LO178 Calaveras County WD

Response to comment LO178-1
Comment noted.

Response to comment LO178-2
Comment noted.

February 1, 2012

Delta Stewardship Council
Attention: Terry Macaulay
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Subject: Draft Delta Plan, Program Environmental Impact Report, SCH #2010122028

Dear Ms. Macaulay:

Thank you for the opportunity to review and comment on the Delta Stewardship Council’s (DSC) Delta Plan Draft Environmental Impact Report. The Calaveras County Water District supplies water to over 12,500 customers within the County of Calaveras. Our agency has participated in the DSC process through the review of previous documents, draft plans and DSC meetings and workshops. Additionally, our agency is a participant in the Ag-Urban Coalition and worked in the development of that group’s Alternate Draft Plan as submitted to the DSC previously. We will focus our comments on the treatment by the DEIR in its analysis of the Proposed Project but also with particular attention to Alternative 1B (the proposed Ag-Urban Coalition draft plan) which our agency worked on jointly with a number of other public local and regional water agencies, local governments and other interests.

It is our intention to provide the Council with comments on the Draft Environmental Impact Report (DEIR or EIR) that will provide insights and direction to the Council to produce a legally adequate Final Environmental Impact Report (FEIR) and a Plan that will be understandable, sustainable and can practically be implemented so as to achieve the coequal goals as defined in statute. We consider this duty to be a serious matter both due to our local agency status (Public Resources Code §21062) and also as a responsible agency under CEQA (PRC, §21069).

1 California Water Code Section 85054.
Response to comment LO178-3

Please refer to Master Response 2.

As a responsible agency, it is likely that in the future our agency will be carrying out water supply, water quality, water use efficiency and other similar projects. Due to our agency’s location within the Delta Watershed (notwithstanding the California Water Code, for environmental analysis and resource purposes the specific geographic area in which our agency is located is more accurately described by the Sierra Nevada Ecosystem), it is possible that there may be occasions under which local management actions by our agency may be restricted in some fashion or even prohibited by proposals within the present Proposed Project. Therefore, our interests in the proposed Plan and the attendant CEQA document are significant. For the purposes of our long-term planning responsibilities, it is of critical importance that the Plan and its analysis be accurate and clear.

The EIR is excessively voluminous, and yet it still provides the reader with an meaningful, reasonable assessment of environmental impact analysis. The description of the Proposed Project lacks basic details for the reader, such that one cannot determine exactly, or even approximate, what is or is not proposed. This confounds the very foundation of an adequate CEQA analysis since without that descriptive foundation to build upon any attempt at forecasting and analysis is reduced to a level of vague concerns. (CEQA Guidelines §15124). This is no small matter and must be remedied by the Lead Agency in the final document.

“An unrealistic or distorted project description may mutilify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the “no project” alternative) and weigh other alternatives in the balance. (3) An accurate, stable and finite project description is the sine qua non of an informative and legislatively sufficient EIR.” County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185.

We find that this flaw in the document is further compounded by the reader being confronted with a plethora of nonessential information about potential impacts regarding general classes of projects, that is neither helpful in separating fact from fiction, nor the impacts of the proposed plan from a catalog of off-the-shelf boilerplate narratives. Additionally, the reader is challenged to determine if the project being...
Response to comment LO178-4

Please refer to Master Response 3.
Response to comment LO178-5

As described in Section 2B of the Draft Program EIR, the Delta Stewardship Council does not propose or contemplate directly authorizing construction or operation of any physical activities. Rather, through the Delta Plan, the Delta Stewardship Council seeks to influence the actions, activities, and/or projects of other agencies – the details of which are under the jurisdiction and authority of the individual agencies that will propose them in the future. The Delta Plan’s degree of influence on future undefined projects is unclear. For these reasons, this EIR does not seek to evaluate the environmental impacts of the incremental change in those actions, activities, and/or projects that could result from the Delta Plan. Without specific details of future projects, it is not possible to develop quantitative impact analyses.

Response to comment LO178-6

Please refer to response to comment LO178-5.

