CHAPTER 4
Individual Responses to Comments

4.1 Federal Agencies

TABLE 4-1
FEDERAL AGENCIES THAT SUBMITTED COMMENTS ON THE DRAFT EIS/EIR

Comment Format	Comment ID	Name of Commenter	Title	Organization/ Affiliation	Page Number
Email	F_EPA	Kathleen M. Goforth	Manager, Environmental Review Office, Region IX	Environmental Protection Agency	4-1

Environmental Protection Agency, Kathleen M. Goforth, Manager, Environmental Review Office, Region IX, April 21, 2009.

F_EPA-01 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Sections 3.5.2 and 3.5.3).

F_EPA-02 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.6).

F_EPA-03 The commenter recommends examining the effects of a 3-foot sea level rise on the Delta, Delta water quality, the Central Valley Project (CVP) and State Water Project (SWP), and Los Vaqueros Reservoir operations.

RESPONSE

An attempt to analyze the effects of a 3-foot sea level rise on the Delta, Delta water quality, the CVP and SWP, and Los Vaqueros Reservoir operations would be speculative for the following reasons:

- Tidal Amplitude: To be conservative, the Draft EIS/EIR's analysis of a 1-foot sea level rise assumed that the observed increase in tidal amplitude that has been observed over the past 100 years in San Francisco Bay was due uniquely to sea level rise. In fact, it is not clear why sea level rise would increase the tidal amplitude except through hydrodynamic changes that are also greatly affected by factors such as draining tidal marshland around San Francisco Bay and the Delta, dredging of ship channels (which affects hydrodynamics of the tides), levee construction, and changes in

Bay morphology due to sediment movement. All these factors occurred at the same time as sea level rise over the past century and the individual effects have not been separated and are not known. The effect of a 3-foot sea level rise alone on tidal amplitude cannot be assessed using available tools.

- Responses to recommendation to analyze a 3-foot sea level rise: The response to a 3-foot sea level rise would require dramatic changes to the current Bay and Delta landscape. Many highly developed areas would be subject to inundation: levees would be built to protect them or they would be abandoned, and it cannot be predicted whether: more tidal marshland in the Delta would be created or levees would be built higher; islands would be allowed to flood and remain deep open-water bodies or would they be strategically altered to minimize flooding. None of these possible responses is known and each would have dramatic effects on the water quality response. For example, paleosalinity data suggest that while Suisun Bay had significant salinity intrusion during century-long droughts in the past, the Delta did not. This is completely different from the salinity response seen today and suggests a significant buffering from salinity intrusion and dampening of tidal effects in the Delta resulted from the extensive tidal marshland. If tidal marshland is created in the Delta in response to sea level rise, salinity intrusion could decrease, exactly the opposite of the assumption made in the comment.

Without further information on what the response would be to a 3-foot sea level increase, it is not possible to describe the effects of such a scenario on the Delta, CVP and SWP operations or Los Vaqueros Reservoir operations. However, it is clear from the analysis done that an increase in storage would allow a better response to such a scenario as it would allow more stored water to provide high quality water for longer periods of time than would be available in the No Project/No Action Alternative.

F_EPA-04 Please refer to **Section 3.2, Master Response 2, Relationship to Other Initiatives and Projects** (Chapter 3, Section 3.2.3).

4.2 State Agencies

TABLE 4-2A
STATE AGENCIES THAT SUBMITTED COMMENTS ON THE DRAFT EIS/EIR

Comment Format	Comment ID	Name of Commenter	Title	Organization/ Affiliation	Page
Fax	S_Caltrans	Lisa Carboni	District Branch Chief	California Department of Transportation	4-3
Mail	S_CVFPB	James Herota	Staff Environmental Scientist	Central Valley Flood Protection Board	4-3
Email	S_DFG	Charles Armor	Regional Manager, Bay Delta Region	California Department of Fish and Game	4-4
Fax	S_DOC	Dan Otis	Williamson Act Program Manager	California Department of Conservation	4-5
Mail	S_DSOD	David A. Gutierrez	Chief	California DWR, Division of Safety of Dams	4-5
Mail	S_SWRCB	Katherine Mrowka	Chief Inland Streams Unit	California State Water Resources Control Board	4-5

California Department of Transportation, Lisa Carboni, District Branch Chief, April 6, 2009.

S_Caltrans-01 Please refer to **Section 3.4, Master Response 4, Approvals and Permits** (Chapter 3, Section 3.4.2).

S_Caltrans-02 Please refer to **Section 3.12, Master Response 12, Cultural Resources** (Chapter 3, Section 3.12.3).

S_Caltrans-03 Please refer to **Section 3.4, Master Response 4, Approvals and Permits** (Chapter 3, Section 3.4.2).

Central Valley Flood Protection Board, James Herota, Staff Environmental Scientist, April 23, 2009.

S_CVFPB-01 The commenter notes that in the Regulatory Setting in Section 4.5, Local Drainage, Hydrology and Groundwater of the Draft EIS/EIR, the State Reclamation Board is acknowledged for its role in maintaining floodways and levees, and that construction of the proposed intake structure and reservoir expansion would be subject to Board approval (Vol. 1, pg. 4.5-5). The commenter states that the State Reclamation Board has been renamed as the Central Valley Flood Protection Board.

RESPONSE

The information about the agency's name change is acknowledged and the agency will be referred to as the Central Valley Flood Protection Board in future actions associated with the project. In addition, the name of the

agency has been updated in Table 3-8, Permits And Approvals Potentially Needed For Implementation Of Los Vaqueros Reservoir Expansion Alternatives, in Chapter 3, Description of Project Alternatives (Draft EIS/EIR, pp. 3-92 through 3-93). The text in Table 3-8 is revised as follows. Specific text changes to the EIS/EIR are also included in Chapter 5, Section 5.2, in the Final EIS/EIR.

Encroachment Permit	~~State of California Reclamation Board~~ Central Valley Flood Protection Board	Facilities within designated floodway or floodplain Facilities affecting levees under state authority

S_CVFPB-02 Please refer to **Section 3.4, Master Response 4, Approvals and Permits** (Chapter 3, Section 3.4.2).

California Department of Fish and Game, Charles Armour, Regional Manager, Bay Delta Region, March 20, 2009.

S_DFG-01 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Sections 3.8.4 and 3.8.9).

S_DFG-02 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.3).

S_DFG-03 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.7).

S_DFG-04 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.9).

S_DFG-05 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.7).

S_DFG-06 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.2).

S_DFG-07 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.6).

S_DFG-08 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.6).

S_DFG-09 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.2). The comment's specific requests regarding mitigation for impacts to special status plants under Alternatives 1, 2 and 3 are consistent with Mitigation Measure 4.6.3b.

S_DFG-10 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4).

S_DFG-11 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4).

S_DFG-12 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Sections 3.8.2 and 3.8.4).

S_DFG-13 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Sections 3.8.2 and 3.8.4).

S_DFG-14 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Sections 3.8.2 and 3.8.4).

S_DFG-15 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Sections 3.8.2 and 3.8.4).

S_DFG-16 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Sections 3.8.4 and 3.8.7).

California Department of Conservation, Dan Otis, Williamson Act Program Manager, April 21, 2009.

S_DOC_01 Please refer to **Section 3.7, Master Response 7, Agriculture** (Chapter 3, Section 3.7.2).

S_DOC_02 Please refer to **Section 3.7, Master Response 7, Agriculture** (Chapter 3, Section 3.7.2).

S_DOC_03 Please refer to **Section 3.7, Master Response 7, Agriculture** (Chapter 3, Section 3.7.3).

S_DOC_04 Please refer to **Section 3.7, Master Response 7, Agriculture** (Chapter 3, Section 3.7.4).

S_DOC_05 Please refer to **Section 3.7, Master Response 7, Agriculture** (Chapter 3, Section 3.7.3).

California DWR, Division of Safety of Dams, David A. Gutierrez, Chief, March 16, 2009.

S_DSOD_01 Please refer to **Section 3.4, Master Response 4, Approvals and Permits** (Chapter 3, Section 3.4.2).

California State Water Resources Control Board, Katherine Mrowka, Chief Inland Streams Unit, April 9, 2009.

S_SWRCB-01 [*Excerpt from S_SWRCB*] The existing Los Vaqueros Reservoir (or Los Vaqueros) is operated in accordance with the requirements of Decision 1629. Water is stored in the reservoir pursuant to Permits 20749 and 20750 on Applications 20245 and 25516A, and water is also directly diverted or released from upstream storage in U.S. Bureau of Reclamation (Reclamation) reservoirs and re-diverted to storage in Los Vaqueros pursuant to change petitions on 17 Reclamation water rights. Collection to storage is limited to 95,850 afa under Permit 20749. An additional 9,640 afa can be stored pursuant to Permit 20750.

It is unclear how additional water will be stored in Los Vaqueros Reservoir without obtaining an additional appropriative right. Although the EIR indicates that water will be stored in the facility pursuant to petitions to change either SWP or CVP water rights, it appears that the project is still undefined because the specific rights that will be modified are not identified. If the project proceeds pursuant to change petitions on existing rights, there will be a very limited storage window and it is unclear whether CCWD has properly modeled this limitation. Whenever the upstream reservoirs, such as Lake Oroville, are filling, water passing through these facilities is considered direct diversion. This water cannot be stored in Los Vaqueros. The water could be directly diverted, provided that the SWP and/or CVP direct diversion rights are not exceeded. Direct diversion is restricted by Decision 1629 and is not allowed from April 1 through April 30 (30 days).

