



— BUREAU OF —
RECLAMATION

Long-Term Operation – Initial Alternatives

Appendix V – Screened Scoping Comments

Central Valley Project, California

Interior Region 10 – California-Great Basin

Mission Statements

The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated Island Communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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1. Introduction

This Appendix V, *Responses to Comments*, contains initial responses to those comments received during the scoping process. The scoping process was initiated on February 28, 2022, with the publication of the Notice of Intent in the *Federal Register* and continued through March 30, 2022.

1.1 Screening Criteria

The purpose of the screening criteria is to guide the U.S. Bureau of Reclamation (Reclamation) to identify components that could be combined into alternatives. Through implementation of this screening effort, Reclamation retained components to establish a reasonable range. Each criterion was considered consecutively, so if a component was screened out after the first criterion, it was not compared to the subsequent criteria.

1.1.1 Screening Criterion # 1, Purpose and Need

This screening criterion focuses on how well each component would meet the purpose and need. The purpose of the Proposed Action considered is to continue the operation of the Central Valley Project (CVP) and the State Water Project (SWP), for authorized purposes, in a manner that:

- Meets requirements under federal Reclamation law, other federal laws and regulations, and State of California water rights, permits, and licenses pursuant to Section 8 of the Reclamation Act;
- Satisfies Reclamation contractual obligations and agreements; and
- Implements authorized CVP fish and wildlife project purposes, including the Central Valley Project Improvement Act (CVPIA).

Operation of the CVP and SWP is needed to meet multiple authorized purposes, including flood control and navigation, water supply, fish and wildlife mitigation, protection, and restoration and enhancement, and power generation. Operation of the CVP and SWP also provides recreation and water quality benefits.

1.1.2 Screening Criterion #2, Completeness

This screening criterion focuses on whether the recommend suggestion for an alternative or component is sufficiently complete, or sufficient information is available and can be analyzed through quantitative or qualitative means. If a suggested component or alternative meets the purpose and need, but the suggestion is considered substantially incomplete, then the component would not meet this screening criterion. If a suggested alternative or component is determined to be substantially incomplete, then it was not considered further.

1.1.3 Screening Criterion # 3, Technically and Economically Feasible

This screening criterion focuses on a reasonable range of alternatives that are technically and economically practical or feasible. Technically and economically feasible components or alternatives are capable of being provided: (1) through technology that is readily available and has been demonstrated in actual operating conditions (not simply through tests or experiments) to operate in a workable manner; and (2) in a manner that does not require relatively large financial investments for relatively minor or unproven benefits. If an alternative meets the purpose and need, and it is substantially complete, but is determined to be technically and economically infeasible to implement, then the alternative would not meet this screening criterion. If an alternative or component is determined not to be technically or economically feasible, then it was not considered further.

1.1.4 Screening Criterion #4, Value Added

This criterion refers to suggested alternatives or components that may be considered unnecessary because similar or better performance in terms of resulting impacts is likely from a different or simpler configuration. Comments that suggest alternative actions that meet the purpose and need, are complete and technically and economically feasible, but result in greater complexity in implementation with same or greater potential impacts on resources analyzed, would be removed from further consideration.

1.1.5 Screening Criteria Results

The following tables depict the comments received during the scoping process and provide information about how Reclamation is considering these comments. Responses to comments specific to the range of alternatives to be considered in the Public Draft Environmental Impact Statement (EIS) indicate whether these comments meet the screening criteria and will be further evaluated.

2. Comments Received During Scoping

The Scoping Report captured the comments below.

Table 1: Tribal Comment Table

Commentor	Comment	Response (to include where in alternatives doc)
Yurok Tribe and Hoopa Valley Tribe (joint letter)	(RE: Emergency Interim Actions) To avoid and minimize take, further harm to SONCC [Southern Oregon/Northern California Coast] Coho Salmon, and comply with the 1955 Act (PL 84-386) authorizing the TRD [Trinity River Division], Reclamation should implement emergency measures during the reinitiated consultation.	The Trinity River Restoration Program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.
	(RE: Emergency Interim Actions) Reclamation must take every action possible to provide for the preservation and propagation of Trinity River fish and wildlife by curtailing trans-basin diversion and by bypassing power production. Reduction of trans-basin water deliveries from the TRD must occur immediately if cold-water reserves are to be maintained to meet the habitat conditions required by SONCC Coho salmon reproduction in the Trinity River.	Reclamation continues to implement measures to manage the limited Trinity River Division water resources during this critical year. The Trinity River Restoration Program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.
	(RE: Emergency Interim Actions) Reclamation must ensure needs of the Trinity River are met prior to any other use of Trinity River water, such as filling of Whiskeytown Reservoir for recreation, conveyance of water to the Sacramento Basin, or hydropower production.	Reclamation continues to implement measures to manage the limited Trinity River Division water resources during this critical year. The Trinity River Restoration Program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.
	(RE: Emergency Interim Actions)	Reclamation continues to implement measures to manage the limited

Commentor	Comment	Response (to include where in alternatives doc)
	<p>We ask that you analyze and implement accordingly the following emergency measures in a timely manner to help mitigate foreseeable and imminent impacts of the TRD to the preservation and propagation of fish and wildlife resources of the Trinity River:</p> <ol style="list-style-type: none"> 1) Do not use Trinity River water for the purpose of filling Whiskeytown Reservoir in advance of the diversion season; 2) Curtail trans-basin diversion to the maximum extent possible while keeping Trinity River releases suitably cold to support fish and wildlife; 3) Bypass power as needed to provide cold water to the Trinity River; 4) Adhere to colder temperature requirements of Coho Salmon during reproduction (Nov 1 – Dec 31; Attachment 1) 	<p>Trinity River Division water resources during this critical year. The Trinity River Restoration Program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>
	<p>(RE: Reinitiated Consultation)</p> <p>Accordingly, the proposed action for the ESA [Endangered Species Act] consultation and preferred alternative under NEPA [National Environmental Policy Act] must ensure in-basin fish and wildlife needs are met before any water is identified as surplus and available for out-of-basin diversions. To meet these requirements of the diversion, the pending re-consultation on operations of the TRD must remain separate and be completed prior to that of the larger CVP.</p>	<p>Reclamation continues to implement measures to manage the limited Trinity River Division water resources during this critical year. The Trinity River Restoration Program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>
	<p>We ask that you require the following during development of proposed action and preparation of a Biological Assessment of the TRD and any</p>	<p>Reclamation continues to implement measures to manage the limited Trinity River Division water resources during this critical year. The Trinity River Restoration Program is conducting a separate Section 7</p>

Commentor	Comment	Response (to include where in alternatives doc)
	<p>resulting proposed and final action and assessment under the NEPA:</p> <ol style="list-style-type: none"> 1) Compliance with California Water Rights Order 90-5 and new colder Coho Salmon specific temperature targets at release from Lewiston Dam during spawning and incubation; 2) Multi-year drought, and climate change must be explicitly addressed through protective storage measures and any proposed action reduces risk of impacts to Trinity River; 3) Water volumes for the preservation and propagation of fish and wildlife, by water year type, released to Trinity River meet or exceed those established under the 2000 Trinity River ROD [Record of Decision] and are to be managed throughout each year for the benefit of Trinity River fisheries by implementing science based adaptive management administered by the Trinity River Restoration Program and Trinity Management Council; 4) Compliance with Provision 2 of the 1955 Act acknowledging and accounting for the right of downstream users on the Trinity River to no less than 50,000 acre-feet of water volume stored in Trinity Reservoir annually (in addition to Provision 1 volume); 5) Inclusion of a long-term plan to replace, upgrade, or remove infrastructure identified to pose a risk to preservation, propagation, or recovery of fish and wildlife of the Trinity River or inhibit implementation of adaptive management; 	<p>Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>

Commentor	Comment	Response (to include where in alternatives doc)
	<p>6) Coordinate management of the Trinity River (including water quality of dam release) with management of the Klamath Basin, while surplus water volume for other uses, including hydropower production and water to be diverted, is formally coordinated with the CVP;</p> <p>7) Both the Hoopa Valley and Yurok Tribe, who hold federally reserved fishing rights, be granted Co-lead status for environmental documents on the Trinity River Division.</p>	
	<p>We ask that you take extraordinary measures to use the existing capabilities of the TRD to save our federally reserved trust fisheries resources during this trying water year, as well as the next two water years that will proceed before completion of reinitiated consultation.</p>	<p>Reclamation continues to implement measures to manage the limited Trinity River Division water resources during this critical year. The Trinity River Mainstem Fishery Restoration program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>
<p>Winnemem Wintu Tribe, Save California Salmon, and Friends of The River</p>	<p>Consultation Must Occur with Federally and Non-Federally Recognized Tribes</p>	<p>Reclamation will invite federally recognized tribes to be Cooperating Agencies and will continue consultation with federally recognized tribes as part of its government-to-government relationships with those tribes. Reclamation will continue to provide meaningful opportunities for engagement through quarterly outreach meetings, in addition to the opportunities for public review and comment provided for under NEPA.</p>
<p>Winnemem Wintu Tribe, Save California Salmon, and Friends of The River</p>	<p>Tribal beneficial uses and impacts to tribal communities and trust species must be analyzed</p>	<p>Impacts to cultural resources and Indian Trust Assets (ITAs) will be analyzed in the Draft EIS.</p>
<p>Winnemem Wintu Tribe, Save California</p>	<p>The BOR should take steps to (1) engage in meaningful consultation,</p>	<p>Impacts to cultural resources and ITAs will be analyzed in the Draft EIS. Affected federally recognized tribes</p>

Commentor	Comment	Response (to include where in alternatives doc)
Salmon, and Friends of The River	and (2) analyze the Project impacts to Tribal trust resources.	will be invited to be cooperating agencies.
Winnemem Wintu Tribe, Save California Salmon, and Friends of The River	The DEIS should address Fish Passage at the Shasta Reservoir and Other Project Reservoirs and Analyze the Winnemem Wintu Tribes Fishways Re-introduction Proposal	<p>The comment does not meet the Screening Criterion #1, <i>Purpose and Need</i>, which includes existing facilities.</p> <p>Reclamation continues to participate in the efforts led by the National Marine Fisheries Service (NMFS) to further their Recovery Plan actions for listed species based on our facilities in the area and potential expertise and resources that may contribute to recovery actions.</p>
Winnemem Wintu Tribe, Save California Salmon, and Friends of The River	The DEIS Should Analyze the Impacts of Climate Change on Water Supply and Availability and Methane Releases for Project Operations	The Draft EIS will consider impacts on water supply, greenhouse gases and climate change.
Winnemem Wintu Tribe, Save California Salmon, and Friends of The River	<p>...the revised Biological Opinion should require that Reclamation's is required to comply with the following terms and conditions and that Reclamation's Trinity River water permits be amended as well, as directed in SWRCB California Water Quality Order 89-18.³¹ The conditions for Reclamation are as follows:</p> <ol style="list-style-type: none"> 1) Conformance with the instream fishery flows contained in the Trinity River Record of Decision. 2) Provision for release of Humboldt County's 50,000 AF] in addition to fishery flows per the 1955 Trinity River Act. 3) Inclusion of permit terms and conditions to require Reclamation to comply with the Trinity River temperature objectives contained in the Water Quality Control Plan for the North Coast Region (NCRWQCB) for all relevant time periods and for all uses of Trinity 	Reclamation continues to implement measures to manage the limited Trinity River Division water resources during this critical year. The Trinity River Restoration Program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.

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	<p>water diverted to the Sacramento River.</p> <p>4) A requirement for a minimum cold-water storage in Trinity Reservoir adequate to preserve and propagate all runs of salmon and steelhead in the Trinity River below Lewiston Dam during multi-year drought. Based on studies to date, a range of 900,000 AF to 1.4 million AF is appropriate.</p> <p>5) Require Reclamation to address the temperature issue in Lewiston Reservoir through a feasibility study and environmental document to follow up on the 2012 preliminary technical memorandum by Reclamation.</p> <p>6) When releases from Spring Creek are more than two degrees Fahrenheit warmer than releases from Shasta Dam, limit the export of Trinity River water to the Sacramento River to the amount necessary to meet Trinity River Basin Plan Temperature Objectives. This protects both Trinity and Sacramento River salmon.</p>	
<p>Kyle DeJulio, on behalf of Yurok Tribe</p>	<p>The Yurok tribe has relied upon the fisheries of the Trinity River since time immemorial to nourish their environment, people, and culture. In more recent times, they have cooperated with the federal government to restore the river and its fisheries from the damage that was done by the implementation of the Trinity River Division of the Central Valley Project.</p> <p>However, continued drought and reckless over-allocation and diversion of water resources from the Trinity Basin have continued to degrade and</p>	<p>Reclamation continues to implement measures to manage the limited Trinity River Division water resources during this critical year. The Trinity River Restoration Program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>

Commentor	Comment	Response (to include where in alternatives doc)
	<p>impact habitat conditions needed to support migrating, holding and spawning salmon, as well as their incubating eggs.</p>	
<p>Kyle DeJulio, on behalf of Yurok Tribe</p>	<p>Reclamation lacks coverage for take from continued operation of the TRD for listed Southern Oregon and Northern California coastal coho salmon under the Endangered Species Act. The 2000 biological opinion on the TRD sets the limit on take of (indiscernible) coho at zero but take has occurred from the operations of the TRD due to low surge conditions in Trinity Reservoir, causing release of water insufficiently cold to protect spawning and incubating salmon in the fall of 2021.</p>	<p>Reclamation continues to implement measures to manage the limited Trinity River Division water resources during this critical year. The Trinity River Restoration Program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>
<p>Kyle DeJulio, on behalf of Yurok Tribe</p>	<p>There is also a complete lack of analysis and disclosure of impacts of the TRD on two additional species listed under the Endangered Species Act since 2000, Southern Resident killer whale and southern distinct population segment of (indiscernible). We are encouraging that Reclamation intends to reconult with NOAA fisheries under the ESA. However, there is an immediate need for interim emergency measures to protect ESA-listed (indiscernible) salmon from foreseeable and excessive take due to limited inflow and cold water resources in the Trinity River Division.</p>	<p>Reclamation continues to implement measures to manage the limited Trinity River Division water resources during this critical year. The Trinity River Restoration Program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>
<p>Kyle DeJulio, on behalf of Yurok Tribe</p>	<p>Reclamation should implement emergency measures during the reinitiating consultation. Reclamation must take every action possible to provide for the preservation and propagation of Trinity River fish and wildlife by curtailing trans-basin diversions and by bypassing power production.</p>	<p>Reclamation continues to implement measures to manage the limited Trinity River Division water resources during this critical year. The Trinity River Mainstem Fishery Restoration program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>

