being just conceptual to implementation. Therefore, as stated earlier, the BDCP fails to integrate and coordinate water supply and ecosystem measures into one plan as long as have BDCP split into two: Project Level and Program Level. Without timeline and prioritization schedule that is directly tied to the implementation of CM 1 (similar to double-joining legislative bills), the habitat/species measures are relegated to a "trust us" status for implementation. **Recommendation:** Please reference where the schedule and deadlines for implementation of CMs 1-22 can be found.	
66	4-2	6-19	**See NDWA Comment #1,2, and11.**	
67	4-2	20-21	**CM 1 Design Info:** The Preliminary Draft BDCP and EIR/EIS lack sufficient design information, specific locations and size of CM 1 facilities for NDWA to properly evaluate this action's impacts. EIR/EIS needs to provide more detailed maps and appendices in order to have enough information for CM 1 to be ready for permitting at a project level. **Recommendation:** Release more maps and appendices which give more details and specifics regarding all of the components of CM 1, including temporary construction impacts.	
68	4-2	35	**SWP & CVP Operations:** This section fails to provide a bullet identifying in-Delta water supply availability and quality as being affected by changes in SWP & CVP facilities. **Recommendation:** Add a new bullet after line 35, "In-Delta water supply availability and quality."	
69	4-3	3-6	**Terminology:** The note to lead agencies indicates the termi 'constructability' refers to footprint of	

			ground disturbances that is both temporary and permanent impacts. However, the Note fails to mention how long "temporary" is under the BDCP construction phase, which results in a lack of transparency of the long-term nature (9-years) of impacts described as "temporary" in the Plan. **Recommendation:** This note should add language making clear that "temporary" footprint ground disturbances means impacts could continue/occur over a 9-year period.	
70	4-5	2-5	**Appendix 4B:** This *Modeling Tools* appendix containing detailed assumptions for the SWP and CVP operations is not available, therefore as mentioned previously prevents NDWA from offering its expertise on an issue which is vitally important to the NDWA Contract. **Recommendation:** Release all appendices, including 4B to Cooperating Agencies at least a month prior to release of the Draft EIR to the public, so we can analyze and comment on its adequacy.	
71	4-5	20-28	**Appendix 3D:** As part of existing programs, projects, and policies, Appendix 3D should include in its assumptions having to meet the water quality and availability criteria in the NDWA 1981 Contract. **Recommendation:** Make sure Appendix 3D includes meeting the NDWA 1918 water quality and availability criteria in its assumptions of existing conditions.	
72	4-8	7-8	**Environmental Commitments:** Appendix 3B is unavailable, so cannot determine if environmental commitments are sufficient. NDWA requests that Appendix 3B also contain 'economic commitments,' since this HCP will benefit areas outside the Plan Area and have significant and permanent detrimental impacts in the Delts (Plan Area). **Recommendation:** Expand Appendix 3B to include economic impact commitments.	
73	31-1	17	**Fulfills Commitments:** It is difficult to see how a 4-page Chapter for a five-county HCP with such a high level of uncertainty due to half the Plan being programmatic and the other being project-level with more than 100,000 plus acres proposed to be permanently converted from their current economic use can possibly "fulfill" the requirement to address irreversible and irretrievable commitment of resources. This Chapter is woefully inadequate and does not even begin to scratch the surface of addressing the significant permanent irreversible and irretrievable commitment of	

			resources associated with removing water from a natural estuary for export and the extensive footprint of converting land permanently and temporary (9-year) impacts of construction. More importantly, this Chapter fails to even mention one of the primary consumption of one resource: the removal of water from its natural estuary to be transported and consumed in other locations. Many others are either omitted or not discussed in enough detail. In light of the significant effects each Delta county is likely to incur, yet the difficulty they face in identifying the cumulative impacts for each county in such a large regional document, the EIR/EIS should disclose the total temporary construction and permanent impacts associated with the implementation of the BDCP alternatives in each of the five Delta counties relating to transportation, emergency services, water supply, drainage and flood protection, agricultural production, groundwater, and water quality. Separating each county and listing the total impacts to each county for each alternative will allow each county to easily see the impacts and assess if the proposed mitigations are appropriate. Suggest a summary list of all potential environmental and economic impacts and mitigation be broken out by county either in the 'summary of the alternatives screening or impacts and mitigation measures related to BDCP alternatives' currently being developed for the Executive Summary OR create a new Chapter to the EIR/EIS which breaks down the individual impacts/mitigation for each county. **Recommendation:** A great deal more work needs to be done on this Chapter to capture and quantify the extent of permanent impacts associated with such a large HCP which proposes such massive land use changes to benefit service areas outside of the Plan Area. Add a matrix grid or Appendix on the impacts for each CM broken down by each county.	
74	31-1	34	**Commitment of Resources:** The bullets in lines 25-34 fail to mention the consumptive use of water that is proposed to be removed from a new location in an already stressed natural estuary. **Recommendation:** A new bullet should be added after line 34: *Removal of water from natural estuary for consumptive use in arid areas of the State."*	
75	31-2	13-14	**Maintenance Services:** Since under BDCP, dual conveyance and therefore use of Delta levees for water conveyance is contemplated under all alternatives in the EIR/EIS, then levees should be	

			added to this bullet as needing an increased commitment of public maintenance services. **Recommendation:** Add "*levees*" to the examples in parentheses that require increased commitment to maintenance services.	
76	31-2	31-32	**Short Term:** A 9-year construction period is not short term in anyone's definition, therefore short term should be either dropped in reference to construction period or the 9-year duration clearly indicated. **Recommendation:** Change "Short Term" as the terminology for defining total duration of construction, to "Decade-long Construction Period," which more accurately depicts the duration of impacts.	
77	31-3	1-8	**Short Term Losses:** Again, as mentioned in NDWA comment #76, "Short Term" is an inaccurate and misleading term to use for these impacts since they will last for almost a decade (9 years).	
78	31-3	1-8	**Short Term Loss Examples:** The EIR/EIS fails to mention significant additional construction period losses: increased localized flooding; reduced Delta water quality for drinking, agriculture and other beneficial uses; reduced water availability due to altered surface and groundwater elevations; job losses in the Plan Area. **Recommendation:** Add new bullets to add more examples of losses: *increased localized flooding; reduced Delta water quality for drinking, agriculture and other beneficial uses; reduced water availability due to altered surface and groundwater elevations; job losses in the Plan Area.*	
79	31-3	9	**Short Term Benefits:** Reference to increased jobs and revenues should be clarified that these benefits may be offset by loss of jobs and revenues in the Plan Area. **Recommendation:** Make clear that increased jobs and revenues may be offset by job losses and revenues in the Plan Area caused by implementation of BDCP.	
80	31-3	10-19	**Long Term Losses:** The EIR/EIS fails to mention significant additional long term losses: increased localized flooding; reduced Delta water quality for drinking, agriculture and other beneficial uses; reduced water availability due to altered surface and groundwater elevations; job losses in the Plan Area. **Recommendation:** Add new bullets to add more examples of permanent losses: *increased localized flooding; reduced Delta water quality for drinking, agriculture and other beneficial uses; reduced water availability due to altered surface and*	

			groundwater elevations; job losses in the Plan Area.	
81	31-3	21	**Long Term Gains:** Improvement to water supply reliability is primarily attributed to service areas outside the Plan Area, and in fact, a reduction in water supply reliability may be experienced in Plan Area. **Recommendation:** Modify this statement on long term gains as one that primarily is to be experienced/gained by service areas outside of the Plan Area.	