In order to store water in Los Vaqueros, water must be released from upstream storage and subsequently re-stored in Los Vaqueros. As mentioned above, this could not occur during storm events or upstream reservoir fill periods, because water is not being released from upstream storage then. The EIR did not discuss which upstream reservoirs would release stored water for re-storage in Los Vaqueros and the timing for such releases. This constraint, coupled with the Decision 1629 75-day no fill period from March 15 through May 31 (unless Los Vaqueros is below specified minimums) creates a significant restriction on filling Los Vaqueros. The SWP or CVP water rights cannot be enlarged as a result of sending water to storage in Los Vaqueros. Therefore, refill of the upstream reservoirs to offset water conveyed to storage in Los Vaqueros would not be authorized. The impact of shifting water to storage in Los Vaqueros and holding reservoir storage down by a commensurate amount in upstream reservoirs was not evaluated in the EIR. Division staff requests that the EIR identify the quantity that can be put in storage and the timing for storage, after considering these issues.

RESPONSE

As this commenter correctly notes, Los Vaqueros Reservoir is operated in accordance with the requirements of State Water Resources Control Board Decision 1629 (SWRCB D1629) (SWRCB, 1994). Under current conditions, water is diverted under CCWD's water right permits and is also diverted pursuant to CCWD's CVP contract under Reclamation's water right permits. Water is diverted to storage under both CCWD's and Reclamation's permits, and water is also directly diverted under Reclamation's permits. All operations are for the benefit of CCWD's customers. CCWD and Reclamation have petitions pending before the SWRCB to add CCWD's Alternative Intake Project as a point of diversion to the water rights permits that currently allow diversion at the Old River Intake. The EIS/EIR analysis has been done under the assumption that these petitions have been approved.

Water operations modeling analysis for Existing and Future Without Project conditions and Alternatives 1 through 4 was presented in the Draft EIS/EIR, and updated modeling analysis for Existing and Future Without Project conditions and Alternatives 1, 2, and 4 is presented in the Final EIS/EIR (Section 5.3, Vol. 4). Alternative 3 has not been included in the updated modeling analysis because of significant unavoidable fishery impacts identified in the Draft EIS/EIR that remain under the updated modeling assumptions. The treatment of Alternative 3 in the Final EIS/EIR is more fully explained in Chapter 2 of the Final EIS/EIR (Vol. 4). The Draft and Final EIS/EIR modeling assumptions, inputs, results, and analysis are described in the original and revised Section 4.2 and Appendix C, and are used here to respond to portions of this comment.

As analyzed in the Final EIS/EIR, the diversion, storage, and delivery of water for CCWD's use would continue to be governed by D1629 under each of the project alternatives, with a proposed modification to shift the timing of the periods when diversions are restricted to align with Old and Middle River flow requirements as described in the updated Section 4.2, set forth in Section 5.3, herein. Under Alternative 1, water would also be both directly diverted and diverted to storage in Los Vaqueros Reservoir for the benefit of another CVP contractor [Santa Clara Valley Water District (SCVWD)], and for the benefit of SWP contractors who receive water through the South Bay Aqueduct. Under Alternative 2, water would also be directly diverted and diverted to storage in Los Vaqueros Reservoir for the benefit of federal wildlife refuges in the San Joaquin Valley. Under both Alternatives 1 and 2, water diverted for CCWD's use would continue to be diverted under CCWD's and Reclamation's permits and would continue to be subject to D1629 limitations on diversion rates and amounts. Water diverted for other users would require changes to existing permits

held by the California Department of Water Resources (DWR) and/or to existing permits held by Reclamation.

Under Alternative 4, diversions under CCWD's and Reclamation's water right permits would continue to be made as they are under current conditions and would continue to be subject to D1629 limitations on diversion rates and amounts. The timing of the periods during which D1629 restricts diversions at CCWD's intakes for the benefit of fish may be shifted, as explained in the revised Section 4.2. Average annual diversions under Alternative 4 would be equal to average annual diversions under the Existing and Future Without Project conditions, and all diversion rates and amounts under Alternative 4 would be within D1629 limits.

The points raised in this comment are addressed in detail in the following sections of this response, and the locations of relevant data in the EIS/EIR are shown in **Table 4-2B** below.

TABLE 4-2B
LOCATION OF PERTINENT INFORMATION IN EIS/EIR

Water Rights affected	Direct Diversions, Diversions to Storage & Deliveries to Others	Timing of Diversions	Changes in Storage	Water Supply Impacts Analysis
Table 4.2-3 below, under "Specific Rights to Be Modified"	Table 4.2-3[1]	Table C4-3[2] Table C4-9[2]	Table 4.2-9[1], Table C4-1[2] Table C4-7[2]	Impact 4.2.1[1]

1. See Chapter 5, Section 5.3 in Volume 4 for updated versions of Draft EIS/EIR Section 4.2 Delta Hydrology and Water Quality and Section 4.3 Delta Fisheries and Aquatic Resources.
2. See Appendix C, Volume 4, provided on CD only.

Diversion of CVP water to storage under D1629

As the commenter states, D1629 allows diversions to storage in Los Vaqueros Reservoir under CCWD's Permits 20749 and 20750, and allows for direct diversions and for rediversion of previously stored CVP water to storage in Los Vaqueros Reservoir under Reclamation's water rights permits. However, D1629 also allows diversion of water that has not been previously stored by Reclamation to storage in Los Vaqueros Reservoir under Reclamation's water rights permits. Term 3 on page 84 of D1629 reads:

- Add to Permits 12721, 11967, 12722, 12723, 11315, 11316, 16597, 11968, 11969, 11971, 12364, 13776, 16600, and 15735 (Applications 5626, 5628, 9363, 9364, 13370, 13371, 14858, 15374, 15375, 16767, 17376, 18115, 19304 and 22316) the following term:

- The maximum rate of ***diversion and rediversion*** [emphasis added] to offstream storage in Los Vaqueros Reservoir shall not exceed 200 feet per second.

Thus, Los Vaqueros Reservoir can be filled under Reclamation's permits during storm events or upstream reservoir filling in the Existing and Future Without Project conditions and in Alternative 4. In Alternatives 1, 2, and 3, diversions to storage for CCWD's use can also be made during storm events or upstream reservoir filling. Diversions to storage for CVP or SWP use would require modifications to Reclamation's and DWR's permits; these modifications are likely to be similar to the modifications made to Reclamation's permits for the original Los Vaqueros Project, which added the Old River intake as a point of both diversion to storage and rediversion to storage. The modeling for the EIS/EIR reflects D1629 conditions on diversions to storage (in the Existing and Future Without Project conditions and all alternatives) and the proposed modifications to DWR's and/or Reclamation's permits (in Alternatives 1, 2, and 3).

Specific Rights to Be Modified

Specific water right permits held by Reclamation and DWR that may be modified under Alternatives 1, 2, and 3 are shown in **Table 4-2C** below. These are the permits that are currently used by Reclamation and DWR for CVP and SWP Delta diversions.

TABLE 4-2C
RECLAMATION AND DWR DELTA WATER RIGHT PERMITS

Application	Permit	Permittee
A005626	P012721	Reclamation
A005628	P011967	Reclamation
A009363	P012722	Reclamation
A009364	P012723	Reclamation
A009366	P012725	Reclamation
A009367	P012726	Reclamation
A013370	P011315	Reclamation
A013371	P011316	Reclamation
A014858A	P016597	Reclamation
A015374	P011968	Reclamation
A015375	P011969	Reclamation
A016767	P011971	Reclamation
A017374	P011973	Reclamation
A017376	P012364	Reclamation
A018115	P013776	Reclamation
A019304	P016600	Reclamation
A022316	P015735	Reclamation
A005630	P016478	DWR
A014443	P016479	DWR
A014445A	P016481	DWR
A017512	P016482	DWR
A017514A	P16483	DWR

No Diversion and No Fill Periods

CCWD's diversion and filling operations are restricted for the benefit of listed fish species under Biological Opinions (BOs) from the U. S. Fish and Wildlife Service (USFWS) (USFWS, 1993) and the National Marine Fisheries Service (NMFS) (NMFS, 1993) and under CCWD's Incidental Take Permit (ITP) from the California Department of Fish and Game (CDFG) (CDFG, 2009). The ITP was issued in November of 2009, and replaces a 1994 Memorandum of Understanding (MOU) with CDFG covering CCWD's operations. The restricted periods required by the BOs and the MOU are also required by the ITP, and the ITP includes an additional 0 to 15 day period in February during which diversions to storage in Los Vaqueros Reservoir may not be made. The BO and MOU restrictions are reflected in D1629. The updated modeling done for the Final EIS/EIR used both the D1629 restrictions and the additional filling restriction from the ITP. The default timing of the restricted periods was shifted to better align with Old and Middle River flow restrictions; the ITP, the BOs, and D1629 all allow for such shifts. The modifications to the default timing of the restricted periods are described in more detail below. If operational restrictions are modified in new or revised BOs and a new or revised ITP issued for the project, CCWD and Reclamation may petition to have the same modifications made in their water right permits.

As the commenter correctly notes, D1629 imposes a 30-day period during which no diversions from the Delta are permitted unless Los Vaqueros Reservoir is below the designated minimum storage level. The default timing for the no diversion period is April 1 to April 30, with a mechanism for shifting the timing at the request of CDFG, USFWS, or NMFS. This restriction was included in the modeling for the Existing and Future Without Project conditions and all alternatives, on diversions for all users. It was assumed that any changes made to Reclamation or DWR permits for Alternatives 1, 2, and 3 would include this restriction. In the modeling that was done for the Draft EIS/EIR, the no diversion period occurred in April, and in the updated modeling that was done for the Final EIS/EIR, the no diversion period was shifted to March (as described in the updated Section 4.2, set forth in Section 5.3, herein).