Commentor	Comment	Response (to include where in alternatives doc)
<p>Kyle DeJulio, on behalf of Yurok Tribe</p>	<p>We ask that you analyze and implement measures to meet colder temperature requirements of coho salmon during reproduction in November and December annually.</p> <p>The Scoping Notice of Intent includes, in the purpose and need, meeting the requirements of the Reclamation Act and other federal law. The 1955 Trinity River Act constitutes such a law that must be met by the proposed ESA action and preferred alternative analyzed under NEPA.</p>	<p>Reclamation continues to implement measures to manage the limited Trinity River Division water resources during this critical year. The Trinity River Mainstem Fishery Restoration program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>
<p>Kyle DeJulio, on behalf of Yurok Tribe</p>	<p>The Notice of Intent further acknowledges that the proposed action must protect Indian trust assets in the Trinity River. Accordingly, proposed action for the ESA and preferred alternative for the EIS must ensure in-basin fish and wildlife needs are met before any water is identified as surplus and available for out-of-basin diversion.</p>	<p>Reclamation continues to implement measures to manage the limited Trinity River Division water resources during this critical year. The Trinity River Mainstem Fishery Restoration program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>
<p>Kyle DeJulio, on behalf of Yurok Tribe</p>	<p>To meet these requirements of the diversion the pending re-consultation on operations of the TRD must remain separate and be completed prior to that of the larger CVP. This will ensure that environmental impacts of reservoir management and water quality and quantity released to the river in the Trinity River Basin can be considered independent of the impacts in the Sacramento River.</p>	<p>The Trinity River Mainstem Fishery Restoration program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>
<p>Kyle DeJulio, on behalf of Yurok Tribe</p>	<p>The resulting surplus Trinity River water, after all in-basin needs are satisfied, can then be considered for possible trans-basin diversion inputs to the evaluation of environmental impacts of the larger CVP to the Sacramento River system and its ESA-listed species. No impacts in the Sacramento Basin should be</p>	<p>Reclamation continues to implement measures to manage the limited Trinity River Division water resources during this critical year. The Trinity River Mainstem Fishery Restoration program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>

Commentor	Comment	Response (to include where in alternatives doc)
	<p>attributed to any lack of diversion from the Trinity River as more water is made available by the authorizing congressional act unless it is surplussed to the in-basin needs of the Trinity</p>	
<p>Kyle DeJulio, on behalf of Yurok Tribe</p>	<p>We ask that Reclamation assess a multiyear drought and impending climate change impacts of proposed actions, explicitly addressing these through protective storage measures that reduce risk of environmental impacts in the Trinity River from extended drought. We ask that you comply with both of the provisions of the 1955 Trinity River Act.</p>	<p>Reclamation continues to implement measures to manage the limited Trinity River Division water resources during this critical year. The Trinity River Mainstem Fishery Restoration program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>
<p>Kyle DeJulio, on behalf of Yurok Tribe</p>	<p>We also ask that you include a long-term plan to replace, upgrade or remove infrastructure identified to pose a risk to preservation, propagation or recovery of fish and wildlife in the Trinity River, and that the Yurok tribe, who holds federally-recognized fishing rights, be granted co-lead status for environmental documents related to storage, diversion and flow actions on the Trinity.</p>	<p>The Trinity River Mainstem Fishery Restoration program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>
<p>Kyle DeJulio, on behalf of Yurok Tribe</p>	<p>While we understand the complex situation that Reclamation and regulatory agencies are in regarding competing interests between two basins that are connected by this project – yeah, they are – these are the exact reasons that the provisions were included in the authorizing 1955 Act. We ask that you take extraordinary measures to use the existing capabilities of the TRD to save our federally-recognized trust fisheries’ resources during this trying water year.</p> <p>Thank you.</p>	<p>Reclamation continues to implement measures to manage the limited Trinity River Division water resources during this critical year. The Trinity River Mainstem Fishery Restoration program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>

Table 2: Non-Government Offices Comment Table

Commentor	Comment	Response (to include where in doc)
<p>William Phillimore, Coalition for a Sustainable Delta</p>	<p>The NOI describes the project purpose and need. The Council on Environmental Quality (CEQ) regulations to implement the National Environmental Policy Act (NEPA) require inclusion of the purpose and need in an Environmental Impact Statement (EIS). 40 C.F.R. § 1502.13. But Reclamation does not plainly state that these multiple-use water projects are primarily water supply projects paid for by local water agencies with long-term water supply contracts with Reclamation and the California Department of Water Resources. Acknowledgement of this fact is important because the scope of the project purpose and need influence the range of alternatives that Reclamation should consider in preparing its EIS.</p>	<p>Refer to Section 2, <i>Revised Purpose and Need</i>, of the Initial Alternatives Report.</p>
<p>William Phillimore, Coalition for a Sustainable Delta</p>	<p>We agree with Reclamation that given the size and complexity of the SWP and CVP, it is appropriate to consider alternatives that vary operations as well as non-operational measures. Doing so in a manner that will allow the agency to mix and match components affords the agency latitude to select an alternative from among those analyzed that is consistent with the purpose and need and has the greatest overall benefits relative to costs. Components that should be analyzed during the environmental review process are:</p> <ul style="list-style-type: none"> • Inclusion of alternative Shasta cold-water pool management strategies to protect winter-run Chinook salmon while minimizing water supply losses. For example, providing the 	<p>Refer to Appendix L, <i>Shasta Coldwater Pool Management</i>, of the Initial Alternatives Report.</p> <p>Hatchery Operations is a contemporaneous activity that has a separate Section 7 Consultation. Contemporaneous actions will be included in the No Action Alternative of the Draft EIS.</p> <p>Modifications to Ocean Harvest Regulations does not meet Screening Criterion #1, <i>Purpose and Need</i>.</p> <p>Reclamation will include reasonable and foreseeable actions in the cumulative impacts analysis.</p> <p>The alternatives may include elements to control predation exacerbated by the Long-term Operation of the CVP and SWP.</p>

Commentor	Comment	Response (to include where in doc)
	<p>coldest water during the last half of the egg incubation period (when eggs are most sensitive to water temperature), rather than attempting to provide the coldest water from the very beginning of egg incubation.</p> <ul style="list-style-type: none"> • Collaboration with the State to alter existing Chinook salmon and steelhead hatchery practices in ways that would benefit wild populations of these species. For example, current practices that do not include sufficient natural origin fish in hatchery brood stock and allow excess hatchery-produced fish to spawn in-river are impairing the productivity and fitness of remaining wild-origin populations. • Collaboration with the State to modify existing ocean harvest regulations to better protect spring-run Chinook, winter-run Chinook, and wild (non-hatchery origin) fall-run Chinook salmon. Current ocean harvest management is reasonably protective of winter-run Chinook maturing at age-3, but it inadequately protects fish maturing at age-4 or older. Improved harvest management strategies might include maximum harvest quotas for sensitive stocks. • Inclusion of broader non-native predator control strategies to benefit smelt and salmonids. This could be accomplished by changing recreational harvest regulations to encourage 	<p>Storm flex may be included if it meets the established screening criteria, including Screening Criterion #4, <i>Value Added</i>.</p> <p>Refer to Appendix K, <i>Summer and Fall Delta Outflow and Habitat</i>.</p> <p>Refer to Appendix P, <i>Delta Habitat Restoration</i>.</p> <p>The Suisun Marsh Preservation Agreement is a contemporaneous program that addresses wetland management and restoration and is not included as part of the Long-term Operation. Contemporaneous programs will be included in the Environmental Baseline for Section 7 Consultation and in the No Action Alternative for the Draft EIS.</p> <p>The Yolo Bypass Fish Passage and Habitat Improvement Project is a contemporaneous program not included as part of the Long-term Operation. Contemporaneous programs will be included in the Environmental Baseline for Section 7 Consultation and in the No Action Alternative for the Draft EIS.</p>

Commentor	Comment	Response (to include where in doc)
	<p>harvest of size classes and species of predators most likely to prey upon smelt and salmonids.</p> <ul style="list-style-type: none"> • Inclusion of more relaxed storm-flex and risk-based provisions during high flow periods to provide water supply benefits without causing population-level adverse effects on smelt and salmonids. • Elimination of a summer-fall outflow action to provide water supply benefits without causing population-level adverse effects on delta smelt. • Restoration of tidal marshlands to enhance food supplies and mediate temperature conditions to benefit smelt. • Development of flow-through managed wetlands in Suisun Marsh and Grizzly Island to substantially increase food production for smelt in Suisun Marsh, Honker Bay and northern Suisun Bay. • Substantially more inundation of Yolo bypass than would be achieved by the "Big Notch" project. <p>At the same time, the Coalition recommends against combining analysis of ongoing operations of the SWP and CVP with other, distinct water storage and/or supply projects.</p>	
William Phillimore, Coalition for a Sustainable Delta	Impacts analysis is at the heart of the environmental review process. 42 U.S.C. § 4332(C)(1); 40 C.F.R. § 1502.16. Done properly, impacts analysis is a stepwise, structured process. Across	Consulting to implement a proposed operation of the CVP is one step within adaptive management. Regulatory needs and requirements may limit flexibility and broader

Commentor	Comment	Response (to include where in doc)
	<p>all alternatives analyzed, impacts analysis should explicitly acknowledge that the components that make up the project being analyzed will be developed and implemented in an adaptive resource management framework, following the guidelines and best practices described as essential to linking science with improved decision-making in B.K. WILLIAMS ET AL., ADAPTIVE MANAGEMENT: THE U.S. DEPARTMENT OF THE INTERIOR TECHNICAL GUIDE (2007).</p> <p>Outcomes from use of the structured decision-making to analyze components (or actions) included in the alternatives can be very different when alternatives are implemented in an adaptive management framework accompanied by monitoring designed to service adaptive management versus the traditional command-and-control implementation of actions absent monitoring designed to assess the performance of the action. The approach to adaptive management described in J.C. FISCHENICH ET AL., A SYSTEMS APPROACH TO ECOSYSTEM ADAPTIVE MANAGEMENT: A USACE TECHNICAL GUIDE (2019) operationalizes the Department of the Interior Technical Guidance and clarifies that certain management actions may not require implementation in an adaptive framework. A more detailed step-down procedure and process that may be appropriate to the scale and substance of proposed impacts analysis across alternatives can follow D.D. Murphy & P.S. Weiland, "Science and structured decision making: Fulfilling the promise of adaptive management for imperiled species," 4</p>	<p>adaptive management may require reinitiation per the triggers described in 50 Code of Federal Regulations (CFR) 402.16 that would be supported by the monitoring, studies, and experience from this effort.</p> <p>References provided will be considered.</p>

Commentor	Comment	Response (to include where in doc)
	<p>JOURNAL OF ENVIRONMENTAL STUDIES AND SCIENCES 200–207 (2014) (see tables 3 and 4).</p> <p>Impact analysis should also include consideration of socioeconomic effects. In this regard, we urge Reclamation to give careful consideration to overall costs and benefits and select an action from among the alternatives that has the most favorable ratio of costs to benefits.</p> <p>Doing so is consistent with public policy. <i>E.g.</i>, CASS SUNSTEIN, THE COST-BENEFIT REVOLUTION (2018).</p>	
<p>William Phillimore, Coalition for a Sustainable Delta</p>	<p>Fish and Wildlife Service and US Geological Survey scientists J.E. Lyon et al. in "Monitoring in the context of structured decision-making and adaptive management," 72 JOURNAL OF WILDLIFE MANAGEMENT 1683–1692 (2008), observe that "monitoring is a crucial component of an informed process for making decisions." For this reason and because it is a requirement of adaptive management, monitoring should be recognized as an essential element of each alternative that is subject to impacts analysis. It is necessary for monitoring of baseline environmental conditions and the performance of proscribed management actions to follow the design criteria described by Fish and Wildlife Service scientists in J.H. Reynolds et al, "A road map for designing and implementing a biological monitoring program," 188 ENVIRONMENTAL MONITORING AND ASSESSMENT 399-424 (2016). The impacts analysis cannot be expected to fully describe monitoring tools and protocols that will accompany management actions</p>	<p>Monitoring is being explored as a component of the range of alternatives.</p>

Commentor	Comment	Response (to include where in doc)
	<p>selected from among alternatives actions; however, it should make explicit that monitoring designs that will accompany the selected management actions will follow the Department of the Interior’s monitoring-design road map and that management actions will not be implemented until the attending monitoring can be instituted.</p>	
<p>CA Farm Bureau</p>	<p>We appreciate the Bureau of Reclamation’s (“Reclamation’s”) effort to analyze potential modifications to the CVP, in a coordinated manner with the SWP, to maximize water deliveries and augment operational flexibility of the projects in support of that goal. In particular, we appreciate Reclamation’s stated intent in the Federal Register notice of Monday, February 28, 2022, to consider non-flow measures in the alternatives analyses to include habitat restoration and conservation hatchery practices which may protect or improve relevant fish populations. In addition, Reclamation’s Federal Register notice rightly recognizes that operations of CVP and SWP affect the quality of the human environment¹, and correctly anticipates analyzing potential impacts such as those on surface water supply, water quality, groundwater resources, regional economics, land use and agricultural resources. Because project operations have been constrained mightily in recent years by environmental regulation calibrated to protect fish populations in the Sacramento-San Joaquin River system, the status quo is no longer working for a wide swath of California’s human users of CVP and SWP water - and because so much of California’s water use is</p>	<p>Refer to Section 5, <i>Initial Alternatives Themes</i>, of the Initial Alternatives Report.</p>

Commentor	Comment	Response (to include where in doc)
	<p>interrelated, it has ultimately affected the preponderance of California’s population and economy.</p> <p>In the draft EIS and its alternatives analysis, therefore, we ask that Reclamation recognize that California’s water situation is unsustainable for the future, not only for those who receive CVP and SWP water, but for the state as a whole.</p>	
CA Farm Bureau	<p>We ask that Reclamation then recognize that bold, integrated and collaborative actions are required to restore reliability of CVP and SWP deliveries – as well as to improve California’s overall water supply and demand balance on the system level, because so much of California’s water use is interrelated. Some of these efforts include:</p> <ul style="list-style-type: none"> • Storage Integration. As shown in the 2017 Storage Integration Study by the Association of California Water Agencies (“ACWA”), California’s water supply reliability can benefit significantly from greater integration of new and existing surface and groundwater storage. While permitting, financing and engineering questions remain before the exact contours of an optimized statewide package of potentially beneficial new surface storage facilities can fully emerge, several storage projects are in advanced planning and funding stages at this time. <p>Moreover, the spillway failure at Oroville Dam in 2017 served to highlight the urgent need for substantial on-going maintenance, repair,</p>	<p>Reclamation will include reasonable and foreseeable actions in the cumulative impacts analysis.</p> <p>The purpose and need for operation of the Long-term Operation identified operation of existing facilities. Therefore, new groundwater banking recharge facilities would not meet Screening Criterion #1, <i>Purpose and Need</i>. Reclamation has other programs in place, including WaterSmart grants that evaluate these types of proposals.</p> <p>Range of Alternatives impacts on land subsidence will be evaluated on the Groundwater section of the Draft EIS.</p> <p>Reclamation continues to explore new water storage opportunities and potential projects under the WaterSmart grants. These efforts are contemporaneous activities that are not part of the proposed operation of the Long-term Operation. However, reasonably foreseeable actions will be evaluated in the Cumulative Impacts section of the Draft EIS.</p> <p>Reclamation will continue to comply with federal law and statute, including the Water Infrastructure Improvements for the Nation Act (WIIN Act).</p>