Response to comment LO178-7

The EIR includes measures that address both demand and supply within the referenced discussion of development of reliable local and regional supplies. All of these measures have the potential to reduce demand for water from alternative sources, including in some instances from the Delta. The Revised Project and the RDEIR address areas located upstream of the Delta. In particular, the RDEIR recognizes that many upstream areas, especially those in the foothills and mountains that surround the Sacramento and San Joaquin valleys, do not have substantial groundwater supplies. Accordingly, it assumes that, within projects that target a reliable water supply, projects to recycle wastewater and stormwater would predominate over groundwater projects (RDEIR p. 3-2). See also Master Response 5.

Response to comment LO178-8

As described in lines 30-33 of page 2A-5 of the Draft Program EIR, the Delta Plan policies and recommendations include provisions required for Urban Water Management Plans as well as additional provisions to require water suppliers to describe plans to improve self-reliance and reduce reliance on the Delta water supplies. Lines 34-45 of page 2A-5 describe additional Delta Plan recommendations that would address items not included in existing Urban Water Management Plans, such as retrofitting...
of State facilities to increase water use efficiency and reduce reliance on the Delta. Completion of Urban Water Management Plans is not mandatory unless a water agency requires approvals or funding from a state agency. The inclusion of provisions referred to in this comment on page 2A-5 of the Draft Program EIR also would require completion of Urban Water Management Plans for projects that need to be consistent with the Delta Plan.
Response to comment LO178-9

Please see the revised policy ER P1 and recommendation ER R1 in the Final Delta Plan. As described in Section 2A, local and regional water supplies could include recycled wastewater and stormwater projects that do not require changes in water rights permits. Moreover, the Delta Plan does not prohibit the issuance of all new water rights permits, but rather restates existing legal requirements including the constitutional principle of reasonable and beneficial use; Water Code sections 85021, 85023, 85031; and other provisions of California law. See RDEIR, p. C-12 (WR R3).

Neither the Delta Reform Act nor the Delta Plan affect water rights (Water Code §§ 85031, 85032(i)). Please see Master Response 5 for further discussion of the EIR’s analysis of the protections for exiting water uses and users. These protections are included in all of the alternatives analyzed in the EIR.

Response to comment LO178-10

Please refer to response to comment LO178-9. Economic impacts are not effects on the environment under CEQA, and are not analyzed in the EIR (CEQA Guidelines §§ 15064(e) and 15131). Please refer to Master Response 2.

Response to comment LO178-11

Section 3 of the Draft Program EIR and the RDEIR both recognize that groundwater in the foothills of the Sacramento and San Joaquin valleys can be limited.
Response to comment LO178-12

Please refer to response to comment LO178-7.

Response to comment LO178-13

As described in Section 2B of the Draft Program EIR and Master Response 2, the Delta Stewardship Council does not propose or contemplate directly authorizing any physical activities, including but not limited to construction or operation of infrastructure. Rather, through the Delta Plan, the Delta Stewardship Council seeks to influence the actions, activities, and/or projects of other agencies, the details of which would be under the jurisdiction and authority of the agencies that will propose them in the future and conduct future environmental review. Without specific details of future projects, it is not possible for the Delta Stewardship Council to develop quantitative thresholds of significance, conduct site- or location-specific quantitative analyses, and design site-specific mitigation measures. Accordingly, in the absence of specific proposed physical projects, this EIR makes a good faith effort to disclose the potentially significant environmental effects of the types of projects that may be encouraged by the Delta Plan and to identify program-level mitigation measures.

The EIR analyzes the whole of the project—i.e., the Delta Plan—rather than segmenting the Project into separate components, such as the binding policies or the non-binding recommendations. A segmented approach might minimize any impacts and would not accurately reflect the substantively-intertwined and geographically-overlapping nature of the policies and recommendations. See Master Response 2.

Response to comment LO178-14

As described on page 2A-39, Lines 38 through 40, of the Draft Program EIR and Master Response 5, it is anticipated that implementation of updated water quality and flow objectives by the State Water Resources Control Board (SWRCB) could increase Delta outflow, reduce current reverse flow conditions in the south Delta, increase flows in restored Delta floodplains, and result in a more “natural flow regime” in the Delta. Neither the Delta Plan nor the SWRCB’s flow objectives will affect water rights. Following the adoption of its flow objectives, the SWRCB will engage in a further public proceeding, including complete environmental review, concerning implementation of the objectives, which may include altering water rights. Please see Master Response 5 for further discussion.
of the EIR’s analysis of the updated flow objectives and the protections for exiting water uses and users. Affected water users could pursue the types of water supply reliability projects identified in Section 2.2.1 to develop alternative local supplies or to reduce local demand.
Response to comment LO178-15

Please refer to Master Response 5.