The CDFG MOU, the USFWS BO, the NMFS BO, and D1629 also impose a period from March 15 through May 31 during which Los Vaqueros Reservoir may not be filled unless it is below the designated minimum storage level, and the ITP imposes an additional period when the reservoir may not be filled in February. This additional period lasts for 0 to 15 days, depending upon the reservoir storage level at the beginning of February. Here again, there is a mechanism for shifting the timing of the restricted period at the request of the fisheries agencies.

In the Draft EIS/EIR, the no fill restriction was included in the modeling for the Existing and Future Without Project conditions and Alternative 4. It was not included in Alternatives 1, 2, and 3, as it was assumed that the fisheries benefits of these alternatives would lead to the removal of this restriction in the CDFG MOU and the BOs, and that this change would be reflected in similar changes to the water rights permits granted and modified by D1629.

In the Final EIS/EIR, the no fill restriction was included in the modeling for the Existing and Future Without Project conditions and for all alternatives, with the timing shifted to February, March, and June (as described in the updated Section 4.2, set forth in Section 5.3, herein). Diversions to storage in Los Vaqueros Reservoir under Alternatives 1 and 2 for non-CCWD CVP users and for SWP users were modeled with both the no fill period and additional restrictions on diversions to storage based on Old and Middle River flow criteria set under the USFWS and NMFS BOs for the joint CVP-SWP Operations Criteria and Plan (OCAP) (USFWS, 2008; NMFS, 2009).

CVP and SWP Storage Rights

None of the alternatives cause an increase of CVP or SWP storage rights. In Alternatives 1, 2, and 3, diversions to storage in Los Vaqueros Reservoir for non-CCWD uses occur only during surplus conditions. Since there are no additional releases from upstream reservoirs to fill Los Vaqueros Reservoir, there is no draining and subsequent refilling of the upstream reservoirs associated with non-CCWD uses.

In all alternatives, diversions of CVP water to storage for CCWD uses can occur during balanced conditions, when upstream reservoirs are releasing. Since more water can be released to fill an enlarged reservoir, there may be years when there is more refilling of the upstream reservoirs in the alternatives than in the Existing and Future Without Project conditions. In addition, water diverted to Los Vaqueros Reservoir during surplus conditions for CCWD uses in all alternatives and for non-CCWD uses in Alternatives 1, 2, and 3 may increase the total CVP or SWP storage in some years over the Future Without Project condition. However, CVP and SWP diversions to storage would be less than the amounts allowed under existing CVP and SWP permits, and the increases in diversion to storage under any of the alternatives are far too small to cause exceedences of CVP or SWP storage rights. The CVP has storage rights on the Trinity, Sacramento, and American Rivers for more than 10 million acre-feet per year (MAFA), and the SWP has storage rights on the Feather River for 3.9 MAFA. The maximum annual diversions to upstream storage and to Los Vaqueros Reservoir in the Existing and Future Without Project conditions as modeled for the Final EIS/EIR are 5.87 MAFA and 2.95 MAFA for the CVP and SWP, respectively. The maximum modeled

diversions to storage under any of the alternatives are 5.90 MAFA for the CVP and 2.97 MAFA for the SWP, well within the permitted amounts.

While diversions to storage for the benefit of the CVP and SWP would not exceed existing water rights, such diversions could cause small increases in diversions to storage over baseline quantities in some years. The environmental impacts of such diversions are fully analyzed in the EIS/EIR, which reflects changes from existing conditions rather than changes compared to permitted limits.

S_SWRCB-02 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Sections 3.5.2 and 3.5.3).

S_SWRCB-03 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.6).

S_SWRCB-04 The comment states that the Executive Summary, Table ES-7, List of Mitigation Measures (Draft EIS/EIR, Vol. 1, pp. ES-37 through ES-92), does not include as mitigation measures the following items which are included in the project description to avoid or reduce potential project impacts: water treatment at the cofferdam; soils disposal due to cofferdam construction; installation of the cofferdam as mitigation during installation of the new pump; noise and vibration impacts associated with soil loading at the new pump location; and reduced pumping at the SWP and CVP pumps commensurate with new diversion at the Los Vaqueros facilities.

RESPONSE

Most of the items identified in comment S_SWRCB-04, as listed above, are elements of the project or regulatory requirements and therefore are not considered mitigation. See discussion for each item below.

Water treatment at the cofferdam. As discussed in the Draft EIS/EIR Chapter 3, Project Description, under Alternatives 1 and 2, a sheet pile cofferdam would be installed in Old River to isolate the work area for a new Delta Intake and Pump Station from the water. After installation of the cofferdam, the water in the cofferdam enclosure would be pumped out and either disposed of on land or treated (as necessary) and discharged back to Old River (Draft EIS/EIR, Vol. 1, pg. 3-59).

As discussed under “Dewatering Discharges to Surface Waters Permit” in the Regulatory Setting in the Draft EIS/EIR, Section 4.5 (Vol. 1), any discharges associated with construction of the new intake and pump station, including installation of the cofferdam, would require compliance with Regional Water Quality Control Board (RWQCB) General Order No. 5-00-175 (Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters) to

protect the water quality of receiving waters (Draft EIS/EIR, Section 4.5, pg. 4.5-4). Therefore, the water in the cofferdam enclosure would be treated (as necessary) and discharged back to Old River in accordance with the requirements of RWQCB Order No. 5-00-175, as required. Compliance with these requirements and obtaining said permit is mandatory; therefore, no mitigation measure is required.

Soils disposal due to cofferdam construction. As discussed in the Draft EIS/EIR, Chapter 3, Project Description, if excavation is required to prepare the cofferdam site, this excavated material would be contained within a designated containment area or areas on the land side of the levee. An earthen dike or siltation fences would enclose the containment area(s). Excavated soils would be stored on site until used in grading or would be immediately removed from the site for reuse or disposal (Draft EIS/EIR, Vol. 1, pg. 3-59). Since reuse or disposal of these soils is included as part of the project description, no mitigation is required.

Installation of the cofferdam as mitigation during installation of the new pump. Installation of the cofferdam during construction of the new Delta Intake and Pump Station is identified as a component of the description of Alternatives 1 and 2 (Draft EIS/EIR, Vol. 1, Chapter 3, pg. 3-59). Since the cofferdam is already included as part of the project description, it is not proposed as a mitigation measure in any of the impact analyses and, therefore, it is not included as a mitigation measure in the Draft EIS/EIR, Executive Summary, Table ES-7, List of Mitigation Measures.

Noise and vibration impacts associated with soil loading at the new pump location. Noise and vibration impacts and mitigation measures associated with construction of the new Delta Intake and Pump Station under Alternatives 1 and 2 are described in the Draft EIS/EIR under Impact 4.3.2 (Section 4.3, pp. 4.3-55 through 4.3-58) and Mitigation Measure 4.3.2 (Section 4.3, pp. 4.3-58 through 4.3-59); Impact 4.11.1 (Section 4.11, pp. 4.11-20 through 4.11-25) and Mitigation Measures 4.11.1a through e (Section 4.11, pp. 4.11-25 through 4.11-26); and Impact 4.11.1 (Section 4.11, pp. 4.11-28 through 4.11-29). Mitigation Measures 4.3.2 and 4.11.1a through e are included in Table ES-7 (pp. ES-39 through ES-40 and pp. ES-78 through ES-79, respectively).

As discussed in Section 4.3 (Draft EIS/EIR, Vol. 1, pg. 4.3-49), preloading of the soils beneath the setback levee at the new Delta Intake and Pump Station may be required to reduce long-term settlement of the levee. Preloading of soils entails deposition of soil on the site of the proposed levee prior to construction of the new levee. Settlement of the preload would be passive (i.e., would occur due to the weight of the preload and soil conditions). No manual compaction of preload would occur. Soils would be delivered and deposited using typical construction equipment,

similar to those listed in Table 4.11-5 in the Draft EIS/EIR (Section 4.11, pg. 4.11-20). Table 4.11-5 describes the noise levels associated with these types of equipment. Mitigation for noise impacts due to construction activities is addressed in Mitigation Measures 4.11.1a through 4.11.1e (Section 4.11, pp. 4.11-25 through 4.11-26). These mitigation measures are included in Table ES-7, List of Mitigation Measures (Draft EIS/EIR, Vol. 1, pp. ES-37 through 79). The analysis in the Draft EIS/EIR determined that vibration impacts to sensitive receptors would be less than significant (Section 4.11, Impact 4.11.3, pp. 4.11-28 through 4.11-29); therefore, no mitigation measures are required.

Preloading of soils beneath the setback levee at the new Delta Intake and Pump Station would not require in-water construction activity. Therefore preloading of soils would not generate underwater sound-pressure levels that could result in behavioral avoidance or migration delays for special-status fish species.

Reduced pumping at the SWP and CVP pumps commensurate with new diversion at the Los Vaqueros facilities. This is part of the Project Description and is not considered mitigation. (See **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.3) for more information).

S_SWRCB-05 The comment states that while the EIR discusses using water from the SWP and CVP interchangeably, the EIR does not, however, evaluate any changes in place of use of the various water rights needed to implement the proposed project. The commenter suggests that the EIR should state whether new lands would be served as a result of increasing the place of use of each project and evaluate any impacts.

RESPONSE

Place of Use

All lands served by the project are within the existing SWP and CVP places of use. In Alternatives 1 and 2, SWP water is used to supply the SWP contractors on the South Bay Aqueduct (Alameda County Water District (ACWD), Alameda County Flood Control and Water Conservation District, Zone 7 (Zone 7), and SCVWD). CVP water is used to supply SCVWD's CVP contract demand and for federal refuges in the San Joaquin Valley. The place of use for SWP water falls within the existing place of use for DWR's water right permits, and the place of use for CVP water falls within the existing place of use for Reclamation's water right permits.

S_SWRCB-06 [*Excerpt from S_SWRCB*] The EIR states that Reclamation will be able to retain cold water stored in upstream reservoirs because CCWD could

refrain from pumping from the Delta and instead draw from the stored Los Vaqueros Reservoir.