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	<p>rehabilitation, modernization and improvement of existing Reclamation and U.S. Army Corps of Engineers structures and facilities.</p> <p>In addition to potential expanded on-farm recharge in strategic locations on the eastern edge of California’s Central Valley, there are a number of proposed large-scale groundwater banking facilities with potential statewide and regional benefits. Such groundwater banking and recharge projects will be increasingly important as local Groundwater Sustainability Agencies begin implementation of Groundwater Sustainability Plans under SGMA.</p> <p>Also critical to any large-scale groundwater recharge program will be a permanent fix to issues relating to land subsidence along the Friant-Kern Canal, and intensive local development of groundwater managed aquifer replenishment projects in the San Joaquin River and Tulare Lake Basin, all along the Eastside of the Central Valley.</p> <ul style="list-style-type: none"> • Federal-State-Local Partnerships. In a variety of studies and reports relating to management of water resources in both the surface water and groundwater contexts, the California Department of Water Resources (“DWR”) has examined potential opportunities to increase system resilience. Reclamation and the Corps must lead similar federal efforts to increase reservoir yields, recharge more 	<p>Refer to Appendix O, <i>Tributary Habitat Restoration</i>.</p> <p>Refer to Appendix P, <i>Delta Habitat Restoration</i>.</p> <p>As indicated in the <i>Revised Purpose and Need</i>, the purpose of the action is to operate the CVP in a manner that implements authorized CVP fish and wildlife project purposes, including CVPIA.</p> <p>Refer to Appendix L, <i>Shasta Coldwater Pool Management</i>.</p> <p>Components considered in the range of alternatives will meet the screening criteria, including purpose and need, completeness, technically and financially feasibility and value added.</p> <p>Ongoing maintenance that is not covered by other consultation and where Reclamation or the California Department of Water Resources (DWR) has discretion and there are effects to species will be included. New facilities where the operation cannot be described do not meet the purpose and need and may be pursued through other efforts with separate utility.</p>

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	<p>groundwater, and increase system flexibility. Both DWR and the federal government should work with local agencies to facilitate regional solutions that include public benefits, and that benefit California’s economy and California’s water system as a whole. For the federal government, this includes leadership and partnership to ensure meaningful investment and viable project implementation.</p> <ul style="list-style-type: none"> • Delta Operations. <ul style="list-style-type: none"> ○ Near-Term WIIN Act Operational Flexibility. Reclamation, in its coordinated operations of the CVP in connection with the SWP, must take maximum advantage of the operational flexibility provisions made available in the Water Infrastructure Improvements for the Nation (WIIN) Act. However, near-term flexibility under the WIIN Act, alone, will not be sufficient to provide the necessary long-term flexibility to significantly improve the reliability of CVP and SWP project deliveries in export areas located south of the Sacramento-San Joaquin River Delta. ○ <i>Long-Term Delta Solutions</i>. As highlighted in ACWA’s Integration Study, long-term fixes in the Delta may require both physical improvements, improved species habitat, and legislative and regulatory reforms in the area of species protections and water 	

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	<p>management. While the question of major new infrastructure is beyond the scope of this comment letter, improved Delta conveyance could also involve a mix of:</p> <ul style="list-style-type: none"> - Regulatory and operational modernizations and improvements; - Smaller-scale, cost-effective, readily implementable system fixes within, upstream, and down-pipe of the Delta, whether in combination with other more ambitious conveyance proposals, or possibly as self-standing or supplemental projects;² - Improved water management, in all sectors throughout the Delta's watershed and its associated exports service areas; - Improved habitat conditions for endangered fish species both in the Delta and upstream of the Delta; - Reduced stressors; - Improved fishery management; - Upstream water management; - New storage both north and south of the Delta, both above and below ground. <p>While the exact nature of a comprehensive Delta solution that can be funded, permitted and implemented remains</p>	

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	<p>uncertain, basic equities require a solution that protects water quality in the Delta and that is fair and just to Delta communities. At same time, the fact that many aspects of the <i>status quo</i> in the Delta are unacceptable and unsustainable for <i>all</i> of the communities, and especially important farming areas south of the Delta, is almost universally acknowledged.</p> <ul style="list-style-type: none"> ○ <i>Functional Flows and Habitat Restoration</i>. In addition to the priorities above, lasting fixes to California’s water system will require breaking with failed policies and approaches of the past and embracing bold new collaborative approaches to species and habitat management. ○ <i>Environmental Water Use Efficiency</i>. Efficiency and accountability for results in the area of environmental water use must be placed on a par with efficient use and accountability in other areas of water use.³ As a major part of this move toward more efficient and effective environmental water use, times and volumes of environmental water releases must take account of the intersection of environmental water flows and the broader suite of relevant environmental stressors and ecological functions. Such 	

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	<p>stressors and ecological functions include:</p> <ul style="list-style-type: none"> - Improved cold water management; - Improved management of dedicated environmental water assets including potential environmental water purchases from willing sellers; - Seasonally inundated floodplains; - Modified local diversion times and intra-annual storage, including offstream ponds and on-farm recharge; o Land and water management for an improved aquatic food web; o Instream habitat features; o Restored tidal marsh in the Sacramento and San Joaquin Delta; o Improved migration pathways and access to high quality upstream habitats; o Improved hatchery management; o Predator control; o Fish screens and barriers; o Possible predator exclusion weirs; o Other managed human interventions including safe harbor for dry-year rescue efforts, dry-year channel modification and maintenance for emergency fish passage, modern conservation hatchery techniques, managed trucking or barging, and the like; 	

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	<ul style="list-style-type: none"> ○ Flood system improvements and improved management of periodic flood flows for multiple benefits, including seasonally inundated floodplain habitat in combination with floodplain agriculture. 	
CA Farm Bureau	<p>With respect to environmental and socioeconomic impacts and their assessment within the context of the alternatives analysis undertaken in the DEIS, it goes without saying that the service areas of both the CVP and the SWP superintend millions of acres of California’s landscape and affect tens of millions of people. For both source regions and the service areas, the DEIS must examine impacts to:</p> <ul style="list-style-type: none"> • Groundwater resources. The DEIS must recognize impacts to groundwater resources, both as a function of groundwater recharge and groundwater substitution. • Water quality. The DEIS must recognize impacts to water quality, including dry-year impacts and potential impacts on irrigation, crop yields, and potential salt-trapping in the Delta. • Land use. The DEIS must examine land use impacts of the various alternatives, including agricultural fallowing. • Socioeconomic effects. The DEIS must examine socioeconomic effects, including economic impacts and employment. 	The Draft EIS will analyze impacts of the range of alternatives on environmental resources, including groundwater, water quality, land use and socioeconomics.

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<p>Friends of the River/Save the American River Association</p>	<p>Acts to protect recreation and the other goals of the acts. Operational decisions should take account these responsibilities</p> <ul style="list-style-type: none"> • Federal and state fisheries agencies have a responsibility to protect listed fisheries. The EIS should consider modifications to Folsom and Nimbus Dams to provide better temperatures and flows in the lower river. • Consideration should be given to installing a small powerplant on one of the low-level outlet gates to eliminate the conflict between (a) power generation, and (b) power-bypass in order to be able to tap the deep cold-water pool as a means to better manage river temperatures. In the absence of a small powerplant, a power-bypass should be required to be implemented if temperature targets are projected to not being met. • The incremental temperature selection computer model, which is used to manage the cold-water pool in Folsom Reservoir, should be revised to optimize a greater range of hydrologic conditions. • The operations and physical infrastructure of the Nimbus hatchery should be reevaluated, given climate changes' warmer temperatures, lower flows, and impacts to fishery genetics. This reevaluation should consider 	<p>Reclamation will continue to comply with federal law and statute.</p> <p>The NOI states: "The purpose of the Proposed Action considered in this EIS is to continue the operation of the CVP and the SWP, for authorized purposes..." which entails existing facilities. New facilities that require additional permitting do not meet the Purpose and Need. Refer to Section 2, <i>Revised Purpose and Need</i>, of the Initial Alternatives Report.</p> <p>Refer to Appendix M, <i>Folsom Reservoir Flow and Temperature Management</i>, in the Initial Alternatives Report.</p> <p>Hatchery Operations are a contemporaneous action that is not part of the proposed operation of the Long-term Operation. Contemporaneous actions may be part of the Environmental Baseline on the Section 7 Consultation and part of the No Action Alternative in the NEPA analysis.</p> <p>Allocations are an administrative process. Alternatives will consider changes to the timing and magnitude of storage, releases, diversions, routing, and blending water from different reservoir elevations.</p> <p>The Draft EIS will evaluate climate change.</p>

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	<p>improved temperature management for the hatchery.</p> <ul style="list-style-type: none"> • Consideration should be given to fin clipping all young hatchery fish and returning unclipped adult fish to the downstream river, hopefully to spawn in the river. • Hydrologic conditions have exceeded the expectations at the time that contractual shortage provisions were made for the Sacramento Valley Settlement Contractors. The Operations Plan should provide for more realistic shortage provisions. 	
<p>Natural Resources Defense Council et al</p>	<p>... the purpose and need statement fails to comply with federal law and must be revised:</p> <ul style="list-style-type: none"> • the purpose and need statement improperly omits Reclamation’s obligation to comply with State law • the NOI does not explicitly reference Reclamation’s obligation to comply with the CVPIA <p>we strongly encourage Reclamation to revise the purpose and need to more explicitly recognize that protections for ESA-listed species must be strengthened to avoid jeopardizing the continued existence and recovery of the species.</p> <p>the purpose and need statement cannot be interpreted to exclude consideration of alternatives that would reduce water deliveries, water allocations and/or water diversions by the CVP and SWP and its contractors.</p>	<p>Reclamation will continue to comply with federal law and statute.</p> <p>Refer to Section 2, <i>Revised Purpose and Need</i>, in the Initial Alternatives Report.</p>

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Natural Resources Defense Council et al	...The NOI improperly identifies the No Action Alternative as continued operations pursuant to the 2020 Record of Decision. However, Reclamation has already stopped implementing the operations authorized in the Record of Decision, and the coordinated operations of the CVP and SWP are governed by the Interim Operations Plan approved by the federal court ² Because the 2020 Record of Decision is not the current management direction, it is inappropriate and misleading to use it as the environmental baseline.	The Interim Operations Plan ordered by the U.S. District Court for the Eastern District of California on March 14, 2022, was specific to water year 2022, and expired on September 30, 2022. As noted in Reclamation’s request for reinitiation of consultation, these interim operations are non-precedent setting. The Interim Operations Plan (IOP) states that Reclamation will adopt certain aspects of the SWP’s 2020 Incidental Take Permit (ITP) for water year 2022, but retains aspects of the 2019 biological opinions and 2020 ROD that were not modified by the IOP.
Natural Resources Defense Council et al	...coordinated operations of the CVP and SWP have and are continuing to violate the terms of the 2019 biological opinions and Record of Decision, including: (1) exceeding the incidental take statement for steelhead on the American River in 2021 (likely again in 2022); (2) almost certainly exceeding the incidental take statement for winter-run Chinook salmon in 2022; and (3) violating D-1641 water quality objectives that were part of the proposed action in 2021 and 2022 in a manner that causes additional impacts to listed species that were not considered in the 2019 biological opinions or Record of Decision. Continued operations under the 2020 Record of Decision would jeopardize listed species in violation of the ESA. As a result, and because Reclamation is not currently implementing the Record of Decision, using the coordinated operations of the CVP and SWP pursuant to the 2020 Record of Decision as the environmental baseline would subvert the purposes of NEPA and would be plainly	<p>The IOP states that Reclamation will adopt certain aspects of the SWP’s 2020 ITP for water year 2022, while retaining aspects of the 2019 biological opinions and 2020 ROD that were not modified by the IOP. The IOP was specific to water year 2022 and expired on September 30, 2022.</p> <p>Pursuant to 43 U.S.C. Section 46.30, the No Action Alternative will reflect “no change” from current management direction or level of management intensity.</p> <p>In the 2021 Temperature Management Plan (TMP), Reclamation recognized that given the hydrology and Folsom storage conditions for water year 2021, water temperatures were expected to exceed 68 degrees Fahrenheit (°F) at Hazel Avenue for most of the summer, and therefore would exceed the water temperature-threshold described in the 2019 NMFS BiOp. That Biological Opinion specifies that “In a critical year, or year following critical year, Reclamation will meet with NMFS, U. S. Fish and</p>

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	misleading to the public and decisionmakers.	Wildlife Service (USFWS), the California Department of Fish and Wildlife (CDFW), and the SWRCB to discuss and determine the best use of the limited coldwater pool for that year” (NMFS 2019:806). The TMP temperature target of 71°F at Hazel was consistent with discussions with the American River Group (ARG), including at the June 3, 2021, ARG ad hoc meeting, where NMFS supported this TMP target. Furthermore, Reclamation utilized the process called for in the IOP in developing its TMP for water year 2022.
Natural Resources Defense Council et al	... because the coordinated operations of the CVP and SWP under the 2020 Record of Decision are jeopardizing ESA-listed species, and because the execution of the Sacramento River Settlement Contract has never been subject to a valid section 7 consultation, the range of alternatives cannot exclude alternatives that result in significant reductions in water deliveries to, water diversions by, and water allocations for the contractors of the SWP and CVP, potentially including Settlement and Exchange Contractors. In light of these facts, and in order to evaluate a reasonable range of alternatives, Reclamation must model and analyze one or more alternatives that include reductions in water diversions by the Sacramento River Settlement Contractors that are greater than provided for in the existing contracts.	The range of alternatives will meet the screening criteria, including Screening Criterion #1, <i>Purpose and Need</i> .
Natural Resources Defense Council et al	Because these projects are not reasonably certain to occur, because their inclusion in the DEIS would cause unnecessary complexity and confusion, and because the temporal scope of this consultation is not aligned with the consultation	Reasonably foreseeable actions will be included in the cumulative impact analysis.