Response to comment LO178-16

Please refer to Master Response 2.

Response to comment LO178-17

The listed example programs are representative of actions that water users take to reduce the effects of agriculture on water quality. As described in Section 2B of the Draft Program EIR and in Master Response 2, the Delta Stewardship Council does not propose or contemplate directly authorizing any physical activities. Rather, through the Delta Plan, the Delta Stewardship Council seeks to influence the actions, activities, and/or projects of other agencies, the details of which would be under the jurisdiction and authority of the agencies that will propose them in the future and conduct future environmental review. Accordingly, in the absence of specific proposed physical projects, this EIR makes a good faith effort to disclose the potentially significant environmental effects of the types of projects that may be encouraged by the Delta Plan and to identify program-level mitigation measures.

Response to comment LO178-18

As described in Master Response 1, the Delta Plan includes policies and recommendations designed to achieve the co-equal goals. The types of projects listed in Section 2.2.4 and referenced in this comment are representative of those that local agencies might take, pursuant to the Delta Plan’s policies and recommendations, to improve flood management.

Response to comment LO178-19

Please refer to Master Response 2.
Response to comment LO178-20

Please refer to Master Responses 1 and 2.

Response to comment LO178-21

Please refer to Master Responses 1 and 2.

Response to comment LO178-22

Please refer to Master Response 2.

Response to comment LO178-23

The Revised Project moved the referenced recommendation, RR R12, to Issues for Future Evaluation and Consideration. This reflects the Delta Stewardship’s continued belief that any proposal by DWR and other agencies to reoperate upstream reservoirs should include consideration of improved watershed management actions. Such actions will also help attenuate flood flows as well as improve ecosystem functions and water supply availability. Nonetheless, because Issues for Future Evaluation and Consideration only direct the Delta Stewardship Council’s consideration of future actions and do not encourage any physical actions, the RDEIR does not evaluate their effects on the environment.

Response to comment LO178-24

Please refer to the response to comment LO178-7.
Response to comment LO178-25
Please refer to Master Response 2.

Response to comment LO178-26
The entry on Table 2-4 related to "No Recommendations or Policies are identified regarding selection of implementation of Specific conveyance options" reflects the fact that the Bay Delta Conservation Program is proceeding independently from the Delta Plan development process, as explained on footnote b of this table and in Sections 22 and 23 of the EIR.

Response to comment LO178-27
Comment noted. Please refer to Master Response 3.

Response to comment LO178-28
Comment noted. Please refer to Master Response 3.

Response to comment LO178-29
Please refer to Master Responses 1 and 3.
Response to comment LO178-30

Please refer to Master Response 3. The Delta Plan does not direct or encourage reservoir operations that would increase the risk of flooding in upstream locations, nor does it direct or encourage reservoir operations designed solely to protect the Delta from flooding. As stated on page 131 of the Delta Plan, “DWR is leading a System Reoperation Task Force with Reclamation, USACE, and other State, federal, and local agencies to study and assess opportunities for reoperating existing reservoir and conveyance facilities to improve flood protection and capture of available water runoff, particularly in the context of climate change.”

Response to comment LO178-31

Please refer to Master Response 2. In addition, the Delta Plan encourages the development of local and regional water supply projects to improve water supply reliability.

Response to comment LO178-32

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO178-33

The description of conditions under the No Project Alternative that could occur through the study period considered in this EIR (through 2030) anticipates a reduction in spring runoff for a variety of reasons. It was determined to be too speculative to forecast changes in reservoir operations in response to climate change because such changes could require studies and approvals from other agencies, including U.S. Army Corps of Engineers, State Water Resources Control Board, and Department of Water Resources.
Response to comment LO178-34

Comment noted.

Response to comment LO178-35

The sentence referred to in this comment on page 2A-86, Lines 26 and 27, was not modified because expansion of local and regional water supplies in the Delta watershed, such as wastewater recycling, can be used to reduce effects on Delta water supplies.

Response to comment LO178-36

The Draft Program EIR has defined the term "areas outside of the Delta" as areas that use water diverted by the SWP and CVP from the Delta at the south Delta intakes. Therefore, no change to the sentence referred to in this comment on page 2A-88, Lines 7 and 8, of the Draft Program EIR has been made.