To implement this project, Reclamation must provide released stored water for re-storage in Los Vaqueros Reservoir. At times, the quantity of water provided to CCWD by the CVP will be greater than under current conditions, because CCWD will continue to take water needed for direct use while it also stores water in Los Vaqueros Reservoir. The EIR states that in below normal water years, CCWD may forego some diversion and instead use its stored water. Nonetheless, since storage in Reclamation's reservoirs would be initially lowered to fill Los Vaqueros Reservoirs, it is unclear how there is a net gain in the cold-water pool. Reclamation could not refill the storage that it sends to CCWD during the same water year, because it would be considered an expansion in Reclamation's storage right.

RESPONSE

Cold Water Retention in Upstream Reservoirs

This comment refers to the description of Alternative 3**.** Alternative 3 has not been included in the updated modeling analysis because of significant unavoidable fishery impacts identified in the Draft EIS/EIR that remain under the updated modeling assumptions. The treatment of Alternative 3 in the Final EIS/EIR is more fully explained in Chapter 2 of Volume 4 of the Final EIS/EIR.

None of the alternatives will cause a modification in Reclamation's storage rights. See the response to S_SWRCB-01.

S_SWRCB-07 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.2).

S_SWRCB-08 [*Excerpt from S_SWRCB*] This section does not state the water rights and/or contracts held by the South Bay agencies. Moreover, this section does not explain how CCWD will obtain sufficient water to fill Los Vaqueros Reservoir when its contract with Reclamation is for delivery of up to 195,000 afa. Division staff requests an explanation of the water contracts of all participating parties, with information on how much water is available under the contracts on a monthly basis (by water year type) to fill the reservoir, while still maintaining customer service.

RESPONSE

Water Rights and Water Service Contracts

This comment applies to Alternative 1, and it refers to the sub-section entitled "Water Rights and Water Service Contracts" in Section 4.2.1, Affected Environment.

The South Bay water agencies (ACWD, SCVWD and Zone 7) have water service contracts for SWP water, and SCVWD also has a water service contract for CVP water. Water delivered pursuant to the South Bay water agencies' CVP and SWP contracts would be diverted under the Reclamation and DWR water right permits listed in the response to S_SWRCB-01.

In all alternatives, water diverted pursuant to CCWD's CVP contract would be diverted under the terms of D1629 and would be used only to meet CCWD's needs. In Alternative 1, water for the South Bay water agencies would be diverted under Reclamation's and DWR's water right permits, amended as necessary. Diversions to storage in Los Vaqueros Reservoir for the South Bay water agencies would occur only under surplus conditions in the Delta. As explained in the response to Comment 1, the Reclamation's and DWR's water right permits allow diversions to storage far in excess of actual diversions being made in the present or anticipated diversions in the future and the relatively small additional amounts diverted to storage in Los Vaqueros Reservoir have no potential to cause an increase of Reclamation's and DWR's storage rights.

S_SWRCB-09 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.2).

4.3 Local and Regional Agencies

TABLE 4-3
LOCAL AND REGIONAL AGENCIES THAT SUBMITTED COMMENTS ON THE DRAFT EIS/EIR

Comment Format	Comment ID	Name of Commenter	Title	Organization/ Affiliation	Page
Email	L_ACWD	Paul Piraino	General Manager	Alameda County Water District	4-18
Email	L_CCCDCD	John Cunningham	Senior Transportation Planner	Contra Costa County, Department of Conservation and Development	4-18
Email	L_CCCFC	Tim Jensen	Senior Civil Engineer	Contra Costa County, Flood Control and Water Conservation District	4-18
Email	L_CCCPW	Julia R. Bueren	Public Works Director	Contra Costa County, Public Works Department	4-19
Public Hearing	L_CCCSD1	Ann E. Farrell	Director of Engineering	Central Contra Costa Sanitary District	4-20
Courier	L_CCCSD2	Ann E. Farrell	Director of Engineering	Central Contra Costa Sanitary District	4-21
Fax	L_DDSD	Gary W. Darling	General Manager	Delta Diablo Sanitation District	4-21
Mail	L_DSRSD	David A. Requa	Assistant General Manager/District Engineer	Dublin San Ramon Services District	4-21
Email	L_EBMUD	Alexander R. Coate	Director of Water and Natural Resources	East Bay Municipal Utility District	4-22
Email	L_EBRPD1	Brad Olson	Environmental Programs Manager	East Bay Regional Park District	4-22
Mail	L_EBRPD2	Kristin B. Burford and Matthew D. Zinn	Shute, Mihaly & Weinberger LLP	East Bay Regional Park District	4-23
Email	L_ECCCHC	John Kopchik	Executive Director	East Contra Costa County Habitat Conservancy	4-28
Email	L_RCRA	Craig K. Murray	Development Project Manager II	Richmond Community Redevelopment Agency	4-29
Mail	L_RD800	Jeffrey D. Conway	District Manager	Reclamation District 800	4-29
Email	L_SCVWD	Sandy Oblonsky	Assistant Officer, Office of Water Utility Enterprise Planning	Santa Clara Valley Water District	4-29
Email	L_SRCSD	Stan R. Dean	District Manager	Sacramento Regional County Sanitation District	4-30
Email	L_SWC	Terry L. Erlewine	General Manager	State Water Contractors	4-30
Email	L_Zone 7	G.F. Duerig	General Manager	Zone 7 Water Agency	4-31

Alameda County Water District, Paul Piraino, General Manager, April 21, 2009.

L_ACWD-01 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.2).

L_ACWD-02 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.4).

L_ACWD-03 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.4).

L_ACWD-04 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.5).

L_ACWD-05 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.6).

Contra Costa County, Department of Conservation and Development, John Cunningham, Senior Transportation Planner, April 21, 2009.

L_CCCDCD-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.4).

L_CCCDCD-02 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.4).

L_CCCDCD-03 Please refer to **Section 3.9, Master Response 9, Transportation and Circulation** (Chapter 3, Section 3.9.2).

L_CCCDCD-04 Please refer to **Section 3.9, Master Response 9, Transportation and Circulation** (Chapter 3, Section 3.9.2).

Contra Costa County, Flood Control and Water Conservation District, Tim Jensen, Senior Civil Engineer, April 21, 2009.

L_CCCFC-01 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.2).

L_CCCFC-02 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.2).

L_CCCFC-03 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.3).

L_CCCFC-04 Please refer to **Section 3.4, Master Response 4, Approvals and Permits** (Chapter 3, Section 3.4.2).

L_CCCFC-05 The commenter requests that the text about the Contra Costa County, Flood Control and Water Conservation District (CCCFC) in the Regulatory Setting in Chapter 4.5 in the Draft EIS/EIR be revised to more accurately state that CCCFC works with local communities to provide flood protection and stormwater management for their residents (Section 4.5, pg. 4.5-6).

RESPONSE

The text is revised as follows. Specific text changes to the Draft EIS/EIR are also included in Chapter 5, Section 5.2, in the Final EIS/EIR.

> **Contra Costa County, Flood Control and Water Conservation District**
>
> The Contra Costa County Flood Control and Water Conservation District (CCCFC~~FCWCD~~) works with local communities to provide flood protection and stormwater management for areas within its jurisdiction. ~~is empowered to control flooding and stormwater within its service area.~~ The CCCFC ~~FCWCD~~ is staffed by the County Flood Control Engineering Division staff, with the purpose of developing and implementing storm drainage systems in Contra Costa County.

L_CCCFC-06 Please refer to **Section 3.4, Master Response 4, Approvals and Permits** (Chapter 3, Section 3.4.3).

L_CCCFC-07 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.2).

L_CCCFC-08 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.2).

L_CCCFC-09 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.2).

L_CCCFC-10 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.3).

L_CCCFC-11 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.3).

L_CCCFC-12 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.5).

L_CCCFC-13 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.4).

Contra Costa County, Public Works Department, Julia R. Bueren, Public Works Director, April 21, 2009.

L_CCCPW-01 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.2).

L_CCCPW-02 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.4).

L_CCCPW-03 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.2).

L_CCCPW-04 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Sections 3.8.3, 3.8.5 and 3.8.8).

L_CCCPW-05 Please refer to **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.4).

L_CCCPW-06 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.4).

L_CCCPW-07 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.2).

L_CCCPW-08 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.2).

L_CCCPW-09 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Sections 3.6.2 and 3.6.3).

L_CCCPW-10 Please refer to **Section 3.4, Master Response 4, Approvals and Permits** (Chapter 3, Section 3.4.2).

L_CCCPW-11 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.2).

L_CCCPW-12 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.2).

L_CCCPW-13 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.2).

L_CCCPW-14 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.3).

L_CCCPW-15 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.3).

L_CCCPW-16 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.5).

Central Contra Costa Sanitary District, Ann E. Farrell, Director of Engineering, March 31, 2009.

L_CCCSD1-01 Please refer to **Section 3.3, Master Response 3, Alternatives** (Chapter 3, Section 3.3.2).

L_CCCSD1-02 Please refer to **Section 3.3, Master Response 3, Alternatives** (Chapter 3, Section 3.3.2).

Central Contra Costa Sanitary District, Ann E. Farrell, Director of Engineering, April 21, 2009.

L_CCCSD2-01 Please refer to **Section 3.3, Master Response 3, Alternatives** (Chapter 3, Section 3.3.2).

L_CCCSD2-02 Please refer to **Section 3.3, Master Response 3, Alternatives** (Chapter 3, Section 3.3.2).

L_CCCSD2-03 Please refer to **Section 3.3, Master Response 3, Alternatives** (Chapter 3, Section 3.3.2).

Delta Diablo Sanitation District, Gary W. Darling, General Manager, April 21, 2009.