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	<p>necessary for these projects, the Sites Reservoir and Delta Conveyance projects should not be included in the section 7 consultation or DEIS, except as part of a cumulative impact analysis.</p>	
<p>Natural Resources Defense Council et al</p>	<p>The NOI suggests that Reclamation and DWR’s “plan for droughts” is simply to violate water quality objectives in every drought year. The only thing worse than a “failure to plan” for droughts is a “plan for failure”: a plan to fail to protect water quality, fish, and wildlife – and the people and communities that depend on them – during droughts. To the extent that Reclamation’s and DWR’s “plan for droughts” is to rely on continued TUCPs to violate minimum water quality standards without petitioning the State Water Resources Control Board to modify the objectives, it demonstrates a failure to exercise due diligence, constitutes an unreasonable use of water, threatens human health and safety for communities in Stockton and other parts of the Delta, and violates the Public Trust.</p>	<p>The Range of Alternatives will include drought actions that meet the screening criteria, including Temporary Urgency Change Petitions (TUCPs).</p>
<p>Natural Resources Defense Council et al</p>	<p>... given that climate change is resulting in more frequent and severe drought conditions, and that operations during droughts have caused devastating effects on ESA-listed species, the DEIS and section 7 consultation should specifically model and analyze effects during multi-year droughts like 2012-2016, to ensure that Reclamation and DWR can meet water quality objectives and water rights obligations as well as avoiding jeopardy to the species.</p>	<p>The Range of Alternatives will include drought actions that meet the screening criteria. The Draft EIS will evaluate multi-year droughts.</p>

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Natural Resources Defense Council et al	<p>We encourage the federal agencies to analyze the effects of coordinated operations of the CVP and SWP on Longfin Smelt in this section 7 consultation. Although Longfin Smelt is not currently listed under the federal Endangered Species Act (while being listed as threatened under the California Endangered Species Act), it is a candidate species, the U.S. Fish and Wildlife Service has previously concluded that ESA listing is warranted, and the agency is currently reevaluating whether to list the species under the ESA... Because it is likely that the species will be listed under the federal ESA prior to the conclusion of this consultation, analyzing the impacts on Longfin Smelt in this section 7 consultation is appropriate to ensure a more durable biological opinion.</p>	<p>Currently deconstruction of project effects and conservation measures in the Initial Alternatives Report include longfin smelt. Because longfin smelt are proposed for listing, they will be included in the 2021 Long-term Operation Biological Assessment. Impacts to longfin smelt also will be analyzed in the Draft EIS.</p>
Natural Resources Defense Council et al	<p>...we encourage the U.S. Fish and Wildlife Service and National Marine Fisheries Service (“NMFS”) to develop quantitative biological objectives to help guide development of the proposed action and alternatives in this consultation... the development of the proposed action should be informed by, and the biological assessment should include, biological modeling and analysis using the best available science, including:</p> <ul style="list-style-type: none"> • Modeling of temperature dependent mortality of winter-run Chinook salmon using the RAFT and NMFS model (formerly known as the Martin model); • Analysis of the effects of Sacramento River flow on survival of juvenile migrating salmon, including Henderson et 	<p>The Biological Assessment will rely on best available science and additive lines of evidence.</p> <p>Refer to Section 7, <i>Species Life-Cycle Analysis</i>, of the Initial Alternatives Report.</p>

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	<p>al 2018, Munsch et al 2020, Michel et al. 2021 and Hassrick et al. 2022;</p> <ul style="list-style-type: none"> • NMFS' Winter-Run Life Cycle Model; • Delta Smelt Life Cycle Model; • Nobriga and Rosenfield 2016 (Longfin Smelt life cycle model); • STARS Model (effects of flows and Delta Cross Channel gate operations on juvenile salmon survival through the Delta). 	
<p>Natural Resources Defense Council et al</p>	<p>The question in this section 7 consultation is not whether a new operations plan is as protective of listed species as water operations under the environmental baseline, but rather whether, based on the best scientific and commercial information available, and in light of baseline conditions (including climate change), proposed Water Project operations will jeopardize the continued existence of the species or destroy or adversely modify its critical habitat.</p>	<p>USFWS and NMFS will include jeopardy determinations in their respective biological opinions.</p>
<p>The Nature Conservancy (TNC)</p>	<p>Prior to modeling proposed actions and operations, TNC strongly encourages Reclamation to clearly define the biological objectives that will be used to inform the development of modeling alternatives.</p> <p>Too often, planning begins with identifying and describing a suite of actions without defining the problems that the actions are meant to solve and the outcomes that they are meant to achieve. We recommend that Reclamation first develop quantitative biological and</p>	<p>Refer to knowledge-based papers attached to the performance metrics analyzed in the variable components appendices (Appendices I through R).</p> <p>Drought actions that meet the screening criteria will be included as part of the range of alternatives.</p>

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	<p>environmental objectives against which the desired operations can be evaluated. Furthermore, as climate change alters the hydrology of freshwater systems and prolongs drought cycles, it will become more difficult to achieve management goals for freshwater ecosystems. Given these added challenges, we encourage Reclamation to consider how a changing climate will impact water management, define the biological objectives needed for ecosystems to thrive, and evaluate actions against those biological objectives. This will allow Reclamation to determine a set of actions capable of supporting resilient ecosystems under climate change and other human stressors.</p>	
<p>The Nature Conservancy</p>	<p>The conservation status of these populations, along with those of longfin smelt and fall- and late fall-run Chinook, is strongly influenced by operations of the dams, diversions, and other infrastructure of the federal CVP and California’s SWP. As such, we advocate that Reclamation integrate the biological objectives and the environmental variables needed for these species to recover in the development of CalSim modeling alternatives. One such variable is water temperature. Temperatures ranging from 42.6 to 53.6 degrees Fahrenheit result in no temperature-dependent egg mortality for winter-run Chinook Salmon in the Sacramento River from Shasta to Clear Creek. As such, maintaining this temperature range is essential to consider in modeling efforts to avoid effects of temperature-dependent</p>	<p>Water temperature and temperature-dependent mortality are included in the the performance metrics analyzed in the variable components appendices (Appendices I through R).</p>

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	egg mortality and mitigate impacts of other local disturbances.	
The Nature Conservancy	TNC encourages Reclamation to use both the SEP framework and the Reorienting to Recovery process to define the biological and environmental objectives needed for recovery of fish species in the Central Valley.	Reclamation will review and consider these references.
The Nature Conservancy	<p>TNC recommends that operations of CVP and SWP meet the annual water deliveries to 19 federal refuges, state wildlife areas, and private wetlands within the Grasslands Ecological Area. These deliveries—both Level 2 and Incremental Level 4—are required by the Central Valley Project Improvement Act (CVPIA).</p> <p>Modeling should provide coverage for Incremental Level 4 water supplies, including water that has yet to be acquired for this purpose. These water deliveries were required by CVPIA as a mitigation measure to protect the last remaining five percent of Central Valley wetlands, which, with adequate water, will continue to serve as anchors for migratory bird habitat in the Valley. The role of these wetlands that depend on water delivered through CVP and SWP is even more critical during severe droughts and thus should be included initially as part of modeling and final allocation decisions.</p>	<p>The range of alternatives will meet the purpose and need, which includes CVPIA. Refer to Section 3, <i>Revised Purpose and Need</i>, of the Initial Alternatives Report.</p> <p>Reclamation cannot evaluate water that has not been identified yet; however, to the extent future water for Incremental Level 4 water supplies fall within the water transfer component, the operational requirements of CVP and SWP facilities would be covered.</p>
Stephen Volker, North Coast Rivers Alliance, Pacific Coast Federation of Fisherman’s Associations, the Institute of Fisheries Resources, San	<p>RECLAMATION MUST FUNDAMENTALLY CHANGE OPERATIONS:</p> <p>Reclamation must act to attain the species restoration goals of the Central Valley Project Improvement Act (“CVPIA”), Public Law No. 102-575, 108 Stat. 4600, Title XXXIV (1992), and</p>	The range of alternatives will meet the purpose and need, which includes CVPIA. Refer to Section 3, <i>Revised Purpose and Need</i> , of the Initial Alternatives Report.

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<p>Francisco Crab and Boat Owners Association, California Sportfishing Protection Alliance and the Winnemem Wintu Tribe</p>	<p>the species protection goals of the ESA. Congress enacted the CVPIA in 1992 for the express purpose of ameliorating the adverse environmental impacts that result from CVP operations. CVPIA §§ 3402(a)-(b), 3406(b). Indeed, the CVPIA mandates that Reclamation “protect, restore, and enhance fish, wildlife, and associated habitats.” CVPIA § 3402. Yet Reclamation has never attained the species restoration goals of the CVPIA, nor has it appropriately managed the CVPIA-mandated wildlife restoration funds. Likewise, Reclamation has continued to operate the CVP in a manner that imperils the listed species that depend on CVP waters for survival. These decades-long failures must be addressed and rectified now.</p>	
<p>Stephen Volker, North Coast Rivers Alliance, Pacific Coast Federation of Fisherman’s Associations, the Institute of Fisheries Resources, San Francisco Crab and Boat Owners Association, California Sportfishing Protection Alliance and the Winnemem Wintu Tribe</p>	<p>RECLAMATION MUST STUDY A REASONABLE RANGE OF ALTERNATIVES IN LIGHT OF CLIMATE CHANGE, INCLUDING AN ALTERNATIVE THAT REDUCES WATER DELIVERIES: A reduced delivery alternative is necessary to prevent the otherwise imminent extinction of many listed species.</p>	<p>Refer to Appendix E, <i>Exploratory Modeling</i>, of the Initial Alternatives Report.</p> <p>The Draft EIS will analyze impacts on and from climate change. Climate change scenarios will be included as part of the modeling.</p>
<p>Regina Chichizola, Save California Salmon</p>	<p>And I have to say, the one-week notice on these hearings was not enough to actually let the public know about the hearings. I live on the Klamath River, which is greatly impacted by Trinity River Operations. And our carryover storage is very low right now and your operations is the</p>	<p>A Reclamation news release was published on February 28, 2022, and an NOI to Prepare an Environmental Impact Statement for the proposed project was issued in the <i>Federal Register</i> on February 28, 2022. The first of the six virtual public meetings was held on March 8, 2022.</p>

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	<p>reason why. And I don't think a lot of our community even knows about these hearings because there was only a week's notice. I am putting the word out, you know, as much as I can as, you know, a very small nonprofit.</p>	<p>Additionally, the project website is continuously updated with information on the project. The public was provided 30 days to comment, as required by NEPA.</p>
<p>Regina Chichizola, Save California Salmon</p>	<p>But I just wanted to say that I, also, I feel like having a lot of these meetings during the day, instead of the evening, especially in areas where there are people who are concerned about carryover storage within the Shasta and Trinity Reservoirs, really makes it so the public can't participate. And it makes it feel like the process is not very sincere. And I think that's really important because you are dealing with millions of people's drinking water and whether or not the salmon go extinct in our state. And I think a lot of people do care about that. But without much notice, without much outreach, it's pretty hard for people to get involved.</p>	<p>A total of six scoping meetings were held, four during the day time and two during the evening, to accommodate and encourage public participation: Tuesday, March 8, 2022, 2 p.m. to 4 p.m.; Wednesday, March 9, 2022, 5:30 p.m. to 7:30 p.m.; Thursday, March 10, 2022, 2 p.m. to 4 p.m.; Tuesday, March 15, 2022, 5:30 p.m. to 7:30 p.m.; Wednesday, March 16, 2022, 2 p.m. to 4 p.m.; and Thursday, March 17, 2022, 2 p.m. to 4 p.m.</p> <p>In addition, Reclamation has been holding quarterly meetings to comply with WIIN Act requirements.</p>
<p>Regina Chichizola, Save California Salmon</p>	<p>And I'm going to make more extensive comments on how I feel about, you know, the settlement contracts and the flows, and the issues with the salmon, and clean drinking water issues in the Delta at a later meeting. There are no meetings that are organized for my community, which is on the Trinity River, so I'm not sure which meeting I'm going to go to, but one of them in the evenings. And hopefully more of our community can show up for that. But maybe you should think about trying to set up a meeting in the evening for the native folks along the Trinity River that are impacted by this process.</p>	<p>The Trinity River Mainstem Fishery Restoration Program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>
<p>LeMonie Hunt, Save California Salmon</p>	<p>The Central Valley Water Project must consider the Native American tribes along the Trinity, Klamath, and Shasta</p>	<p>Reclamation will consider impacts on Native American tribes, including cultural and trust resources.</p>

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	<p>Rivers in the creation and maintenance of federal projects. The tribes, including the Hoopa, Yurok, Karuk, and Wiyot Tribes are sovereign nations, meaning that under the United States Constitution, they have the right to self-governance and self-representation</p>	<p>Reclamation will continue to invite qualified tribes as Cooperating Agencies. Reclamation will continue to provide meaningful opportunities for engagement through quarterly outreach meetings, in addition to the opportunities under NEPA.</p>
<p>LeMonie Hunt, Save California Salmon</p>	<p>As a Hoopa tribal member, I am speaking today to encourage that these rights are respected when conducting these federal projects concerning the Northern California rivers. Projects such as reservoirs or pumping plants that deplete the river of enough water for healthy – for a healthy salmon run and drinking water is an infringement on the tribes’ sovereignty.</p> <p>As independent nations, tribes have the right to sustain their own economies to provide for their people. For Northern California tribes the economy is largely centered around the river and the salmon. Tribes rely on the salmon to feed their people, which is a vital element in maintaining their right to self-governance. But with these resources obstructed by federal projects, it results in the loss of financial independence for tribal nations</p>	<p>Reclamation will consider impacts on Native American tribes, including cultural and trust resources. Reclamation will continue to invite qualified tribes as Cooperating Agencies. Reclamation will continue to provide meaningful opportunities for engagement through quarterly outreach meetings, in addition to the opportunities under NEPA.</p>
<p>LeMonie Hunt, Save California Salmon</p>	<p>Northern California tribes are facing economic deprivation that is halting our progress as a people. As tribal people, we are in the process of recovering from years of some of the most devastating massacres and land exploitation in California. The active outside sources depriving tribes of the resources needed to sustain their governments is not respecting our constitutional rights as tribal people.</p>	<p>Reclamation will consider impacts on Native American tribes, including cultural and trust resources. Reclamation will continue to invite qualified tribes as Cooperating Agencies. Reclamation will continue to provide meaningful opportunities for engagement through quarterly outreach meetings, in addition to the opportunities under NEPA.</p>

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LeMonie Hunt, Save California Salmon	<p>For these reasons, I am asking the Board to consider the welfare of the Northern California tribes first, which inherently means the welfare of the rivers.</p> <p>Thank you for your time. My name is LeMonie Hunt. And that is all I have to say.</p>	<p>Reclamation will consider impacts on Native American tribes, including cultural and trust resources. Reclamation will continue to invite qualified tribes as Cooperating Agencies. Reclamation will continue to provide meaningful opportunities for engagement through quarterly outreach meetings, in addition to the opportunities under NEPA.</p>
Regina Chichizola, Save California Salmon	<p>I wanted to comment today that I feel like it is critically important that the Bureau takes actions to save the winter-run salmon from extinction and to make sure that the salmon in the Klamath River are – start rebounding. We critically, in the Klamath River, rely on the Trinity River Water. And we are requesting protections for carryover storage in the Trinity Reservoir in order to have water for releases for salmon. And it is the Bureau’s obligation to protect that water under – as tribal trust responsibility.</p>	<p>Reclamation will consider impacts on Native American tribes, including cultural and trust resources. Reclamation will continue to invite qualified tribes as Cooperating Agencies. Reclamation will continue to provide meaningful opportunities for engagement through quarterly outreach meetings, in addition to the opportunities under NEPA.</p> <p>The Trinity River Mainstem Fishery Restoration Program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>
Regina Chichizola, Save California Salmon	<p>We’re also requesting carryover storage protections for Shasta Reservoir and other reservoirs, not only for tribal trust responsibility but because, as you said, the drinking water of over 20 million Californians rely upon this, as do several runs of salmon species survival.</p>	<p>Refer to Appendix L, <i>Shasta Coldwater Pool Management</i></p>
Regina Chichizola, Save California Salmon	<p>We feel like it is critically necessary for you to look at your settlement contractors and your contracts with the settlement contractors, which include rice farmers that use more water than the City of L.A. last year and, also, drained our reservoirs to the point where we’re looking at maybe not having enough water to</p>	<p>Reclamation will analyze a range of alternatives that is consistent with screening criteria.</p>