Response to comment LO178-37

As described in Section 2.3.2 of the Draft Program EIR, the No Project Alternative does not include future projects that would require future studies, environmental documentation, or permitting.

Response to comment LO178-38

The alternatives addressed in the EIR reflect the fact that the Delta Stewardship Council does not have the authority to directly authorize construction or operation of any physical activities or to direct the activities of other agencies. Alternative 1B was informed by the Draft Alternate Delta Plan - Ag-Urban II Coalition Alternate Delta Plan submitted by the Association of California Water Agencies in a comment letter to the Delta Stewardship Council dated June 10, 2011, which specifically did not include policies.
Response to comment LO178-39
Please refer to response to comment LO178-38.

Response to comment LO178-40
Please refer to the response to comment LO178-18.

Response to comment LO178-41
Please refer to Master Response 1.

Response to comment LO178-42
Please refer to the response to comment LO178-23.

Response to comment LO178-43
Please refer to the response to comment LO178-38.
**Response to comment LO178-44**

Please refer to the Master Response 3.

**Response to comment LO178-45**

The definition of a covered action is established by the Delta Reform Act, as summarized in subsection 2.1.2 of the Draft Program EIR. See Master Response 1. The referenced footnote recognizes other agencies’ authority and states that the Delta Stewardship Council “cannot require,” but rather “encourage[s]” mitigation of non-covered actions consistent with the Delta Plan.

**Response to comment LO178-46**

The surface water storage projects included in Table 2B-1 were specifically included in the description of policies and recommendations of Fifth Staff Draft Delta Plan to improve water supply reliability. The Delta ecosystem restoration projects included in the description of policies and recommendations of Fifth Staff Draft Delta Plan would contribute to restoration of natural conditions in the Delta. See Master Response 5. However, Alternative 1B did not include the same emphasis on Delta ecosystem restoration as the Delta Plan.

**Response to comment LO178-47**

Alternative 1B did not include the same aggressive schedule to complete the Delta water quality improvement actions as the Delta Plan. Therefore, there would be less likelihood of implementing municipal, stormwater, and agricultural water treatment plants than under the Delta Plan.

**Response to comment LO178-48**

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.
Response to comment LO178-49

Social and economic impacts are not effects on the environment under CEQA, and are not analyzed in the EIR (CEQA Guidelines §§ 15064(e) and 15131). Please refer to Master Response 2.
Response to comment LO178-50

Please refer to the response to comment LO178-9. Social and economic impacts are not effects on the environment under CEQA, and are not analyzed in the EIR (CEQA Guidelines §§ 15064(e) and 15131). See Master Response 2.

Response to comment LO178-51

Please refer to the response to comment LO178-9.

Response to comment LO178-52

The analysis of reliable water supplies is compared to existing conditions for water demands identified in adopted general plans. Please see the response to comment LO178-7.
Response to comment LO178-53

The approvals and permits referred to in this comment would need to be considered by lead agencies for future projects, including in some instances the agencies identified in this comment.

Response to comment LO178-54

As described on page 3-84, Line 15, the water quality impacts of changes in flow regime are anticipated to be significant as compared to existing conditions. See also Master Response 5.
Flow, and the ability of flow to contribute to restoring the Delta ecosystem, is interrelated and dependent on the varied attributes of Delta waters. For example, warm, non-turbid water filled with contaminants and predatory fish will provide limited ecosystem benefit regardless of the rate and velocity of flow.

The flow of water is also limited by the Delta's existing ecosystem. Water is only one of the components of the Delta ecosystem. The ecosystem is also composed of the geography of levees and subsidence, geomorphology of Delta channels, water storage and conveyance facilities, and ocean or tidal influence. These ecosystem components greatly affect how water flows through the Delta. For example, the volume, velocity, and rate of flow are directly limited by levees, channels, diversions, tides, dams, and reservoirs. Therefore, flow and the ability of flow to contribute to restoring the Delta ecosystem is necessarily limited by the existing physical restraints of the existing ecosystem components. Simply directing for more natural flows absent an detailed assessment of any potential, relative benefit within the existing landscape, is a waste of a valuable resource and a restoration opportunity squandered.