L_DDSD-01 Please refer to **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.2).

L_DDSD-02 Please refer to **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.2).

L_DDSD-03 Please refer to **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.2).

L_DDSD-04 Please refer to **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.2).

Dublin San Ramon Services District, David A. Requa, Assistant General Manager/District Engineer, May 5, 2009.

L_DSRSD-01 Comment noted. The commenter expresses support for an alternative with the potential for a connection to the South Bay Aqueduct (SBA). This support is based on the commenter's understanding that such an alternative implemented by the Los Vaqueros Reservoir Expansion Project would provide a more reliable potable water supply for domestic users in the area of Contra Costa and Alameda counties by allowing Delta pumping by Zone 7 at times that would not be allowed from the current intake.

As described in the Draft EIS/EIR, Alternatives 1 and 2 include a connection to the SBA (Draft EIS/EIR, Chapter 3, pg. 3-25 and 3-30, respectively).

L_DSRSD-02 Please refer to **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.2).

Although recycled water projects are not a feasible alternative to the proposed project, CCWD recognizes the value of recycled water projects such as those described in the comment.

East Bay Municipal Utility District, Alexander R. Coate, Director of Water and Natural Resources, April 21, 2009.

L_EBMUD-01 The comment states that East Bay Municipal Utility District (EBMUD) is not currently able to quantify any emergency supply benefit from the proposed project.

RESPONSE

Emergency water supply benefits from an expanded reservoir would be realized if an emergency such as a major earthquake, chemical spill, levee failure, or other disaster occurred that temporarily restricted normal regional water supply for one or more agencies interconnected with Los Vaqueros Reservoir. Necessary operational and administrative steps would be taken to make such an emergency operation safe and legal. CCWD and EBMUD entered into an agreement dated May 22, 2007, regarding ownership and operation of the existing facilities that interconnect the two agencies (CCWD and EBMUD, 2007). The agreement includes provisions for water service to either agency during an emergency or planned critical work on facilities. This agreement would be the basis of any delivery of emergency water supply from the Los Vaqueros Reservoir to EBMUD, and any further approvals would be pursued as needed if an emergency occurs that makes such a transfer desirable to both agencies. It is acknowledged that operational coordination of the CCWD and EBMUD water supply systems would be required to make such a delivery. The amount of water available during such an event would depend on the amount of water stored in Los Vaqueros Reservoir and the nature of the emergency.

L_EBMUD-02 Please refer to **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.4).

L_EBMUD-03 Please refer to **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.2).

L_EBMUD-04 Please refer to **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.4).

East Bay Regional Park District, Brad Olson, Environmental Programs Manager, April 21, 2009.

L_EBRPD1-01 The commenter expresses the opinion that the Draft EIS/EIR is inadequate for a number of reasons described in a forthcoming comment letter from the East Bay Regional Park District (EBRPD).

RESPONSE

Comment L_EBRPD1-01 includes a list of topics identified to be of particular interest to the commenter. As indicated in comment L_EBRPD1-02, the commenter submitted detailed comments in comment letter L_EBRPD2. All topics listed in comment L_EBRPD1-01 were included in the commenter's second, and more detailed, comment letter (L_EBRPD2). Please see responses to comment letter L_EBRPD2.

L_EBRPD1-02 Comment noted. The commenter indicated that they had previously requested an extension of the public comment period, acknowledged that the comment period was not extended beyond that published in the Notice of Completion and the Notice of Availability, and indicated that they would be submitting detailed comments by April 21, 2009 – the close of the public comment period. As noted above, EBRPD did submit detailed comments in comment letter L_EBRPD2.

L_EBRPD1-03 Comment noted. The commenter requested that CCWD staff contact him to schedule a meeting to discuss EBRPD's comment letter and mitigation measures related to impacts to about which the letter expresses concern. CCWD staff meets regularly with EBRPD staff, including the comment author, and has discussed the concerns raised by EBRPD. Early meetings resulted in alignment of the proposed Transfer-Bethany Pipeline (Alternatives 1 and 2) to avoid disturbance at the planned Byron Vernal Pools Regional Preserve. CCWD staff will continue to meet with EBRPD staff to address impacts and to cooperatively identify potential mitigation lands.

East Bay Regional Park District, Kristin B. Burford and Matthew D. Zinn, Shute, Mihaly & Weinberger LLP, April 21, 2009.

L_EBRPD2-01 The commenter expresses the opinion that the Draft EIS/EIR "does not fully comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., and the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4321 et seq." The commenter states the DEIS/EIR violates these statutes by: "(1) failing to adequately describe the Project, (2) failing to analyze the significant environmental impacts of the Project, and (3) failing to propose feasible mitigation measures to address significant impacts."

RESPONSE

This comment expresses broad introductory statements about the Draft EIS/EIR.

In regard to item 1 (failing to adequately describe the project), please refer to **Section 3.1, Master Response 1, Project Purpose and Description**, which addresses comments received on the purpose, need and objectives of the project, as well as requests for additional background information on the existing Los Vaqueros Reservoir, clarification of the project benefits and further explanation of certain project elements, and **Chapter 2, Project Description Update**, which provides additional information about project refinements made in response to comments received on the Draft EIS/EIR.

In regard to item 2 (failing to analyze the significant environmental impacts of the project) and item 3 (failing to propose feasible mitigation measures), the Draft EIS/EIR and this document (Vol. 4), which comprise the Final EIS/EIR, include analyses and discussion of those impacts which were found to be significant or potentially significant before mitigation. Without exception, for those impacts found to be significant or potentially significant before mitigation, feasible mitigation measures have been identified.

L_EBRPD2-02 The commenter expresses the opinion that the Draft EIS/EIR fails to fully inform decision makers and the public of the environmental impacts associated with the Proposed Project; mitigation measures to minimize impacts; and alternatives, prior to decision-making and taking action, as required by NEPA and CEQA.

RESPONSE

This comment expresses introductory generalizations about the sufficiency of the Draft EIS/EIR.

The Draft EIS/EIR and this document comprise the Final EIS/EIR. The Final EIS/EIR includes detailed information about the potential impacts of the project alternatives (Alternatives 1-4); feasible mitigation measures to avoid, reduce and/or minimize those impacts found to be significant or potentially significant before mitigation; and a description and environmental analysis of a No Project/No Action Alternative.

Further, Chapter 3, Project Description in the Draft EIS/EIR, includes a detailed discussion of the alternatives development and screening process conducted by CCWD and Reclamation, in conjunction with other interested agencies, to identify and evaluate actions that could meet the established project objectives (Vol. 1, Section 3.3.2, pp. 3-7 through 3-11; and Appendix B). Further, Chapter 3, Project Description in the Draft EIS/EIR includes discussion of Alternatives Not Carried Forward (Section 3.3.3,

pp. 3-11 through 3-12; and Appendix B) and the Facilities Siting – Alternatives Screening process (Section 3.3.4, pp. 3-12 through 3-14; and Appendix B).

The proposed project is still in the environmental review stage. No decisions regarding approval of the proposed project have been made and no actions that are under review in the Final EIS/EIR have been initiated.

L_EBRPD2-03 Please refer to **Section 3.15, Master Response 15, Procedural Issues** (Chapter 3, Section 3.15.2).

L_EBRPD2-04 The commenter expresses the opinion that the Draft EIS/EIR "does not properly analyze the Project's significant environmental impacts on recreation, cultural resources, consistency with applicable regional plans, and biological resources, nor does it consider all feasible mitigation for such significant impacts. This incomplete analysis renders the DEIS/EIR legally insufficient". The commenter references CEQA Guidelines § 15002(a)(1) and 40 C.F.R. § 1500.1(b).

RESPONSE

This comment expresses broad introductory concerns about the impact analyses for recreation, cultural resources, consistency with applicable regional plans, and biological resources and the feasibility of the mitigation measures proposed for those impacts found to be significant or potentially significant before mitigation.

The Draft EIS/EIR and this document, which comprise the Final EIS/EIR, include analyses and discussion of those impacts to each of the identified resources which were found to be significant or potentially significant before mitigation. Without exception, for those impacts found to be significant or potentially significant before mitigation, feasible mitigation measures have been identified.

L_EBRPD2-05 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.3), and **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.6).

L_EBRPD2-06 Please refer to **Section 3.12, Master Response 12, Cultural Resources** (Chapter 3, Section 3.12.2).

L_EBRPD2-07 Please refer to **Section 3.12, Master Response 12, Cultural Resources** (Chapter 3, Section 3.12.2).

Additionally, while the Draft EIS/EIR indicates that, with proper siting and management, the proposed Eastside Trail could be developed and used without significant impact to biological or cultural resources on the east side of the reservoir, in response to comments expressing concern about this

project element, the majority of the Eastside Trail has been eliminated from all of the alternatives. Only a short segment of new trail is proposed under this refinement. Please see **Chapter 2, Project Description Update (**Vol. 4, Section 2.3.1**)**, of this Final EIS/EIR, for a description of this project refinement. Potential impacts to cultural and other resources associated this refinement are assessed in Chapter 2, Section 2.3.1 and Appendix A, Table 2, in this Final EIS/EIR (Vol. 4).

L_EBRPD2-08 The commenter expresses the opinion that the Draft EIS/EIR's analysis of recreation impacts during construction "lacks evidentiary support" and that the Draft EIS/EIR does not mitigate the acknowledged significant temporary impacts on recreation due to the closure of the watershed for Reservoir construction.

Please see **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.2), which addresses comments received about potential effects upon recreational facilities within the Los Vaqueros Watershed resulting from closure of the Los Vaqueros Watershed during project construction, and **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.3), which addresses comments received about potential effects on other recreational facilities/areas.

All temporary impacts on recreation due to the closure of the watershed during construction were either determined to be less than significant or less than significant with mitigation (Draft EIS/EIR, Vol. 2, Section 4.15, pp. 4.15-8 through 4.15-20).