Commentor	Comment	Response (to include where in doc)
	provide electricity for cities this year, or drinking water supplies.	
Regina Chichizola, Save California Salmon	It is completely possible for farmers not to farm during years of extremely drought. And it is necessary or else you're going to drive species into extinction, violate your tribal trust responsibilities, and possibly leave whole cities without any drinking water	Drought actions that meet the screening criteria will be included as part of the range of alternatives.
Regina Chichizola, Save California Salmon	It's time for the Bureau to change the way it does business. We've dealt with fish kill after fish kill under the Trump Water Plan. And carryover storage for these reservoirs are critical, as is bringing winter-run salmon back above the Shasta Dam and protecting spring-run salmon.	Refer to Appendix L, <i>Shasta Coldwater Pool Management</i> . The comment does not meet the Screening Criterion #1, <i>Purpose and Need</i> , which includes existing facilities. Reclamation continues to participate in the efforts led by NMFS to further their Recovery Plan actions for listed species, based on our facilities in the area and potential expertise and resources that may contribute to recovery actions.
Regina Chichizola, Save California Salmon	So I really hope that you take these comments seriously. And I also hope that you do a much better job of outreaching to impacted communities in the future because with a week's notice to let people know about how important these hearings were was not enough. And I know of hundreds and hundreds of people who were involved the last time that you did this re-consultation process and those people don't know this is happening this time around which makes it seem like you're trying to make this plan under a veil of secrecy. So I just, really, I know it's hard in this new world to get the word out to people, but I really hope that you do a better job in the future making sure	A total of six scoping meetings were held, four during the day time and two during the evening, to accommodate and encourage public participation: Tuesday, March 8, 2022, 2 p.m. to 4 p.m.; Wednesday, March 9, 2022, 5:30 p.m. to 7:30 p.m.; Thursday, March 10, 2022, 2 p.m. to 4 p.m.; Tuesday, March 15, 2022, 5:30 p.m. to 7:30 p.m.; Wednesday, March 16, 2022, 2 p.m. to 4 p.m.; and Thursday, March 17, 2022, 2 p.m. to 4 p.m. Reclamation has been holding monthly Interested Parties meetings with Non-governmental Organizations (NGOs) to provide status and information about the project and receive input. In addition, Reclamation has been holding

Commentor	Comment	Response (to include where in doc)
	<p>people know about this because there are millions of people whose – millions of people and whole runs of salmon that are relying on what you do with these operations.</p> <p>Thank you for the opportunity to comment. I think I’m within my three minutes. And hopefully you’ll see more participation next week</p>	<p>quarterly meetings to comply with WIIN Act requirements.</p>
<p>Carrie Tully, Save California Salmon</p>	<p>That’s totally fine. I wanted – I would like to start with my comment that, specifically, is not regarding the topic that we are here to discuss but more of like the format of the meetings themselves. And I have several notes that I’m going to read based on many people’s input based on things that I’ve been hearing down the line since these hearings began. And being that I had this experience yesterday, I can speak to some of this myself.</p> <p>But I just wanted to like let you guys know that people have been having lots of trouble getting into these meetings using Google Meets – or Microsoft Meets [sic]. And then are, in addition, participating specifically with the raising-hands function, and so that’s been an issue.</p>	<p>A total of six scoping meetings were held, four during the day time and two during the evening, to accommodate and encourage public participation: Tuesday, March 8, 2022, 2 p.m. to 4 p.m.; Wednesday, March 9, 2022, 5:30 p.m. to 7:30 p.m.; Thursday, March 10, 2022, 2 p.m. to 4 p.m.; Tuesday, March 15, 2022, 5:30 p.m. to 7:30 p.m.; Wednesday, March 16, 2022, 2 p.m. to 4 p.m.; and Thursday, March 17, 2022, 2 p.m. to 4 p.m.</p>
<p>Carrie Tully, Save California Salmon</p>	<p>The lack of notice for these hearings has been highly detrimental to many people that I work with and that we are affiliated with, including tribes, but other stakeholders as well. It’s been really challenging to get people that we have that we normally would be able to outreach to, to get to participate, which I’ve been hearing that any kind of surprise at the lack of participation is because of the lack of notice for the hearings.</p> <p>In addition, the locations that these meetings were set to represent don’t</p>	<p>A total of six scoping meetings were held, four during the day time and two during the evening, to accommodate and encourage public participation: Tuesday, March 8, 2022, 2 p.m. to 4 p.m.; Wednesday, March 9, 2022, 5:30 p.m. to 7:30 p.m.; Thursday, March 10, 2022, 2 p.m. to 4 p.m.; Tuesday, March 15, 2022, 5:30 p.m. to 7:30 p.m.; Wednesday, March 16, 2022, 2 p.m. to 4 p.m.; and Thursday, March 17, 2022, 2 p.m. to 4 p.m.</p> <p>The NOI specified that “virtual attendance is open at all meetings.”</p>

Commentor	Comment	Response (to include where in doc)
	include many of the regions that are represented by many of these interested and affected people, including tribes. And many people even thought that because they had designated like locations assigned to the different meetings, that they weren't allowed to attend the other meetings. And so a lot of people haven't been showing up because of that reason, as well.	
Carrie Tully, Save California Salmon	While I definitely appreciate that you're offering two different time periods, the 2:00 p.m. and the 5:30, it's still challenging to make both of those times work, parents in particular. I'm speaking partially for myself, like a lot of other people that I know, I'm still traveling at 5:30 when I pick up my child from school. But, also, many kids get picked up at 2:15. And so if you had more variability with this many hearing options, if you could do more in the morning, and just vary it some more, so that people would have the opportunity to come, we would really appreciate that.	A total of six scoping meetings were held, four during the day time and two during the evening, to accommodate and encourage public participation: Tuesday, March 8, 2022, 2 p.m. to 4 p.m.; Wednesday, March 9, 2022, 5:30 p.m. to 7:30 p.m.; Thursday, March 10, 2022, 2 p.m. to 4 p.m.; Tuesday, March 15, 2022, 5:30 p.m. to 7:30 p.m.; Wednesday, March 16, 2022, 2 p.m. to 4 p.m.; and Thursday, March 17, 2022, 2 p.m. to 4 p.m. The NOI specified that written comments may be made by mail or by email.
Carrie Tully, Save California Salmon	And then the other issue that I've been finding that is concerning is that the meetings have been scheduled for 2:00 to 4:00 or 5:30 to 7:30. But when people are trying to get on at like 5:30, say – or I'm sorry, at like six o'clock when the meeting starts at 5:30, if the meetings starts at 5:30 and they try to jump on at 6:00 because that's when they're able to, that line has already been ended. And that – you know, if you're stating that you have a meeting from a certain time to a certain time, like at least have the line open so people are able to make those comments during that time.	A total of six scoping meetings were held, four during the day time and two during the evening, to accommodate and encourage public participation: Tuesday, March 8, 2022, 2 p.m. to 4 p.m.; Wednesday, March 9, 2022, 5:30 p.m. to 7:30 p.m.; Thursday, March 10, 2022, 2 p.m. to 4 p.m.; Tuesday, March 15, 2022, 5:30 p.m. to 7:30 p.m.; Wednesday, March 16, 2022, 2 p.m. to 4 p.m.; and Thursday, March 17, 2022, 2 p.m. to 4 p.m.

Commentor	Comment	Response (to include where in doc)
	<p>And so that is my – those are my – the items that I wanted to bring up specifically regarding the hearings themselves. And then when you guys can circle back to me, I have comments regarding the issues, as well. And thank you for giving me the opportunity to speak twice.</p>	
<p>Carrie Tully, Save California Salmon</p>	<p>So our salmon are facing extinction. Since the Trump biological opinions were adopted in 2019, we've seen a devastating mortality of native fish species. Current Central Valley and State Water Project operations have killed almost all the winter-run and much of the spring- and fall-run salmon in the Sacramento River and Bay-Delta. According to NRDC's March 11th blog post, "The Trump Administration's biological opinions were the result of scientific misconduct, political interference, and bias. The end result is nothing short of a plan for extinction that is playing out before our eyes."</p>	<p>Reclamation will continue to comply with Federal law and statutes.</p>
<p>Carrie Tully, Save California Salmon</p>	<p>Let me be clear, this is not simply the result of a drought. As the State Water Board [] wrote earlier this spring,</p> <p>"Although the current violations are exacerbated by the extreme dry conditions, they are, in part, the result of the overallocation of project water during dry conditions."</p> <p>The dams that make these projects possible want to block access to water that is cold enough for the survival of anadromous fish at any life stage, including spring- and winter-run chinook, Central Valley steelhead, and longfin and Delta smelt. This has caused near elimination of spawning and rearing habitat for these species, species which are not only integral to</p>	<p>The existence of the dams and associated impacts will be included as part of the Environmental Baseline for the Section 7 Consultation and as part of the Affected Environment for the Draft EIS.</p>

Commentor	Comment	Response (to include where in doc)
	Northern California tribes but, also, to Northern California residents as they are keystone species without which entire waterways and ecosystems will be permanently altered.	
Carrie Tully, Save California Salmon	The Central Valley and State Water Project continue to prioritize allocating millions of acre feet of water to their contractors over protecting our native fish. Both the State Water Resources Control Board and the Reclamation have the authority to reduce these deliveries and provide enough cold water for salmon, yet both have failed to do so year after year.	Refer to Section 2, <i>Revised Purpose and Need</i> , of the Initial Alternatives Report. Allocations are an administrative process. Alternatives will consider changes to the timing and magnitude of storage, releases, diversions, routing, and blending water from different reservoir elevations.
Carrie Tully, Save California Salmon	I must ask, at what point did humans decide that we're okay with being responsible for destroying another species so that we could grow almonds and rice in the desert? Clearly, this doesn't benefit the planet, which is increasingly notifying us of her fury for what we've done to her. Do you continue to tell yourselves that by mechanizing and controlling nature that we can find a way out of this deadly situation that we have brought upon ourselves?	Reclamation will continue to comply with Federal law and statute. Climate change will be discussed in the Draft EIS and climate change scenarios will be included in the modeling.
Carrie Tully, Save California Salmon	Our native fish can't wait three years for these projects to be operated pursuant to scientifically-credible biological opinions during one of the hottest and driest years of the last century.	Reclamation will continue operating to the 2020 ROD, as modified by any court-ordered interim operations.
Carrie Tully, Save California Salmon	Again, I quote the previously mentioned NRDC article. "If increased outflows are needed and cannot be met under SOS contracts, those contracts may need to be revisited to ensure consistency with the ESA. We must prioritize fish over agricultural now. We must reform the	Reclamation will continue to comply with federal law and statute, including the ESA. Impacts to cultural resources and ITAs will be analyzed in the Draft EIS

Commentor	Comment	Response (to include where in doc)
	<p>ancient and racist water rights system that over-allocates water to big agricultural while stealing it from tribes and fish. We must recognize the responsibility that we have to protect endangered species, species that have deep cultural ties to the tribes of Northern California.”</p> <p>I cannot think of a better time to make these changes. The time is now. You have the ability to make these changes so, please, make the right choice.</p>	
Carrie Tully, Save California Salmon	<p>So our salmon are facing extinction. Since the Trump biological opinions were adopted in 2019, we’ve seen a devastating mortality of native fish species. Current Central Valley and State Water Project operations have killed almost all the winter-run and much of the spring- and fall-run salmon in the Sacramento River and Bay-Delta. According to NRDC’s March 11th blog post,</p> <p>“The Trump Administration’s biological opinions were the result of scientific misconduct, political interference, and bias. The end result is nothing short of a plan for extinction that is playing out before our eyes.”</p>	Reclamation will continue to comply with applicable Federal law.
Kasil Willie, Save California Salmon	<p>Firstly, I want to address the current – that current water operations have severely damaged the salmon population, specifically the winter-run chinook salmon. This is clearly evidenced by the recent mortality rates of the endangered winter-run chinook.</p> <p>In 2020 and 2021, respectively, 89 percent and 97 percent of all winter-run that returned for spawning died in the short stretch of the Sacramento</p>	The Draft EIS and Biological Assessment will assess impacts on winter-run Chinook salmon. Refer to Appendix D, <i>Seasonal Operations Deconstruction</i> , of the Initial Alternatives Report.

Commentor	Comment	Response (to include where in doc)
	<p>River between the Keswick Dam and the Red Bluff Diversion Dam. That means that last year only three percent of breeding winter-run chinook survived. And it does not bode well for the population this year or the next few years. And that was just with the winter-run chinook operation which is currently listed as endangered.</p>	
<p>Kasil Willie, Save California Salmon</p>	<p>Since the lifespan of winter-run chinook is three years, and spring-run is one to five years, the need to provide enough water for them cannot be put off much longer.</p>	<p>The Draft EIS and Biological Assessment will assess impacts on winter-run and spring-run Chinook salmon. Refer to Appendix D, <i>Seasonal Operations Deconstruction</i>, of the Initial Alternatives Report.</p>
<p>Kasil Willie, Save California Salmon</p>	<p>With the 2019 biological opinion neglecting these delicate species, it's put them at further risk, as seen with the mortality rates in winter-run salmon. Therefore, moving forward, more extreme measures will likely be necessary to rectify the situation and ensure the survival of these keystone species.</p>	<p>The Draft EIS and Biological Assessment will assess impacts on winter-run Chinook salmon. Refer to Appendix D, <i>Seasonal Operations Deconstruction</i>, of the Initial Alternatives Report.</p>
<p>Kasil Willie, Save California Salmon</p>	<p>It is my hope that these critical years where are fish populations have suffered and lacked protection are fully taken into consideration in the EIS.</p> <p>And it is also my hope that we can prevent the extinction of these species from our state and federal allocations of water and higher priority given to these delicate species.</p>	<p>Refer to Section 2, <i>Revised Purpose and Need</i>, of the Initial Alternatives Report.</p> <p>Allocations are an administrative process. Alternatives will consider changes to the timing and magnitude of storage, releases, diversions, routing, and blending water from different reservoir elevations.</p> <p>Drought actions that meet the screening criteria will be included as part of the range of alternatives.</p>
<p>Kasil Willie, Save California Salmon</p>	<p>Additionally, (indiscernible) due to climate change, as we've all seen, (indiscernible) has become a more regular occurrence within the state, causing many of the state to</p>	<p>Allocations are an administrative process. Alternatives will consider changes to the timing and magnitude of storage, releases, diversions,</p>

Commentor	Comment	Response (to include where in doc)
	<p>(indiscernible). I recognize that climate change and drought affects everyone, including agricultural interests. However, try to find another interest that depends on fresh water as much salmon and other fish species.</p> <p>As we see (indiscernible) allocation of our shared water resources needs to be reprioritized in order to protect the (indiscernible) fish species and river ecosystems throughout the state.</p>	<p>routing, and blending water from different reservoir elevations.</p> <p>Drought actions that meet the screening criteria will be included as part of the range of alternatives.</p>
<p>Kasil Willie, Save California Salmon</p>	<p>Lastly, I want to highlight the importance of salmon and other river species to the indigenous people of California. Long before the development of modern-day water rights, tribes across the state depended on salmon for food (indiscernible) and ceremonies. Given no fault of their own, however, California's tribes' rights and access to the rivers and the species they once depended on have been taken away over time. But the cultural significance of rivers and salmon have been carried on for generations and those traditions still go on today.</p> <p>And it is my hope that the salmon's importance as a cultural resource is properly acknowledged in the EIS. And input from all tribes that traditionally inhabited the local areas of the water projects is sought out.</p>	<p>Impacts to cultural resources and ITAs will be analyzed in the Draft EIS.</p> <p>Reclamation will continue to invite qualified tribes as Cooperating Agencies. Reclamation will continue to provide meaningful opportunities for engagement through quarterly outreach meetings, in addition to the opportunities under NEPA.</p>