The Council's ultimate Plan must accept the fact that current Delta ecosystem is no longer a natural system. Every component of the Delta ecosystem has changed significantly over the past 100 years - the geography has changed with reclamation, levees, and dredging, the geomorphology has changed with channelization and flood control measures, turbidity has changed with altered sedimentation and dams, the food web has changed due to nutrient ratios, the fish communities have changed due to introduced non-native species, invasive species and predation. The quality of water has changed due to toxins and contaminants, the influence of the tides has changed due to levee infrastructure and climate change, and the floodplain and marsh habitat have changed due to development. In such a highly altered system, returning to a natural flow regime without addressing the other systematic changes that have taken place over time cannot reasonably be expected to restore the ecosystem.

A good example of the limited efficacy of natural flows in an unnatural system is demonstrated by looking at how flow is affected by changes in geomorphology. The Delta used to be a system of fairly shallow dendritic channels and sloughs. During high flow events, this system offered variable habitat in the form of shallow diverging sloughs and provided longer residence times for fish who navigated through twisting and winding waterways. Today, water moves through the Delta in large, deep, rip-rapped channels that loop and turn such that they more resemble a water park slide.
Response to comment LO178-55

The EIR recognizes the SWRCB’s role in promulgating new flow objectives that would promote the more natural flow regime addressed in the EIR. Please refer to Master Response 5.
Although they are not regulations of flow, there are several agreements and programs that affect instream flow. For example, the Vernalis Adaptive Management Program (VAMP), the San Joaquin River Restoration Program, and Yuba River Accord and the American River’s Water Forum Agreement are all programs that affect and control the flow of water. Flow is further constrained by conditions on existing diversions imposed by the State Water Resources Control Board for upstream Clean Water Act (Section 401) requirements, as well as other upstream public trust values as listed in our comments on page 5-79.

It must also be noted that within the Sierra Nevada Ecosystem there are well over 100 hydroelectric projects licensed under the authority of the Federal Power Act by the Federal Energy Regulatory Commission. Some of those license periods extend 50 years and have through an extensive planning process set specific instream flow standards for those projects.

Additionally, there are streams within the Sierra Nevada Ecosystem such as the Middle Fork of the Stanislaus above New Melones reservoir, which is designated by the State of California as a Wild Trout Stream. This designation requires specific flow standards from projects located on the Middle Fork to maintain a healthy, self-sustaining wild trout population. Any proposed changes to those flows would have to consider that management objective.

Within the Sierra Nevada Ecosystem is also the Tuolumne River - a federally protected Wild and Scenic River - and largest tributary to the San Joaquin River. Flows on the Tuolumne above New Don Pedro are established to preserve those conditions that existed at the time the river was designated as a Wild and Scenic River. This includes recreation, specific fish flows, aesthetics and access. Any proposed changes to established Wild and Scenic river flows would have to meet the requirements of the Wild and Scenic Rivers Act.

The EIR as well as the Council’s final plan should recognize the role of this regulatory tapestry that overlays the Sierra Nevada Ecosystem. The Council’s Proposed Project must also recognize the various responsibilities of the State and Federal agencies charged with managing and regulating these resources, as well as the legal constraints.

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*Fish and Game Code §§7575 et seq.*

*State Water Resources Board v. FERC, 877 F.2d 743 (9th Cir. 1989), and the United States Supreme Court in California v. FERC, 499 U.S. 400, 111 S.Ct. 2024, 114 L.Ed.2d 474 (1990)*

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Comments:
Draft Delta Plan, Program Environmental Impact Report, SC10 02/01/2016
Page 19 of 31
Response to comment LO178-56
Please refer to the response to comment LO178-7.

Response to comment LO178-57
Please refer to the responses to comments LO178-7 and LO178-9.

Response to comment LO178-58
In response to this comment, please see text change(s) in Section 5 in this FEIR.
Response to comment LO178-59
Alternative 1B did not include the same aggressive schedule to complete the Delta water quality improvement actions as the Delta Plan. Please see Master Response 3.

Response to comment LO178-60
Please refer to response to comment LO178-59.
Response to comment LO178-61

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment LO178-62

In response to this comment, please see text change(s) in Section 5 in this FEIR.

Response to comment LO178-63

Comment noted. Please refer to the response to comment LO178-9.