Without sufficient detail in the comment, a more detailed response in regard to the issues raised in comment L_EBRPD2-08 cannot be provided.

L_EBRPD2-09 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.2).

L_EBRPD2-10 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.3).

L_EBRPD2-11 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.3).

L_EBRPD2-12 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.3).

L_EBRPD2-13 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.12.3).

L_EBRPD2-14 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.6).

L_EBRPD2-15 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Sections 3.8.3 and 3.8.4) and **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.4).

The commenter is also directed to **Chapter 2, Project Description Update** in this Final EIS/EIR (Vol. 4), which provides descriptions and impact analyses for project refinements were made in response to comments received on the Draft EIS/EIR, including a reduction in the Eastside Trail (Alternatives 1-4) and realignment of the Westside Trail (Alternative 4). Potential impacts associated these refinements are assessed in Chapter 2, Section 2.1.2 and Appendix A, Tables 1 and 2 (Vol. 4).

L_EBRPD2-16 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

L_EBRPD2-17 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.6).

L_EBRPD2-18 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.3).

L_EBRPD2-19 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.6) and **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.3).

L_EBRPD2-20 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Sections 3.8.3 and 3.8.4) and **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.6).

L_EBRPD2-21 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.8).

L_EBRPD2-22 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.8) and **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.9).

L_EBRPD2-23 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Sections 3.8.3 and 3.8.8).

L_EBRPD2-24 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Sections 3.8.4 and 3.8.8).

L_EBRPD2-25 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.8).

L_EBRPD2-26 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4) and **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.7).

L_EBRPD2-27 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4).

L_EBRPD2-28 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.3).

L_EBRPD2-29 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4).

L_EBRPD2-30 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.3).

L_EBRPD2-31 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.5).

L_EBRPD2-32 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.3).

L_EBRPD2-33 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4).

L_EBRPD2-34 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4)

L_EBRPD2-35 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.3).

L_EBRPD2-36 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.3) and **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4).

L_EBRPD2-37 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.7).

L_EBRPD2-38 Please refer to **Section 3.7, Master Response 7, Agriculture** (Chapter 3, Section 3.7.4).

L_EBRPD2-39 Please refer to **Section 3.7, Master Response 7, Agriculture** (Chapter 3, Section 3.7.3).

L_EBRPD2-40 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.9).

L_EBRPD2-41 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.9).

L_EBRPD2-42 Please refer to **Section 3.15, Master Response 15, Procedural Issues** (Chapter 3, Section 3.15.4).

L_EBRPD2-43 Please refer to **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.4).

L_EBRPD2-44 Please refer to **Section 3.15, Master Response 15, Procedural Issues** (Chapter 3, Section 3.15.2).

East Contra Costa County Habitat Conservancy, John Kopchik, Executive Director, April 21, 2009.

L_ECCCHC-01 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.8).

L_ECCCHC-02 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 4, Section 3.8.3).

L_ECCCHC-03 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 4, Section 3.8.3).

Richmond Community Redevelopment Agency, Craig K. Murray, Development Project Manager II, April 20, 2009.

L_RCRA-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

L_RCRA-02 Please refer to **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.4).

Reclamation District 800, Jeffrey D. Conway, District Manager, May 5, 2009.

L_RD800-01 Please refer to **Section 3.4, Master Response 4, Approvals and Permits** (Chapter 3, Section 3.4.2).

L_RD800-02 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.4).

L_RD800-03 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.5).

L_RD800-04 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.5).

L_RD800-05 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.4).

L_RD800-06 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.3).

L_RD800-07 Comment noted. Please refer to **Section 3.4, Master Response 4, Approvals and Permits** (Chapter 3, Section 3.4.2).

L_RD800-08 Comment noted. Please refer to **Section 3.4, Master Response 4, Approvals and Permits** (Chapter 3, Section 3.4.2).

Santa Clara Valley Water District, Sandy Oblonsky, Assistant Officer, Office of Water Utility Enterprise Planning, April 21, 2009.

L_SCVWD-01 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Sections 3.5.4 and 3.5.6).

L_SCVWD-02 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Sections 3.5.2) and **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Sections 3.5.4)

L_SCVWD-03 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Sections 3.5.2).

L_SCVWD-04 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.4).

L_SCVWD-05 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.4).

L_SCVWD-06 Please refer to **Section 3.2, Master Response 2, Relationships to Other Initiatives and Projects** (Chapter 3, Section 3.2.2) and **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.3).

L_SCVWD-07 Please refer to **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.4).

L_SCVWD-08 Please refer to **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.2).

L_SCVWD-09 Please refer to **Section 3.2, Master Response 2, Relationships to Other Initiatives and Projects** (Chapter 3, Section 3.2.2).

L_SCVWD-10 Please refer to **Section 3.2, Master Response 2, Relationships to Other Initiatives and Projects** (Chapter 3, Section 3.2.3).

Sacramento Regional County Sanitation District, Stan R. Dean, District Manager, April 21, 2009.

L_SRCSD-01 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.2).

L_SRCSD-02 Please refer to **Section 3.2, Master Response 2, Relationships to Other Initiatives and Projects** (Chapter 3, Section 3.2.2) and **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.2).

L_SRCSD-03 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.5).

State Water Contractors, Terry L. Erlewine, General Manager, April 21, 2009.

L_SWC-01 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Sections 3.5.2), **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Sections 3.5.4), and **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Sections 3.5.6).

L_SWC-02 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Sections 3.5.6).

L_SWC-03 Please refer to **Section 3.2, Master Response 2, Relationships to Other Initiatives and Projects** (Chapter 3, Section 3.2.2).

Zone 7 Water Agency, G.F. Duerig, General Manager, April 21, 2009.

L_Zone7-01 Please refer to **Section 3.2, Master Response 2, Relationships to Other Initiatives and Projects** (Chapter 3, Section 3.2.2).

L_Zone7-02 Please refer to **Section 3.2, Master Response 2, Relationships to Other Initiatives and Projects** (Chapter 3, Section 3.2.2).

L_Zone7-03 Please refer to **Section 3.2, Master Response 2, Relationships to Other Initiatives and Projects** (Chapter 3, Section 3.2.2) and **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.3).

4.4 Organizations

TABLE 4-4
ORGANIZATIONS THAT SUBMITTED COMMENTS ON THE DRAFT EIS/EIR

Comment Format	Comment ID	Name of Commenter	Title	Organization/ Affiliation	Page
Public Hearing	O_CCCFB	John Veitch		Contra Costa County Farm Bureau	4-33
Email	O_CEMC	M. Scott Mansholt	Senior Environmental Project Management Specialist	Chevron Environmental Management	4-33
Email	O_CFBF	Christian C. Scheuring	Managing Counsel	California Farm Bureau Federation	4-33
Mail	O_DPBC1	Richard M. Anderson		Delta Pedalers Bicycle Club	4-34
Mail	O_DPBC2	John Diaz Coker		Delta Pedalers Bicycle Club	4-34
Mail	O_DPBC3	Connie Davis		Delta Pedalers Bicycle Club	4-34
Mail	O_DPBC4	Steve Diputado		Delta Pedalers Bicycle Club	4-34
Mail	O_DPBC5	Phil Paulson		Delta Pedalers Bicycle Club	4-34
Mail	O_DPBC6	Dave Stoeffler		Delta Pedalers Bicycle Club	4-34
Mail	O_DPBC7	Kathryn Thomas		Delta Pedalers Bicycle Club	4-34
Email	O_DWP	Anson B. Moran	General Manager	Delta Wetlands Project	4-35
Public Hearing	O_EBATC1	Steven Eng		East Bay Area Trails Council	4-36
Email	O_EBATC2	Morris Older		East Bay Area Trails Council	4-36
Public Hearing	O_EBBC	Bruce D. Ohlson		East Bay Bicycle Coalition	4-36
Email	O_EBCNPS	Lech Naumovich	East Bay Conservation Analyst	East Bay California Native Plant Society	4-36
Email	O_NASNF	John Eustacio Negrete	Treasurer	Native Alliance of the Sierra Nevada Foothills	4-37
Email	O_PCL	Evon Parvaneh Chambers	Water Policy Assistant	Planning and Conservation League	4-37
Email	O_SMD	Troy Bristol	Land Conservation Associate	Save Mount Diablo	4-38

Contra Costa County Farm Bureau, John Veitch, April 2, 2009.

O_CCCFB-01 Please refer to **Section 3.3, Master Response 3.2, Relationship to Other Initiatives and Projects** (Chapter 3, Section 3.2.2).

Chevron Environmental Management Company, M. Scott Mansholt, Senior Environmental Project Management Specialist, April 21, 2009.

O_CEMC-01 Please refer to **Section 3.10, Master Response 10, Hazardous Materials/Public Health and Utilities** (Chapter 3, Section 3.10.3).

O_CEMC-02 Please refer to **Section 3.10, Master Response 10, Hazardous Materials/Public Health and Utilities** (Chapter 3, Section 3.10.3).

California Farm Bureau Federation, Christian C. Scheuring, Managing Counsel, April 21, 2009.

O_CFBF-01 Please refer to **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.3) which addresses comments about how additional alternatives should be considered to achieve broader statewide benefits, and **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.4) which responds to comments about the project description, including a discussion of relevant CCWD Board Principles.

O_CFBF-02 Please refer to **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.3) and **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.4) which includes a discussion of the distribution of benefits to project participants.

O_CFBF-03 Please refer to **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.4), **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.3) and **Section 3.2, Master Response 2, Relationship to Other Initiatives and Projects** (Chapter 3, Section 3.2.2) which responds to comments about coordination with and relationship to other programs.