Table 3: General Public Comment Table

Commentor	Comment	Response
Nancy Blastos	<p>We are in more than a drought or climate change. We are facing an existential crisis about our national water supply in Ca. None of the agencies that manage water have planned for this crisis nor have workable plans been enforced. We have freely given our water supply in the Central Valley to farmers, many of whom directly ship their products out of our country. We have not made it a priority to protect our citizens or wildlife. We have made no plans to preserve the salmon species for our tribal brothers and sisters who in the Delta. These precious people subsist on salmon and other fish for five meals/week. As our water supply dwindles, we come up with expensive and unworkable plans. People seem to have stopped conserving water. The Sierra snow pack is just 60% compared to last year. We continue to stretch our water supplies that are stored and will one day be empty. As I read about desalinization plants, I worry about the filth that will be generated. We can repurpose more water, we can fix water leaks in all areas, check leaking sprinklers, use solar to heat our water, etc., etc., etc.,. We all know when we are wasting water and it must stop.</p>	<p>Refer to Section 2, <i>Revised Purpose and Need</i>, from the Initial Alternatives Report</p> <p>Impacts to cultural resources and ITAs will be analyzed in the Draft EIS.</p> <p>The Draft EIS will consider impacts on water supply, greenhouse gases and climate change.</p> <p>The purpose and need for operation of the Long-term Operation identified operation of existing facilities. Therefore, the ideas presented in the comment would not meet Screening Criterion #1, <i>Purpose and Need</i>. Reclamation has other programs in place, including WaterSmart grants that evaluate these types of proposals.</p>
Clay Haynes	<p>There's plenty of water in California with the reservoirs that were put in place to hold water for these dry years.</p> <p>Yes it would be nice to have a few more, or raise some dams, etc. But you can't let all this stored water out to FLUSH OUT THE POLLUTION IN THE DELTA. Everyone knows the delta</p>	<p>Refer to Appendix L, <i>Shasta Coldwater Pool Management</i>, of the Initial Alternative Report.</p> <p>The cumulative impact analysis of the Draft EIS will include reasonably foreseeable actions.</p>

Commentor	Comment	Response
	smelt is the fall guy and it's all smoke and mirrors.	
Clay Haynes	We've got to use commons sense and not rely on computer models that tell a human to open the flood gates. I understand there's pollution and stench in the delta but that's no excuse to let 10,000,000 acre feet of fresh water flow out past the Golden Gate Bridge. It's criminal.	Refer to Appendix K, <i>Summer and Fall Delta Outflow and Habitat</i> , of the Initial Alternatives Report.
Clay Haynes	I encourage you to read or listen to Victor Davis Hanson. In my opinion, he's the smartest most level headed historian on Farming and Water issues on civilizations around the world both past and present.	Reclamation will continue to make use of reliable existing data and resources in its analysis of reasonable alternatives.
Clay Haynes	I've been in these blueprint meetings and It all looks good but in the end it's not going to work. So they want the fisherman, the environmentalists, the farmer, and the developer to work together. So here we are the farmer where every deal since the 80's that's been made has not been in our favor...only because if we didn't take the deal it would be worse! The laws are written in a way that we take the best of a losing deal. We already have no surface water, so they want us to retire some land to put in reservoirs so in wet years we can pump into them so that recharge can happen. In the dry years when we don't have flood waters there will be habitat for wildlife. That's all we need is environmentalist tromping around looking for an endangered species, next thing you know you can't flood your reservoir. (I honestly don't know if these recharge ponds will even work well, once the deep aquifers are dried up or brackish unusable water, everyone will be competing for the shallow aquifer water that we are trying to recharge with)	Refer to Section 2, <i>Revised Purpose and Need</i> , of the Initial Alternatives Report.

Commentor	Comment	Response
Greg Campshire	California’s water rights system and the BOR’s contracts are based on 19th Century water rights, putting large landowners above cities and the environment. Our cities’ water supplies are highly insecure, and our drinking water is highly polluted with elevated levels of chemicals, pesticides, toxic algae, and salt water intrusion. We are long overdue for a significant reform of water laws and contracts. We must prioritize drinking water over agricultural exports.	Refer to Section 2, <i>Revised Purpose and Need</i> , of the Initial Alternatives Report Refer to Appendix A, <i>Description of Facilities</i> , of the Initial Alternatives Report.
Greg Campshire	It is imperative to protect indigenous tribal rights and food security. The Bay-Delta, San Francisco Bay, and rivers like the Trinity and Sacramento are important for tribal cultures and foodways. These uses need to be protected, especially considering that tribal communities are leading the response to the climate crisis with ecologically-sound conservation methods based on traditional indigenous knowledge. Therefore, these uses benefit everyone. The carry-over storage and instream flows of our reservoirs need to be protected, especially in the face of an ongoing drought and climate change that is directly threatening the water supplies of millions of Californians.	The Draft EIS will analyze effects on cultural resources and Indian Trust Assets. Refer to Appendix L, <i>Shasta Coldwater Pool Management</i> . Drought actions that meet the screening criteria will be included as part of the range of alternatives. The Draft EIS will consider impacts on water supply, greenhouse gases, and climate change.
Greg Campshire	Flow protections for fish are a critical need, as salmon are currently facing extinction due to current water operations. Nearly all of the winter run salmon, and much of the spring and autumn run as well as delta smelt in the Sacramento River, have been killed during this ongoing drought period. Low flows in the Trinity River are also harming fish. These fish represent a significant food source for indigenous and other peoples, and	Drought actions that meet the screening criteria will be included as part of the range of alternatives. The Trinity River Mainstem Fishery Restoration program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP. The Draft EIS will analyze effects on cultural resources and Indian Trust Assets.

Commentor	Comment	Response
	<p>they also represent a measurement of the health of larger ecosystems. Safe passage for fish and the reintroduction of salmon above dams is the only way to stop their extinction. This process should support the tribal groups' request for a fishway around the Shasta Dam, among other related proposals.</p>	<p>The comment does not meet the Screening Criterion #1, <i>Purpose and Need</i>, which includes existing facilities.</p> <p>Reclamation continues to participate in the efforts led by NMFS to further their Recovery Plan actions for listed species based on our facilities in the area and potential expertise and resources that may contribute to recovery actions.</p>
Greg Campshire	<p>The Delta Tunnel and Sites Reservoir should not be prioritized! The California Governor's proposals to build these structures will negatively affect the water levels of our rivers and further impact the livelihood of tribal groups, not to mention the power and water rates of all California citizens.</p>	<p>The initial alternatives do not consider the Delta Conveyance, nor Sites Reservoir, as part of the Long-term Operation of the CVP and SWP. Distinct water storage options may be analyzed in the Cumulative Impacts section if they are reasonably foreseeable. Any multi-use water projects reasonably certain to occur will be analyzed in the cumulative impacts section.</p>
Greg Campshire	<p>With a dwindling California water supply, a long-term drought, and a truly unprecedented global climate emergency, we are experiencing a critical moment for all of humanity. The only hope we have is to adapt to changing conditions through reformation of water policy, prioritization of drinking water for people over corporate agriculture use, and consultation with the indigenous people who can share their knowledge of mutual flourishing within our environment.</p>	<p>Drought actions that meet the screening criteria will be included as part of the range of alternatives.</p> <p>The Draft EIS will consider impacts on water supply, greenhouse gases, and climate change.</p> <p>Refer to Section 2, <i>Revised Purpose and Need</i>, of the Initial Alternatives Report.</p>
Kyle Herbst	<p>Clean Drinking Water Should Come Before Agriculture Exports: California's water rights system and some of the BOR's contracts are based on 19th century water rights laws, which put large landowners above cities and the environment. This means that not only are California's people water insecure</p>	<p>Refer to Section 2, <i>Revised Purpose and Need</i>, of the Initial Alternatives Report.</p> <p>Refer to Appendix A, <i>Facilities Description</i>, of the Initial Alternatives Report.</p> <p>The initial alternatives do not consider the Delta Conveyance, nor Sites Reservoir, as part of the Long-term</p>

Commentor	Comment	Response
	<p>due to agricultural diversions, the Delta, which feeds millions of people's drinking water from has concentrated pesticide levels, toxic algae and saltwater intrusion. It is time to reform water rights laws and agricultural contracts.</p> <p>Do not Prioritize the Delta Tunnel and Sites Reservoir: California's governor's proposals to build the Sites Reservoir and Delta tunnel under his Water Resilience Portfolio will further dewater California's rivers and impact Tribes and power and water rates. They should not be prioritized in this plan. State water quality updates and flow plans should be.</p>	<p>Operation of the CVP and SWP. Distinct water storage options may be analyzed in the Cumulative Impacts section if they are reasonably foreseeable. Any multi-use water projects reasonably certain to occur will be analyzed in the cumulative impacts section.</p> <p>Refer to Appendix E, <i>Exploratory Modeling</i>, of the Initial Alternatives Report.</p> <p>Refer to Appendix L, <i>Shasta Coldwater Pool Management</i>, of the Initial Alternatives Report.</p> <p>The Draft EIS will analyze impacts from the range of alternatives on environmental resources, including cultural resources, Indian Trust Assets, aquatic resources, power, and socioeconomics.</p>
Michael Wauscheck	<p>Hello my name is Michael Wauschek i live in city of Cerritos ca I am concerned of how our</p> <p>current water project is affecting us all but especially to the salmon but as well the smelt also our tribal sovereignty water & food right. It post be about our environment as the people that is effective by low water quality. Without the proper water our earth will die we only have one planet they isn't planet B thanks.</p>	<p>Refer to Appendix D, <i>Seasonal Operations Deconstruction</i>, of the Initial Alternatives Report.</p> <p>The Draft EIS will analyze impacts from the range of alternatives on environmental resources, including cultural resources, Indian Trust Assets, water quality, and water supply.</p>
Henry Roller	<p>California's water rights system and some of the BOR's contracts are based on 19th century water rights laws, which put large landowners above cities and the environment. This means that not only are California's people water insecure due to agricultural diversions, the Delta, which feeds millions of people's drinking water from has concentrated pesticide levels, toxic algae and saltwater intrusion. It is time to reform</p>	<p>The affected environment will describe water quality constituents of concerns.</p> <p>Refer to Appendix A, <i>Facilities Description</i>, of the Initial Alternatives Report.</p> <p>Refer to Section 2, <i>Revised Purpose and Need</i>, of the Initial Alternatives Report.</p>

Commentor	Comment	Response
	water rights laws and agricultural contracts. Please prioritize fish over industrial agriculture.	
Barry Sgarrella Sol Agra Corporation	We welcome the opportunity to discuss the SolAgra Water Solution in greater detail. We have all invested significant resources to find the best solution to California’s longstanding water issues. California is experiencing the longest drought in its history. The minimal rainfall in the 2019-2021 winters may be the beginning of longer drought or the continuation of the previous drought. With climate change exacerbating the long-term weather, it is essential that we find the most sustainable and best solutions to resolve California’s water issues that have precipitated the California Water Wars for more than a century. The only solution is to produce NEW WATER that cannot be produced by “mother nature”. The SolAgra Water Solution is the only solution that proposes to produce new water – regardless of drought.	The purpose and need for operation of the Long-term Operation identified operation of existing facilities. Therefore, new facilities would not meet Screening Criterion #1, <i>Purpose and Need</i> .
Alicia Sherrin	My name is – legal name is Alicia Sherrin. I’m a California licensed civil engineer. My License Number is C90595. And I would just like to jump on what LeMonie already has said of the importance for these water resources for the Hoopa tribal members and for many tribal members in Northern California and throughout our state, the importance of these water resources for their own livelihood, and not only for their livelihood but the livelihood of the salmon and the livelihood of our own ecosystems.	The Draft EIS will analyze effects on cultural resources and Indian Tribes Assets.
Alicia Sherrin	And on this, I actually want to just mention and draw out awareness to the Engineers Code of Ethics. I’ll open up this really quickly. I’m in front of	Reclamation will continue to comply with Federal law and statutes.

Commentor	Comment	Response
	<p>my screen here. And it has disappeared. Here it is.</p> <p>In the Engineers Code of Ethics we describe engineering as an important and learned profession, and that engineers are expected to exhibit the highest standards of honesty and integrity. We recognize that engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness and equity, and must be dedicated to the protection of public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.</p>	
Alicia Sherrin	<p>And so I would like to encourage every one of those engineers working on these projects to really think deeply and feel deeply down into themselves if what they are going to certify is ethical and is benefitting all of life and benefitting all of humanity, not only the corporate interests who may be interested in having as much water for their commercial farms but, actually, all of the humans who live in the far northern parts of these watersheds where the water is being taken from.</p>	<p>Reclamation will continue to comply with Federal law and statutes.</p> <p>Refer to Section 2, <i>Revised Purpose and Need</i>, of the Initial Alternatives Report.</p>
Alicia Sherrin	<p>And that will conclude my comment at this time, just to hold all of the engineers that work on these projects to the highest standard of ethics within the code that manages our license and our profession, and to not allow ourselves to be directed by corporate interests but rather by the benefit of the people and the salmon.</p>	<p>Reclamation will continue to comply with Federal law and statutes.</p> <p>Refer to Section 2, <i>Revised Purpose and Need</i>, of the Initial Alternatives Report.</p>
Robert Franklin	<p>My only affiliation as of the time of the call is that I'm just a private</p>	<p>The Trinity River Mainstem Fishery Restoration program is conducting a</p>

Commentor	Comment	Response
	<p>consultant. And I've been involved in all of this since the late '80s.</p> <p>I am wondering, within the scope under consideration, what might be important to address in the Klamath River below the confluence of the Trinity River where there is direct impact, direct influence on listed fishes and a host of other species that are tribal trust/public trust consideration? There's a long-term – there's a plan to manage Lower Klamath, primarily through release of flows down the Trinity River from Lewiston in order to prevent a repeat of the fish kill that we saw in 20 – 2002. So I didn't hear anything about that. It's an important connection here.</p> <p>Thanks.</p>	<p>separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>
Robert Franklin	<p>There's scoping. There's input from the public and others over this stretch of time. And then is there a report back to the public, et cetera, with any opportunity to, potentially, adjust what is in the Scoping Report where something has perhaps been misheard, misinterpreted by the, you know, folks working on that end of it?</p>	<p>Refer to the Public Scoping Report (2021), <i>Reinitiation of Endangered Species Act Section 7 Consultation on the Long-Term Operation of the Central Valley Project and State Water Project, June 2022</i>, posted on Reclamation's Bay-Delta Office website.</p>
Robert Franklin	<p>The other thing I'd like to know something about is if there has already been a selection of the consulting and cooperating agencies, I would appreciate knowing/finding out who – which agencies those are.</p>	<p>The agencies who are currently Cooperating Agencies include the Bureau of Indian Affairs, Environmental Protection Agency (EPA), NMFS, U.S. Fish and Wildlife Service (USFWS), Glenn-Colusa Irrigation District, Reclamation District No. 1004, City of Redding, Tehama-Colusa Canal Authority, Sutter Mutual Water Company, Reclamation District No. 108, Stockton East Water District, San Juan District, Santa Clara Valley Water District, Oakdale Irrigation District, South San Joaquin Irrigation District, Metropolitan Water District, Westlands Water District, Kern County</p>