Response to comment LO178-64

The EIR anticipates local use of conserved water, with the potential for a corresponding reduction in demand for water that either flows to the Delta or is diverted from the Delta. Social and economic impacts are not effects on the environment under CEQA, and are not analyzed in the EIR (CEQA Guidelines §§ 15064(e) and 15131). Please also see Master Responses 2 and 5.
upstream water providers and a burden on many customers whose incomes are well below the state average.

Page 4-70, lines 26-28. The predicted reductions in water supply for export from the Delta would also be a likely outcome to Sierra Nevada Ecosystem communities. These reductions would impact agriculture first and then municipal supplies. Please make this change.

Page 4-89, Section 4.4.6. The initial statement on line 33 is factually incorrect and unsupported by any evidence in the EIR. It is an unsupported conclusion. Please see the submitted Alternative 1B for details regarding water transfers (see Ag Urban Alternative Plan as submitted pg 19), groundwater (see Ag Urban Alternative Plan as submitted pg. 20 & 21) and reservoir operations (see Ag Urban Alternative Plan as submitted pg. 22).

Line 40 of the same page is factually incorrect, as under Alternative 1B, flow objectives would be predicated on more accurate parameters (see Ag Urban Alternative Plan as submitted pg. 31).

Page 4-90, lines 28-34. There is no evidence in the EIR that Alternative 1B would have greater significant impacts on sensitive natural communities than the Proposed Project. Indeed Alternative 1B could have fewer and less severe impacts because flows would be predicated on complete information regarding the various factors influencing the effectiveness of flows in improving ecosystem condition and trend.

Page 4-91, lines 6-10. The premise of accelerating flow objectives (“Proposed Project”) based on inadequate information and characterizing it as being superior in terms of contributing towards improving current conditions is unsupported in the document. Alternative 1B, would seek out reasonable species life cycle data and conduct analysis and then rank the efficiency of flows to other management actions (see submitted Alternative 1B page 31).

Page 4-91, lines 17-18 and 38-41. There is no evidence presented to support the conclusion that Alternative 1B would result in greater impacts than the Proposed Project.

Page 6-3. The Proposed Project could result in significant redirected impacts on Sierra Nevada Ecosystem area local governments due to the imposed flow objectives and

Response to comment LO178-65
Please refer to response to comment LO178-7.

Response to comment LO178-66
Alternative 1B is defined in Appendix C of the Draft Program EIR. Please see Master Response 3.

Response to comment LO178-67
Please refer to response to comment LO178-47 and Master Response 3.

Response to comment LO178-68
Please refer to response to comment LO178-47 and Master Response 3.

Response to comment LO178-69
In response to this comment, please see text change(s) in Section 5 in this FEIR.

Response to comment LO178-70
WR R3 in the Revised Project (which is similar to WR R5 in the Fifth Staff Draft of the Delta Plan) addresses compliance with existing legal requirements that govern applications for a new water right or a new or changed point of diversion, place of use, or purpose of use. Thus, the SWRCB must evaluate such applications for consistency with the constitutional principle of reasonable and beneficial use; Water Code sections 85021, 85023, 85031; and other provisions of California law. This may require submission of an urban water management plan, agricultural water management plan, and environmental analysis to the SWRCB. Please refer to the response to comment LO178-7 and to Master Response 5.
Response to comment LO178-71

Please refer to the response to comment LO178-7.

Response to comment LO178-72

The Delta Plan was developed to provide for more reliable water supplies in the Delta and areas outside of the Delta that use Delta water through implementation of local and regional water supply projects and water conservation measures. Please refer to the response to comment LO178-70.

Response to comment LO178-73

Please refer to the response to comment LO178-72.

Response to comment LO178-74

The text referred to in this comment on page 6-50, Lines 8 through 17, of the Draft Program EIR does not refer to changes in water rights. Please refer to response to comment LO178-9.
Response to comment LO178-75

Please refer to response to comment LO178-74.

Response to comment LO178-76

As described in Section 1, the study area defined for the EIR includes Delta watershed, the Delta and Suisun Marsh, and areas outside of the Delta that use Delta water provided by the SWP and CVP systems. Much of the Sierra Nevada ecosystem is part of the Delta watershed. However, because this is a program EIR and because the Delta Stewardship Council does not propose or contemplate directly authorizing any physical activities, the EIR does not analyze impacts at a local or more geographically precise level in all instances. Doing so in the absence of information regarding specific, proposed projects would be inappropriately speculative at this time. Please refer to Master Response 2.