O_CFBF-04 Please refer to **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.4), **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.3) and **Section 3.3, Master Response 2, Relationship to Other Initiatives and Projects** (Chapter 3, Section 3.2.2) which responds to comments about coordination with and relationship to other programs and discusses how future, cost-effective opportunities with State and/or federal participation continue to be evaluated.

Delta Pedalers Bicycle Club, Richard M. Anderson, April 13, 2009.

O_DPBC1-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

Delta Pedalers Bicycle Club, John Diaz Coker, April 13, 2009.

O_DPBC2-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

O_DPBC2-02 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

Delta Pedalers Bicycle Club, Connie Davis, April 16, 2009.

O_DPBC3-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

O_DPBC3-02 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

O_DPBC3-03 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

Delta Pedalers Bicycle Club, Steve Diputado, April 13, 2009.

O_DPBC4-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

O_DPBC4-02 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

O_DPBC4-03 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

Delta Pedalers Bicycle Club, Phil Paulson, April 16, 2009.

O_DPBC5-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

Delta Pedalers Bicycle Club, Dave Stoeffler, April 16, 2009.

O_DPBC6-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

Delta Pedalers Bicycle Club, Kathryn Thomas, April 16, 2009.

O_DPBC7-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

O_DPBC7-02 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

Delta Wetlands Project, Anson B. Moran, General Manager, April 21, 2009.

O_DWP-01 Please refer to **Section 3.2, Master Response 2, Relationships to Other Initiatives and Projects** (Chapter 3, Section 3.2.2).

O_DWP-02 Please refer to **Section 3.2, Master Response 2, Relationships to Other Initiatives and Projects** (Chapter 3, Section 3.2.2)

O_DWP-03 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.2)

Please refer to **Section 3.2, Master Response 2, Relationships to Other Initiatives and Projects** (Chapter 3, Section 3.2.2).

O_DWP-04 [*Excerpt from O_DWP*] The DEIS/R states that "[n]one of the alternatives would involve diverting more water from the Delta than allowed under existing water rights or changing the ownership or priority of those water rights" (p. 3-4), however, the changes to the "timing and location of diversions . . . may necessitate modification of existing water right permits held by CCWD; U.S. Department of the Interior, Bureau of Reclamation, Mid-Pacific Region (Reclamation); and/or California Department of Water Resources (DWR)" (pp. 3-4 to 3-5). The DEIS/R does not provide specific enough information to assess the potential impacts of the water right changes that may be required for the LVE project. Please clarify what water right approvals have already been obtained but have not yet been exercised and those that have not yet been obtained but are required to operate the proposed LVE project.

RESPONSE

No water rights change petitions or applications have yet been filed in connection with the proposed project. Change petitions to existing water rights permits held by CCWD, DWR, and/or Reclamation may be filed, if necessary, for the alternative that is selected for implementation. The EIS/EIR contains descriptions of project operations for all alternatives and analysis of the potential impacts of these operations to support any water rights petitions that might be needed (see generally Vol. 4, Section 5.3). Responses to comments S_SWRCB-01, S_SWRCB-05, S_SWRCB-06, and

S_SWRCB-08 from the SWRCB provide additional detail on existing water rights permits and potential modifications to them.

O_DWP-05 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.2).

O_DWP-06 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.2).

East Bay Area Trails Council, Steven Eng, March 26, 2009.

O_EBATC1-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

East Bay Area Trails Council, Morris Older, April 21, 2009.

O_EBATC2-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

O_EBATC2-02 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

O_EBATC2-03 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.6).

O_EBATC2-04 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.3).

East Bay Bicycle Coalition, Bruce D. Ohlson, March 31, 2009.

O_EBBC-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

O_EBBC-02 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

O_EBBC-03 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

East Bay California Native Plant Society, Lech Naumovich, East Bay Conservation Analyst, April 21, 2009.

O_EBCNPS-01 Please refer to **Section 3.15, Master Response 15, Procedural Issues** (Chapter 3, Section 3.15.3).

O_EBCNPS-02 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4).

O_EBCNPS-03 Please refer to **Section 3.1, Master Response on Project Purpose and Description** (Chapter 3, Sections 3.1.2 and 3.1.4).

O_EBCNPS-04 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.3) and **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.5).

O_EBCNPS-05 Please refer to **Section 3.14, Master Response 14, Climate Change** (Chapter 3, Section 3.14.2).

O_EBCNPS-06 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.9) and **Section 3.13, Master Response 13, Growth-Inducing Effects** (Chapter 3, Section 3.13.2).

O_EBCNPS-07 Please refer to **Section 3.13, Master Response 13, Growth-Inducing Effects** (Chapter 3, Section 3.13.2).

O_EBCNPS-08 The commenter expresses the opinion that "the EIR/EIS is not sufficient in analyzing the impacts of this project. The lead agency did not fulfill the basic guidelines of CEQA [Pub. Res. Code § 21061]; If an environmental document fails to fully inform decision makers, and the public, of the environmental consequences of the proposed actions, it does not satisfy the basic goals of either statute".

RESPONSE

This comment appears to express a broad summary conclusion of the commenter's other comments about expresses broad generalizations about the Draft EIS/EIR, and does not provide any specifics or detail about the commenter's expressed opinions.

The Draft EIS/EIR and this document (Vol. 4), which comprise the Final EIS/EIR, include analyses and discussion of the environmental impacts of the project alternatives. These analyses identify those impacts which were found to be significant or potentially significant before mitigation. Without exception, for those impacts found to be significant or potentially significant before mitigation, feasible mitigation measures have been identified.

Native Alliance of the Sierra Nevada Foothills, John Eustacio Negrete, Treasurer, April 22, 2009.

O_NASNF-01 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4).

O_NASNF-02 Please refer to **Section 3.12, Master Response 12, Cultural Resources** (Chapter 3, Section 3.12.2).

O_NASNF-03 Please refer to **Section 3.12, Master Response 12, Cultural Resources** (Chapter 3, Section 3.12.2).

O_NASNF-04 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.9).

Planning and Conservation League, Evon Parvaneh Chambers, Water Policy Assistant, April 20, 2009.

O_PCL-01 Please refer to **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.2).

O_PCL-02 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.2) and **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.2).

O_PCL-03 Please refer to **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.2) and **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.2).

O_PCL-04 Please refer to **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.2).

O_PCL-05 Please refer to **Section 3.2, Master Response 2, Relationships to Other Initiatives and Projects** (Chapter 3, Section 3.2.2).

O_PCL-06 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.6).

Save Mount Diablo, Troy Bristol, Land Conservation Associate, April 21, 2009.

O_SMD-01 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.2) and **Section 3.8, Master Response on Biological Resources** (Chapter 3, Section 3.8.7).

O_SMD-02 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.2) and **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4).

O_SMD-03 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.2).

O_SMD-04 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.2), **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4) and **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.9).

O_SMD-05 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.2).

O_SMD-06 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.2).

O_SMD-07 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4).

O_SMD-08 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.2).

O_SMD-09 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4).

O_SMD-10 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4).

O_SMD-11 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4).

O_SMD-12 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.8).

O_SMD-13 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.3).

O_SMD-14 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.9).

O_SMD-15 Please refer to **Section 3.13, Master Response 13, Growth-Inducing Effects** (Chapter 3, Section 3.13.2).

O_SMD-16 Please refer to **Section 3.13, Master Response 13, Growth-Inducing Effects** (Chapter 3, Section 3.13.2).

O_SMD-17 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.6)

4.5 Individuals

TABLE 4-5
INDIVIDUALS WHO SUBMITTED COMMENTS ON THE DRAFT EIS/EIR

Comment Letter Format	Comment Letter ID	Name of Commenter	Page
Email	I_Birnbaum	Mark Birnbaum	4-40
Mail	I_Chapman	David and Brenda Chapman	4-40
Mail	I_Collier	Gary Collier	4-41
Email	I_Desmond	Michael Desmond	4-42
Email	I_Fontaine	Dave Fontaine	4-42
Email	I_Graham	Betty Lu Graham	4-42
Email	I_Gunn	Joyce Gunn	4-43
Email	I_Harris	Adrienne Harris	4-43
Email	I_Horejsi	Dr. Brian L. Horejsi	4-43
Email	I_Mankin	Bob Mankin	4-43
Email	I_Navarro	Steven Navarro	4-43
Email	I_Netzer	Ralph Netzer	4-44
Email	I_Osterling	Ralph Osterling	4-44
Email	I_Pilkington	Corin Pilkington	4-44
Email	I_Quigley1	Dick Quigley	4-45
Email	I_Quigley2	Dick Quigley	4-45
Email	I_Saephan	Mey Saephan	4-45
Email	I_Sagehorn	Michael Sagehorn	4-46
Email	I_Vandeman	Mike Vanderman	4-46
Email	I_Vincent	Tammy Vincent	4-46

Mark Birnbaum, April 09, 2009.

I_Birnbaum-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

David and Brenda Chapman, April 21, 2009.

I_Chapman-01 The commenters own property across which the existing Old River Pipeline is routed. Under Alternatives 1, 2, and 3, the proposed new Delta-Transfer Pipeline would be installed generally parallel to the existing Old River Pipeline within the existing Old River Pipeline permanent right-of-way for most of the route. The commenters express their concerns about any effects that expansion of the permanent easement, as well as any temporary construction easements, may have on their plans for future improvement of their property, as well as concerns about economic impacts associated with loss of grazing land and exercise area for their horses.

RESPONSE

As discussed in **Section 3.7, Master Response 7, Agriculture**, in this document, construction activities associated with pipeline installation

would result in temporary disruption of agricultural uses, including grazing, during the installation of pipelines. However, after installation is complete, the disturbed areas would be restored to conditions consistent with the easement agreement and permitted agricultural uses could resume. Additionally, the Delta-Transfer Pipeline would be installed within the existing utility corridor used for CCWD's existing Old River Pipeline; therefore, no new utility corridor would be needed (Section 3.7.3). It is not anticipated that the existing permanent easement would need to be expanded; however, in the event that final design requires the expansion of the permanent easement, CCWD will work with affected landowners to make the appropriate arrangements. Alternative 4 would not involve construction of the new Delta-Transfer Pipeline.