Commentor	Comment	Response
		<p>Water Agency, San Luis and Delta-Mendota Water Authority, and East Bay Municipal Utilities District.</p> <p>Additional agencies were requested or invited to participate but they have not responded.</p> <p>ICF has been selected as the consultant for the 2021 Reinitiation of Consultation on the Long-term Operation of the CVP and SWP.</p>
Robert Franklin	<p>I'm asking if there's an opportunity to review and correct the Scoping Report, not the – I understand a Draft EIS down the line and that's, I'm told, next year, not 2022, 2023 that we might anticipate that. But now we've got the scoping underway. Could we see a draft of a Scoping Report and have any opportunity?</p> <p>Thanks.</p>	<p>Refer to the Public Scoping Report (2021), <i>Reinitiation of Endangered Species Act Section 7 Consultation on the Long-Term Operation of the Central Valley Project and State Water Project, June 2022</i>, posted on Reclamation's Bay-Delta Office website.</p>
Heinrich Albert	<p>... I just want to emphasize the importance of trying to do a better job of protecting our fish and the other wildlife that depends on our rivers from California. You know, the really very worrisome decline of so many species, and especially last year, the huge percentage of mortality of juvenile salmon below Shasta Dam is really worrisome. And so I urge you, in formulating this, a new plan of operations, that we put a much stronger emphasis on protecting those species, which we have done such a poor job of protecting up to this point. Thank you.</p>	<p>Refer to Section 2, <i>Revised Purpose and Need</i> of the Initial Alternatives Report.</p> <p>Refer to Appendix D, <i>Seasonal Operations Deconstruction</i>.</p> <p>Refer to Appendices I through R of the Initial Alternatives Report.</p>
Johnny Gailer, Delta View Water Association	<p>...I'm not sure if, you know, if we're looking at global food security and the Central Valley's contribution to that, if that impacts the decisions that are made in these – in this process? But the chronic lowering of groundwater levels and the implementation of SGMA are going to</p>	<p>The impact analysis in the DEIS will evaluate the effects of the Long-term operation of the CVP and SWP on surface water and groundwater.</p>

Commentor	Comment	Response
	<p>cause several hundred thousand acres of farmland to be fallowed if we don't consider increasing the amount of water that's able to be diverted and understanding that we need to consider the impacts to the environment, also.</p>	
<p>Devin Aviles, Agri-World Cooperative</p>	<p>But to the other gentleman's comment about the death and dying of species, what I would like you, as a Bureau, to look at is how many million-acre feet have been used out of the various reservoirs to try to protect? It's been a while and that's why you're going to see thousands and hundreds of thousands of acres go fallow.</p>	<p>The impact analysis in the Draft EIS will evaluate the effects of the range of alternatives on surface water, land use, and groundwater.</p>
<p>Devin Aviles, Agri-World Cooperative</p>	<p>And all of us have dealt with the last two years of COVID and we've learned about supply chain issues. If anything we learned, we should not rely on sourcing major parts of our supply chain outside of the United States of America.</p> <p>You guys know that that the Central Valley is the breadbasket of the world. A lot of crops that are grown here cannot be grown anywhere else in the nation or in the world. So I really think you have to look at – when you're looking at re-consultation of this biological opinion, I respectfully ask all of you to take this into consideration.</p> <p>Thank you for my time.</p>	<p>The impact analysis in the Draft EIS will evaluate the effects of the range of alternatives on surface water, land use, and groundwater.</p>

Table 4: Water Agency Comments

Commentor	Comment	Response (to include where in doc)
<p>Thomas Birmingham, General Manager, Westlands Water District</p>	<p>Need for Clarity in the Stated Purpose and Need: Reclamation should refine the statement of purpose and need presented in the Notice of Intent. In the Notice of Intent, Reclamation explains:</p> <p>The purpose of the proposed action considered in this EIS is to continue the operation of the CVP and the SWP for authorized purposes, in a manner that:</p> <ul style="list-style-type: none"> • Meets requirements under Federal Reclamation law; other Federal laws and regulations; Federal permits and licenses; and State of California water rights, permits, and licenses pursuant to section 8 of the Reclamation Act; • Satisfies Reclamation contractual obligations and agreements; and • Implements authorized CVP fish and wildlife project purposes. <p>87 Fed. Reg. at 11094. This statement creates uncertainty by stating a purpose in the first bullet that may encompass the purpose stated in the second bullet or in the last bullet. The planning process would be best served if Reclamation revised the statement of purpose to read:</p> <p>The purpose of the proposed action considered in this EIS is to continue the operation of the CVP and the SWP for authorized purposes, in a manner that meets requirements under Federal Reclamation law; other Federal laws and regulations; Federal permits and licenses; State of</p>	<p>Refer to Section 2, <i>Revised Purpose and Need</i>, of the Initial Alternative Report.</p>

Commentor	Comment	Response (to include where in doc)
	California water rights, permits, and licenses pursuant to section 8 of the Reclamation Act, and contracts.	
Thomas Birmingham, General Manager, Westlands Water District	<p>In the Notice of Intent, Reclamation explains why it reinitiated consultation under the heading: "Purpose and Need for the Proposed Action". While the explanation in that section provides context for Reclamation's proposed action, it does not replace the requirement for a clear and concise statement of need. Reclamation should supplement the context with the following statement of need: The need for the proposed action considered in this EIS is to continue the operation of the CVP to meet the multiple purposes of the project as authorized and directed by Congress and the SWP to meet the multiple purposes of the project established by state law. By stating the purpose and need as proposed, Reclamation will ensure that it considers alternatives that are compliant with Congressional mandates for the CVP, generally, and specifically for all of the purposes the CVP serves, including fish and wildlife and agriculture.</p>	Refer to Section 2, <i>Revised Purpose and Need</i> , of the Initial Alternative Report.
Thomas Birmingham, General Manager, Westlands Water District	<p>Importance of Developing A Reasonable Range of Alternatives</p> <p>The past two years, which were exceedingly challenging due to the erratic and very dry hydrology, have demonstrated that the comprehensive yet flexible nature of the existing operations plan has enabled Reclamation to serve, to the extent possible, the Congressionally established purposes for the CVP.</p> <p>For those reasons, a foundation for each alternative included in the</p>	<p>Reclamation will delineate effects of the Proposed Action from the environmental baseline. Refer to Appendix D, <i>Seasonal Operation Deconstruction</i>.</p> <p>Reclamation will include conservation measures that may be directed to address effects from the baseline.</p> <p>Pursuant to 40 CFR Section 1502.15, the Affected Environment will succinctly describe the environment of the area(s) to be affected or created by the alternatives under</p>

Commentor	Comment	Response (to include where in doc)
	<p>environmental impact statement and subjected to detailed analysis, should therefore be the existing plan of operations. Reclamation will need to consider the effect of changes to the baseline, such as the changes to the chemical constituents in the Delta resulting from Regional Sanitation’s EchoWater Project (www.regionalsan.com/echowater-project), and improvements in the productivity, spatial structure, and diversity of native fish, including from the reintroduction of Spring Run salmon in the San Joaquin River and restoration of salmon and steelhead habitat in tributaries to the Sacramento River. The development of each alternative should then be guided by two primary criteria: 1) whether the alternative would be consistent with Congressional authorization and direction, and 2) whether a change to the existing plan of operations is warranted because of scientific and other data that became available since the 2020 ROD.</p>	<p>consideration. Reclamation will use the best available science when analyzing each environmental resource and potential impacts resulting from the proposed activities under each of the EIS alternatives. Reclamation will use the best available science in their Section 7 ESA Consultation, including the scientific information collected and documented in the 2022 knowledge based papers (attachments to Appendices I through R of the Initial Alternatives Report).</p>
<p>East Bay Municipal Utility District (EBMUD)</p>	<p>As part of the reinitiation of consultation, EBMUD hopes that further assessments regarding timing and pathway selection of migrating salmonids through the DCC and coordinated operational scenarios can be included within the scope of the EIS. While data related to straying is available, a more precise understanding of how hydraulics in the area/channels around the DCC are affected by gate operations is needed. In conjunction with improvements to the DCC facility being considered by USBR], establishing better understanding of timing and cues for migrating salmonids and other species will allow for more</p>	<p>Refer to Appendix C, <i>Species Spatial and Temporal Domains</i>, of the Initial Alternatives Report.</p> <p>Refer to Appendix D, <i>Seasonal Operations Deconstruction</i>, of the Initial Alternatives Report.</p> <p>Refer to Appendix F, <i>Common Components</i>, of the Initial Alternatives Report which includes a description of operating the Delta Cross Channel (DCC) under the Delta, including closures for returning Mokelumne River salmon.</p>

Commentor	Comment	Response (to include where in doc)
	appropriately timed (season/duration) operations.	
El Dorado Water Agency	<p>Reclamation maintains the ability through the Municipal and Industrial Water Shortage Policy (WSP) to treat allocations differently between CVP divisions due to regional CVP water supply availability, system capacity, or other operational constraints. This water year has shown that regional hydrologic variability can occur between different Sacramento-San Joaquin Delta tributaries. For example, while conditions across the state this year were dry, the American River watershed was still within a relatively normal range for snowpack and projected inflow. However, CVP allocations for American River Division contractors were reduced to a level that appeared to be inconsistent with conditions present within the watershed. We support the regional request that Reclamation consider an American River-specific CVP allocation that accounts for localized conditions. At a minimum, reductions in allocations should be suspended for the months in which Reclamation is conducting increased releases from Folsom Reservoir to maintain flood control capacity.</p>	<p>Allocations are an administrative process. Alternatives will consider changes to the timing and magnitude of storage, releases, diversions, routing, and blending water from different reservoir elevations. The operation of the CVP considers system-wide conditions and the need to comply with Delta standards.</p>
El Dorado Water Agency	<p>2. As stated in the American River diverters 2018 scoping comment letter regarding the prior reinitiation of Section 7 consultation, the Agency emphasizes that any operational or structural changes made in one part of the system could redirect impacts to another part of the system, or supply sources outside of the CVP and SWP but which are relied upon by some American River Division contractors, such as the Yuba, Bear,</p>	<p>The Long-term Operation is operated in a systematic fashion and the Draft EIS impact analysis will describe impacts on the different tributaries and regions from the proposed operation of the range of alternatives.</p>

Commentor	Comment	Response (to include where in doc)
	<p>and Consumes Rivers. Therefore, the Agency supports the regional concerns regarding potential impacts to the future water supply reliability and ecosystem sustainability of the American River as a result of operational revisions elsewhere in the CVP and SWP.</p>	
<p>El Dorado Water Agency</p>	<p>The Agency is directed to ensure sufficient water supplies are available for present and future beneficial uses within the County of El Dorado, which include considerations of the Area of Origin water rights to meet the future water supply needs for the County. Operation of CVP is subject to the requirements of the Watershed Protection Statutes (Water Code §§ 11460 - 11465) and the Area of Origin Statutes (Wat. Code §§ 10500- 10506). Such statutes benefit the existing and future water needs within El Dorado County areas. Therefore, the Agency request that CVP operations remain consistent with the protections afforded by these statutes and those CVP permit terms, which benefit and protect the existing and future water supply needs in the upstream areas of the American River watershed, including El Dorado County.</p>	<p>Reclamation will continue to comply with applicable Federal law.</p>
<p>Regional Water Authority et al</p>	<p>First, we realize that water years 2021 and 2022 have been difficult due to prolonged dry conditions. We also understand that the CVP and SWP need to meet multiple, sometimes competing, obligations. Conditions in 2021 proved challenging for meeting fisheries conditions on the American River, resulting in river conditions that exceeded the requirements set forth in the Biological Opinions for Central Valley steelhead. As a result, we believe that modifications to the</p>	<p>Refer to Appendix M, <i>Folsom Reservoir Flow and Temperature Management</i>, in the Initial Alternatives Report.</p> <p>In the 2021 TMP, Reclamation recognized that, given the hydrology and Folsom storage conditions for water year 2021, water temperatures were expected to exceed 68°F at Hazel Avenue for most of the summer, and therefore would exceed the water-temperature threshold described in the 2019 NMFS Biological Opinion. That Biological</p>

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	<p>MFMS may be needed in order to provide adequate protection in the American River for fish and to avoid impacts to aquatic species. We have appreciated Reclamation's support of the current MOU and MFMS and we would like to work with you to provide scientifically-based adjustments that provide better protection for our river through a changing climate.</p>	<p>Opinion specifies that "In a critical year, or year following critical year, Reclamation will meet with NMFS, FWS, CDFW, and the SWRCB to discuss and determine the best use of the limited coldwater pool for that year" (NMFS 2019:806). The TMP temperature target of 71°F at Hazel was consistent with discussions with the ARG including at the June 3, 2021, ARG ad hoc meeting, where NMFS supported this TMP target.</p>
Regional Water Authority et al	<p>Second, Reclamation maintains the ability through the Municipal and Industrial Water Shortage Policy (WSP) to treat allocations differently between CVP divisions due to regional CVP water supply availability, system capacity, or other operational constraints. This water year has shown us that regional hydrologic variability can occur between different Sacramento-San Joaquin Delta tributaries. In fact, while conditions across the state this year were dry, the American River watershed was still within a relatively normal range for snowpack and projected inflow, yet CVP allocations for American River Division contractors were reduced to a level that appeared to be inconsistent with conditions present within the watershed. Moving forward, we would like to request that Reclamation considers an American River-specific CVP allocation that accounts for localized conditions. At a minimum, reductions in allocations should be suspended for the months in which Reclamation is conducting increased releases from Folsom Reservoir to maintain flood control capacity.</p>	<p>Allocations are an administrative process. Alternatives will consider changes to the timing and magnitude of storage, releases, diversions, routing, and blending water from different reservoir elevations. The operation of the CVP considers system-wide conditions and the need to comply with Delta standards.</p>

Commentor	Comment	Response (to include where in doc)
Regional Water Authority et al	Third, as we stated in our scoping comment letter in 2018 for the prior reinitiation of Section 7 consultation, we would like to emphasize that any operational or structural changes made in one part of the system could redirect impacts to another part of the system, or supply sources outside of the CVP and SWP but which are relied upon by some American River Division contractors, such as the Yuba, Bear, and Cosumnes Rivers. Therefore, we would like to reiterate our grave concerns regarding potential impacts to the future water supply reliability and ecosystem sustainability of the American River as a result of operational revisions elsewhere in the CVP and SWP.	The Long-term Operation is operated in a systematic fashion and the Draft EIS impact analysis will describe impacts on the different tributaries and regions from the proposed operation of the range of alternatives.
San-Luis Delta Mendota Water Authority	The existing plan of operations ensures that CVP operations will not jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat. The existing plan of operations provides a comprehensive, yet flexible, operations plan that enables Reclamation to effectively serve the CVP's various purposes, including protecting federally listed species, even when faced with prolonged drought conditions.	Reclamation has reinitiated consultation based on anticipated modifications to the Proposed Action that may cause effects to listed species or designated critical habitats not analyzed previously. These anticipated modifications are, in part, to address the review of agency actions required by Executive Order 13990 and to voluntarily reconcile CVP operating criteria with SWP operational requirements.
San-Luis Delta Mendota Water Authority	Under CEQ regulations, a notice of intent must briefly describe "the proposed action and possible alternatives." 40 C.F.R. § 1508.22. Under the heading "Proposed Action and Preliminary Alternatives To Be Considered," the NOI describes alternatives that may be considered in the EIS, but does not specifically describe a proposed action. 87 Fed. Reg. at 11094.	The Proposed Action stated in the NOI is potential modifications to the Long-Term Operation of the CVP and SWP https://www.federalregister.gov/d/2022-04160/p-3 . Refer to Appendix I through R of the Initial Alternatives Report for proposed alternative components that