Response to comment LO178-77

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance. Please refer to the response to comment LO178-76.

Response to comment LO178-78

Please refer to the discussions of Impacts 3-2 and 3-3 in Section 3, Water Resources, which address the water supply available for agricultural land uses and the effects of implementing the Delta Plan. Section 7.4.3.1.5 on page 7-26 of the Draft Program EIR acknowledges that implementing projects encouraged by the Delta Plan could result in reduced water deliveries to areas outside the Delta that receive Delta water. The discussion also states that during some drier hydrologic conditions, deliveries to agricultural lands may be reduced, which could increase the falling of irrigated lands. Continuous, longer term falling and changes in agricultural practices resulting from reduced water deliveries could eventually result in the physical conversion of agricultural land to a nonagricultural use. This comment is consistent with the discussion presented in the EIR. See also Master Response 5.

Response to comment LO178-79

Please refer to response to comments LO178-9 and LO178-70. Economic impacts are not effects on the environment under CEQA, and are not analyzed in the EIR (CEQA Guidelines §§ 15064(e) and 15131).
Response to comment LO178-80

Please refer to response to comments LO178-9 and LO178-70.

Response to comment LO178-81

Please refer to response to comments LO178-7.

Response to comment LO178-82

The Delta Plan does assume that most areas have the potential to develop local or regional water supplies through measures such as desalination facilities, groundwater, and/or recycled water facilities, or to obtain water through transfers or conservation measures. Please refer to the response to comment LO178-7. However, as indicated in Section 7.4.3.2.5 of the EIR, the Delta Plan could cause the fallowing or retirement of agricultural lands.
**Response to comment LO178-83**

In response to this comment, please see text change(s) in Section 5 in this FEIR.

**Response to comment LO178-84**

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

The population values in Table 16-7 are based upon information from the Department of Finance (DOF) and US Census data sources which only provide resident population numbers and do not include recreational population.

**Response to comment LO178-85**

Please refer to response to comment LO178-66.
Response to comment LO178-86
Please refer to Master Response 5.

Response to comment LO178-87
Please refer to Master Response 5.

Response to comment LO178-88
Please refer to Master Response 5.
Response to comment LO178-89

The Delta Plan was developed to provide for more reliable water supplies in the Delta and areas outside of the Delta that use Delta water through implementation of local and regional water supply projects and water conservation measures. Please refer to Master Response 1.

Response to comment LO178-90

Please refer to response to comment LO178-66.

Response to comment LO178-91

The Delta Plan was developed to provide for more reliable water supplies in the Delta and areas outside of the Delta that use Delta water through implementation of local and regional water supply projects and water conservation measures. Please refer to Master Responses 1 and 2.

Response to comment LO178-92

This is a comment on the project, not on the EIR.

Response to comment LO178-93

Comment noted. Appendix C of the EIR provides the policies and recommendations that define the Delta Plan and alternatives. Section 2A describes the process by which the Delta Plan and alternatives were developed, including a discussion of their respective—and relative—features.
Response to comment LO178-94

The text on page 25-2, Lines 38-41 has been amended to read: “The Delta provides water supplies to urban communities and agricultural operations located both within and outside of the Delta. The Delta Plan encourages decreased reliance on water diverted from the Delta—and thus indirectly on water from the Delta watershed—and emphasizes increased development of sustainable local water supplies.” Please also see Master Response 5.

Response to comment LO178-95

Alternative 1B did not include the same schedule to complete the Delta water quality improvement actions as the Delta Plan. Alternative 1B could result in more water supplies for areas outside the Delta that use Delta water (SWP and CVP water users), as described in Section 2A and Appendix C of the Draft Program EIR.

Response to comment LO178-96

The EIR describes existing conditions in Sections 3 through 21 of the DEIR including declining conditions in the Delta. As described in the EIR, the Delta Plan and the alternatives would improve Delta ecosystems but may not fully restore the ecosystem. Instead, the Delta Plan and the alternatives seek to balance the coequal goals of reliable water supply and Delta ecosystem restoration.

Response to comment LO178-97

Please see Master Response 5.

Response to comment LO178-98

Please see Master Response 5.
**Response to comment LO178-99**

In response to this comment, please see text change(s) in Section 5 in this FEIR.

**Response to comment LO178-100**

Comment noted.