The commenters' letter requests that CCWD and Reclamation involve them in project planning to help minimize impacts associated with construction of facilities/pipelines on their property. Subsequent to receipt of the commenter's letter, the CCWD Project Manager, Marguerite Naillon, contacted the commenters to discuss their concerns. Any landowners, including the commenters, with property located within the footprint of any project components related to an alternative that is selected for implementation will be contacted by CCWD to discuss more specific planning information.

Ms. Naillon is available to discuss landowner questions or concerns at (925) 688-8018.

Gary Collier, April 24, 2009.

I_Collier-01 Please refer to **Section 3.10, Master Response 10, Hazardous Materials/Public Health and Utilities** (Chapter 3, Section 3.10.2).

I_Collier-02 The commenter expressed concern that the Delta is being treated as a natural ecosystem, asked why delta smelt and salmon populations need to be addressed and suggested that high flows allow predatory fish to prey upon salmon and delta smelt.

RESPONSE

It is well recognized that the Delta is no longer a natural system and that it has been subjected to extensive anthropogenic changes in land forms (for example, draining of freshwater tidal marsh that is now farmed behind levees), and is subject to constant flow management. It is not being treated as a natural system but rather as valued ecosystem in decline. The very focus of the CALFED Program and the BDCP is the restoration of the Delta ecosystem, recognizing that it cannot and will not be restored to a natural state but rather a healthy, functioning state.

Delta smelt and salmon are listed species under the Federal Endangered Species Act and the California Endangered Species Act. As such, they are protected by law. The focus of the CALFED Program, the BDCP and the Los Vaqueros Reservoir Expansion Project is to further protect those species while improving water supply reliability for users of Delta waters.

It is not clear what is meant by "high flows" but the evidence suggests that a multitude of factors have affected the decline in species, among them invasive species (including asian clams and predators of native species), pollution and loss of fish at pump plants. No single factor has been determined to have caused the decline.

I_Collier-03 The commenter recommends building a peripheral canal. None of the proposed alternatives includes construction of a 'peripheral canal' (Draft EIS/EIR, Chapter 3). Please refer to **Section 3.2, Master Response 2, Relationships to Other Initiatives and Projects** (Chapter 3, Section 3.2.2).

Michael Desmond, April 07, 2009.

I_Desmond-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

Dave Fontaine, April 18, 2009.

I_Fontaine-01 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.4).

I_Fontaine-02 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.2).

Betty Lu Graham, April 20, 2009.

I_Graham-01 Please refer to **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.4).

I_Graham-02 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.3).

I_Graham-03 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.3 and Section 3.8.9).

I_Graham-04 Please refer to **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.9).

I_Graham-05 Please refer to **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.3).

I_Graham-06 Please refer to **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.2).

I_Graham-07 Please refer to **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.2).

I_Graham-08 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.6).

I_Graham-09 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.5).

I_Graham-10 Please refer to **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.4).

Joyce Gunn, April 14, 2009.

I_Gunn-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

Adrienne Harris, April 19, 2009.

I_Harris-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

Dr. Brian L. Horejsi, April 08, 2009.

I_Horejsi-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

Bob Mankin, April 21, 2009.

I_Mankin-01 Comment noted. Please refer to **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Sections 3.1.4 and 3.2.2).

I_Mankin-02 Please refer to **Section 3.11, Master Response 11, Recreation (Chapter 3, Section 3.11.2)**.

Steven Navarro, April 10, 2009.

I_Navarro-01 Please refer to **Section 3.9, Master Response 9, Transportation and Circulation** (Chapter 3, Section 3.9.2).

I_Navarro-02 Please refer to **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.3).

I_Navarro-03 Please refer to **Section 3.6, Master Response 6, Local Hydrology and Drainage** (Chapter 3, Section 3.6.3).

I_Navarro-04 Please refer to **Section 3.9, Master Response 9, Transportation and Circulation** (Chapter 3, Section 3.9.2).

I_Navarro-05 Please refer to **Section 3.9, Master Response 9, Transportation and Circulation** (Chapter 3, Section 3.9.2).

Ralph Netzer, April 13, 2009.

I_Netzer-01 Comment noted. The commenter expresses support for enlarging Los Vaqueros Reservoir "probably to the larger storage plan", and expresses the opinion that the State is suffering and will continue to suffer from severe water shortages until something is done to increase storage capacity.

This comment does not raise significant environmental issues that would result from the proposed project, but the comment will be submitted to the decision-makers and included in the record along with all other comments.

Ralph Osterling, February 25, 2009.

I_Osterling-01 Comment noted. Also, see **Section 3.8, Master Response 8, Biological Resources** (Chapter 3, Section 3.8.3).

Corin Pilkington, April 21, 2009.

I_Pilkington-01 Please refer to **Section 3.2, Master Response 2, Relationships to Other Initiatives and Projects** (Chapter 3, Section 3.2.2).

I_Pilkington-02 Please refer to **Section 3.3, Master Response 3, Project Alternatives** (Chapter 3, Section 3.3.4).

I_Pilkington-03 Please refer to **Section 3.1, Master Response 1, Project Purpose and Description** (Chapter 3, Section 3.1.4).

I_Pilkington-04 The commenter expressed the opinion that a definition of "substantial" be provided for the significance criterion in Section 4.5.2 of the Draft EIS/EIR regarding alteration of the existing drainage pattern to provide a context of the threshold used for the analysis.

RESPONSE

The significance criterion in the Draft EIS/EIR to which the commenter is referring is:

> *Substantially alter the existing drainage pattern of the site or project area in a manner that would cause substantial erosion and sedimentation and/or flooding onsite or offsite* (Section 4.5, pg. 4.5-12).

Changes in drainage patterns are typically evaluated based on effects associated with those changes that could be considered deleterious to beneficial uses (as discussed in the Regulatory Setting section in the Draft EIS/EIR (Section4.5, pp. 4.5-1 through 4.5-6). For the analysis in the Draft EIS/EIR, the term "substantial" was interpreted to mean any increase or change in erosion, sedimentation, drainage, or flooding patterns that could be considered deleterious to beneficial uses, including environmental uses, any reduction in conveyance capacity (e.g., due to sedimentation) or any increase in flooding. This criterion is based on Appendix G of the State CEQA guidelines. This interpretation of the significance criteria ensures compliance with CEQA and NEPA, and that deleterious environmental change will be minimized.

I_Pilkington-05 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.2).

Dick Quigley, March 25, 2009.

I_Quigley1-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5 and Section 3.11.6).

I_Quigley1-02 Please refer to **Section 3.5, Master Response 5, Delta Hydrology and Aquatic Resources** (Chapter 3, Section 3.5.2).

I_Quigley1-03 The commenter asks if the fingerprint of water that goes to the Los Vaqueros Reservoir is similar to that at the Banks Pump Plant and specifically asks about the salinity levels.

RESPONSE

The comment is correct that the "fingerprint" of water that goes to the Los Vaqueros Reservoir is similar to that at the Banks Pump Plant. There are some distinctions, however. First, the Banks Pump Plant is subject to water from the San Joaquin River. That water has high salinity at many times of the year, and can have pollutants such as selenium that are not present at CCWD's intakes. CCWD is much less affected by San Joaquin River flows. Second, the salinity levels for the Los Vaqueros Reservoir are generally less than at the Banks Pump Plant, since CCWD is able to take water from either Old River or Victoria Canal. Victoria Canal generally has superior water quality than the Banks Pump Plant in the summer and fall. At other times of the year, Old River generally has better water quality than the Banks Pump Plant, or it is quite similar.

Dick Quigley, April 1, 2009.

I_Quigley2-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.6).

Mey Saephan, March 24, 2009.

I_Saephan-01 The commenter writes: Are there considerations such as family size on how much CCWD customers are required reduce their water usage? My family has already reduced water usages probably by 20% or more and I think it would be unfair to ask customers who have already reduced their water usages to reduce their water usages 20% more in addition to earlier reductions.

RESPONSE

The commenter appears to be requesting information about CCWD's 2009 drought-related water conservation efforts and/or the Statewide 20x2020 Plan for reduced water use, and how these programs would affect individual customer rates. The Los Vaqueros Reservoir Expansion Project is not related to existing voluntary conservation efforts or the Statewide 20x2020 water reduction plan.

Within the CCWD service area, 2009 water use reduction targets of 15 percent are tailored to each property's use history, and related conservation efforts by water users are currently voluntary. The CCWD program is distinct from Governor Schwarzenegger's goal of reducing per capita urban water use statewide by 20 percent by the year 2020. As of January 2010, the Statewide 20x2020 Plan has not been finalized.

CCWD Water Conservation staff track water use and costs by property and can discuss property-specific issues with the commenter. The commenter is invited to contact CCWD Water Conservation staff at (925) 483-2452 for additional water conservation information, to schedule a water audit, and responses to any further questions about water use for her property.

Michael Sagehorn, April 07, 2009.

I_Sagehorn-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

Mike Vandeman, April 07, 2009.

I_Vandeman-01 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

I_Vandeman-02 Please refer to **Section 3.11, Master Response 11, Recreation** (Chapter 3, Section 3.11.5).

Tammy Vincent, April 10, 2009.

I_Vincent-01 Comment noted. Commenter expresses support for expanding the Los Vaqueros Reservoir.

This comment does not raise significant environmental issues that would result from the proposed project, but the comment will be submitted to the decision-makers and included in the record along with all other comments.