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	<p>For purposes of this letter, the Water Authority assumes that the proposed action is the continued long-term operations of the CVP, consistent with Congressional authorizations, in coordination with the SWP, and consistent with applicable agreements and law. The remaining comments are made with this assumption in mind.</p>	<p>may be further developed and evaluated in the Public Draft EIS.</p>
<p>San-Luis Delta Mendota Water Authority</p>	<p>The Department of Interior’s NEPA regulations provide that in “some instances it may be appropriate for the bureau to describe its ‘purpose’ and its ‘need’ as distinct aspects. The ‘need’ for the action may be described as the underlying problem or opportunity to which the agency is responding with the action. The ‘purpose’ may refer to the goal or objective that the bureau is trying to achieve, and should be stated to the extent possible, in terms of desired outcomes.” 43 C.F.R § 46.420(a)(1). In this case, the need for the action and the purpose of the action are distinct—and, the EIS should reflect that difference. Under the heading “Purpose and Need for the Proposed Action,” the NOI explains why Reclamation reinitiated consultation. That explanation may provide important context but it does not replace the requirement for a clear and concise statement of need. The Proposed Action—simply put, the continued long-term operations of the CVP, in coordination with the SWP—is needed to allow Reclamation and DWR to respectively serve the purposes Congress established for the CVP and the California Legislature established for the SWP.</p>	<p>Refer to Section 2, <i>Revised Purpose and Need</i>, of the Initial Alternatives Report.</p>

Commentor	Comment	Response (to include where in doc)
San-Luis Delta Mendota Water Authority	<p>The statement of purpose also suffers from ambiguity and would benefit from being stated succinctly. The NOI explains the “purpose of the proposed action considered in this EIS is to continue the operation of the CVP and the SWP for authorized purposes, in a manner that: [1] [m]eets requirements under Federal Reclamation law; other Federal laws and regulations; Federal permits and licenses; and State of California water rights, permits, and licenses pursuant to section 8 of the Reclamation Act; [2] [s]atisfies Reclamation contractual obligations and agreements; and [3] implements authorized CVP fish and wildlife project purposes.” 87 Fed. Reg. at 11094. This statement creates uncertainty by stating a purpose in the first bullet that may encompass the purpose stated in the last bullet. Reclamation should state the purpose of the Proposed Action is to ensure Reclamation and DWR are able to operate the CVP and SWP, respectively, consistent with Federal Reclamation law; other Federal laws and regulations; contractual obligations; Federal permits and licenses; and State of California water rights, permits, and licenses pursuant to section 8 of the Reclamation Act.</p>	Refer to Section 2, <i>Revised Purpose and Need</i> , of the Initial Alternatives Report.
San-Luis Delta Mendota Water Authority	3a: The NOI does not use the term “affected environment.” Under the heading “Project Area (Area of Analysis),” the NOI states that “[t]he project area includes CVP service areas and CVP dams, power plants, diversions, canals, gates, and related Federal facilities located on Clear Creek; the Trinity, Sacramento,	<p>The Draft EIS will include Affected Environment Sections for each resource being evaluated.</p> <p>The Trinity River Mainstem Fishery Restoration program is conducting a separate Section 7 Consultation that is concurrent with the Long-term Operation of the CVP and SWP.</p>

Commentor	Comment	Response (to include where in doc)
	<p>American, Stanislaus, and San Joaquin rivers; and in the Sacramento-San Joaquin Delta (Delta)." 87 Fed. Reg at 11094 (emphasis added). In addition, the NOI states, "The project area includes SWP service areas downstream of the Feather River and SWP facilities in the Sacramento-San Joaquin Delta, Cache Slough Complex, and Suisun Marsh." Id.</p> <p>First, to ensure a complete analysis of potential impacts of the Proposed Action, the project area must include the CVP service areas and facilities located within the watersheds for the rivers listed above, and not be limited to CVP facilities located "on" the listed rivers and in the Delta (in addition to CVP service areas).</p> <p>Second, further clarity should be provided regarding whether and how the project area includes the Trinity River Division and Friant Division. Based on the first bullet point in this section of the NOI, regarding the Trinity River, and the fifth bullet point, regarding the San Joaquin River, it appears they will be included. 87 Fed. Reg. at 11094. However, given the unique complexities associated with both Trinity River and Friant Division operations the Water Authority recommends clearly identifying which components of divisional operations will be analyzed.</p>	<p>Friant Dam is included in the Proposed Action. San Joaquin River Restoration Program (SJRRP) is a contemporaneous action. No other actions for the Friant Division were identified. Refer to NOI (87 <i>Federal Register</i> 11094).</p>
<p>San-Luis Delta Mendota Water Authority</p>	<p>The CVP service areas are a critical component of the human environment potentially affected by changes in CVP operations. When CVP water deliveries to communities and lands south of the Delta are restricted or absent, the people who live and work in this region suffer. This</p>	<p>Reclamation understands the importance of the operation of the CVP for the wellbeing of Californians.</p> <p>The Draft EIS will evaluate impacts of the reasonable range of alternatives on socioeconomics, environmental justice, land use, and groundwater resources, including, but not limited</p>

Commentor	Comment	Response (to include where in doc)
	<p>suffering manifests itself in many ways, including:</p> <p>Reduced employee hours, lost wages and jobs, loss of tax revenue to fund municipal services such as fire and police protection, and the resulting reduction in staffing at the local government level, thereby contributing to family disruption and dislocation;</p> <p>Adverse impacts to local schools from the relocation of farming-dependent families, lost school revenues, and additional social costs for schools, food shortages and increased demand for public services such as food banks, and an increased incidence of crime;</p> <p>Loss of crops, including the destruction of permanent crops, which increases the amount of fallowed land that diminishes air quality due to dust and particulate matter and decreases public health through increased instances of Valley fever and other respiratory ailments;</p> <p>Increased groundwater pumping, resulting in decreased irrigation water quality and impacts to crops from increased soil salinity, groundwater overdraft resulting in land</p> <p>subsidence and associated impacts to infrastructure, increased energy usage and associated environmental impacts - including greenhouse gas emissions - related to increased pumping, and depletion of groundwater reserves.</p> <p>The above-listed impacts should be part of the analysis of the proposed action and project alternatives. That analysis will be important when assessing the ability of each</p>	<p>to, subsidence, public health, and other topics.</p>

Commentor	Comment	Response (to include where in doc)
	alternative to serve the purpose and need for the proposed action.	
San-Luis Delta Mendota Water Authority	As the existing plan of operations already provides a comprehensive and flexible method for Reclamation to effectively serve the CVP’s various purposes, alternatives should be limited to those that reflect and incorporate scientific and other data that has become available since the 2020 ROD and that meet the purpose and need for the proposed action.	The phrase <i>range of alternatives</i> refers to the alternatives discussed in environmental documents. It includes all reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as those other alternatives, which are eliminated from detailed study with a brief discussion of the reasons for eliminating them.
San-Luis Delta Mendota Water Authority	Modifications to operations included in the various alternatives should also be tailored to address the effects of CVP operations. New scientific data and information can assist in this process. For example, the study published by Dr. Rebecca Buchanan et al. in 2021 regarding outmigration survival of steelhead is relevant scientific information that Reclamation should consider when developing measures to protect out-migrating San Joaquin River steelhead.	Refer to Appendix D, <i>Seasonal Operations Deconstruction</i> , of the Initial Alternatives Report. Refer to Appendix H, <i>Conservation Measures Deconstruction</i> , of the Initial Alternatives Report. Buchanan et al. is included in both Appendix I, <i>Old and Middle River Flow Management</i> , and in Appendix R, <i>Head of Old River Barrier</i> .
San-Luis Delta Mendota Water Authority	Finally, Reclamation should not volunteer to take actions that DWR may be required to take pursuant to CESA, if Reclamation’s action could diminish CVP water supply available to CVP contractors, change the timing of deliveries to the detriment of the needs of CVP contractors, or place financial commitments on the CVP contractors. The Water Authority acknowledges that there is some difficulty in coordinating CVP and SWP operations where the SWP must comply with conditions imposed under CESA. However, Reclamation is not subject to CESA. To reduce conflict between CVP and SWP operations, Reclamation and DWR	Reclamation has reinitiated consultation based on anticipated modifications to the Proposed Action that may cause effects to listed species or designated critical habitats not analyzed previously. These anticipated modifications are, in part, to address the review of agency actions required by Executive Order 13990 and voluntarily reconcile CVP operating criteria with SWP operational requirements. Reclamation will continue to comply with applicable federal law. Reasonable alternatives will consider changes to the timing and magnitude of storage, releases, diversions,

Commentor	Comment	Response (to include where in doc)
	<p>should explore (1) changes to CVP operations only if the changes do not adversely affect the timing or quantity of water available for CVP purposes or the cost to CVP contractors, and (2) changes that align SWP operations to CVP operations, as part of each alternative.</p>	<p>routing, and blending water from different reservoir elevations.</p>
<p>Central Delta Water Agency (CDWA)</p>	<p>The planning for Project allocations should be based on the following years being dry such as occurred in the 6 year drought of 1928-1934 or a more constrained period reflecting more current climate change.</p>	<p>The period of record using the CalSim water operations model includes water years 1922 through 2003 and is adjusted for climate change. Initial alternatives used 2035 climate change hydrology, and Reclamation plans to update to 2040.</p>
	<p>The FEIS should include an alternative which precludes changes in water rights, export of water or transfer of water from the Delta Watershed to serve uses outside the watershed unless D-1641 requirements (without change) and other senior requirements are and will be met. The water exported or otherwise removed from the Delta Watershed should be limited to that which is truly surplus to the present and future needs within the watershed including the needs of fish and wildlife, the needs of properly functioning habitat and the needs to secure groundwater sustainability.</p>	<p>Refer to Section 2, <i>Revised Purpose and Need</i>, of the Initial Alternatives Report.</p> <p>Refer to Appendix E, <i>Exploratory Modeling</i>, of the Initial Alternatives Report.</p> <p>The small capacities of reservoirs compared to inflow requires balancing risks and benefits. The options in the initial alternatives provide a range of criteria for balancing risks while operating for D-1641, senior water rights, fish and wildlife, water supply for communities, and power generation. Hydrologic variability may prohibit alternatives that do not consider a Temporary Urgency Change Order and agreements with senior water users.</p>
	<p>The SWP and CVP must at project expense develop water that is truly surplus to the water needs in the watersheds of origin and from such surplus supply, mitigate for all detriment and meet the affirmative obligations of the projects with due</p>	<p>Reclamation will continue to comply with Federal law and statutes.</p>

Commentor	Comment	Response (to include where in doc)
	recognition of the priorities established by law.	
	The plan to use delta ecosystem improvements which convert agricultural land to habitat as a substitute for reducing SWP and CVP diversion and export of water otherwise needed to provide adequate water flow and quality for fish and other delta needs lacks evidentiary support.	Refer to Appendix O, <i>Tributary Habitat Restoration</i> , and Appendix P, <i>Delta Habitat Restoration</i> , of the Initial Alternatives Report.
	Anti-degradation policies, the delta reform act and water code sections 12200 et seq. Must be recognized and applied in the FEIS evaluations	Reclamation will continue to comply with applicable law and apply applicable law in its analysis of potential impacts.
	An honest evaluation of supply and demand and the lack of firm water supply is long overdue	Refer to Appendix E, <i>Exploratory Modeling</i> , of the Initial Alternatives Report
Friant Water Authority	Threshold Requirements for Reinitiation Have Not Been Met. Section 402.16(a) of the Federal Endangered Species Act (ESA) establishes when reinitiation is of consultation is required. It is not clear that current conditions satisfy any of the above criteria triggering a requirement for reinitiation of consultation. In the February 28, 2022, Notice of Intent, Reclamation described the purpose and need for reinitiation as "anticipated modifications to the previous Proposed Action that may cause effects to ESA-listed species or designated critical habitat not analyzed in the current 2019 Biological Opinions." However, anticipating a need to modify an existing Proposed Action such that listed species may be affected is not the same as actually triggering the requirement to reinitiate consultation. It appears to us that there is no	Reclamation has reinitiated consultation based on anticipated modifications to the Proposed Action that may cause effects to listed species or designated critical habitats not analyzed previously. These anticipated modifications are, in part, to address the review of agency actions required by Executive Order 13990 and to voluntarily reconcile CVP operating criteria with SWP operational requirements.

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	<p>requirement to reinitiate consultation but instead this decision is being made as a discretionary matter. Please clarify whether it is Reclamation’s position that consultation is required or if this is being undertaken as a discretionary matter.</p>	
<p>Friant Water Authority</p>	<p>Involvement of Public Water Agencies is Required. If Reclamation intends to still pursue consultation under ESA, Reclamation must ensure it follows all requirements under Federal law to involve public water agencies, stakeholders, and the public, including those prescribed under the Water Infrastructure Investments for the Nation Act (WIIN Act). Section 4004(a) of the WIIN Act describes, as a matter of law, the rights and opportunities of public water agencies to be active participants in the consultation process, including reviewing draft reports and assessments, and proposing reasonable and prudent alternatives. Please explain how Reclamation will meet this legal requirement.</p>	<p>Reclamation is conducting monthly Interested Parties Meeting and quarterly WIIN public meetings.</p> <p>Reclamation continues to comply with federal law, including the WIIN Act.</p>
<p>Friant Water Authority</p>	<p>Consultation Must Be Independent from Current Litigation. The 2019 Biological Opinions (BiOps) and State of California’s 2020 Incidental Take Permit (ITP) are both currently being litigated. While both documents share many common elements, notable differences exist and disagreement over those discrepancies is a key part of the litigation. Until those cases are resolved, it is inappropriate for Reclamation to consider any of the actions challenged in the ITP for inclusion in any potential proposed actions or alternative analyses.</p>	<p>The phrase <i>range of alternatives</i> refers to the alternatives discussed in environmental documents. It includes all reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as those other alternatives, which are eliminated from detailed study with a brief discussion of the reasons for eliminating them.</p>

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Grassland Water District (GWD)	<p>Inclusion of Full Refuge Water Deliveries in the Proposed Action. During the most recent reinitiation effort, GWD worked with Reclamation to include language to clarify that the proposed action covered full delivery of contractual CVPIA refuge water supplies, including Level 2 and Incremental Level 4 refuge water. Although Incremental Level 4 water comes from a variety of sources and may be difficult to include in technical modeling efforts, it is important that the proposed action contemplates full Level 4 water deliveries in order to achieve CVPIA and contractual refuge water supply goals.</p>	<p>Refer to Section 2, <i>Revised Purpose and Need</i>, of the Initial Alternatives Report.</p> <p>Reclamation cannot evaluate water that has not yet been identified; however, to the extent that future water for Incremental Level 4 water supplies fall within the water transfer component, the operational requirements of CVP and SWP facilities would be covered.</p>
Grassland Water District	<p>Wetland Impacts from Sacramento River Temperature Management Actions. GWD is increasingly concerned about the negative impacts that temperature management for salmon in the Sacramento River will have on migratory waterfowl and wetland habitat. In previous years, such salmon conservation efforts were entirely compatible with refuge water deliveries and winter-flooded rice practices in the Sacramento Valley, which provide more than two-thirds of habitat and food requirements to support migratory waterfowl and other waterbirds in California. The Central Valley is one of the most important wintering grounds for migratory birds on the North American continent. The United States maintains habitat and water delivery objectives through the Central Valley Joint Venture (CVJV) Implementation Plan. In addition to the CVPIA, the CVJV Implementation Plan helps ensure compliance with our Nation's commitments under the North American Waterfowl Management</p>	<p>The Draft EIS will evaluate impacts on terrestrial resources, wetland habitats, and migratory waterfowl.</p> <p>Refer to Section 2, <i>Revised Purpose and Need</i>, of the Initial Alternatives Report.</p>

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	<p>Plan, which is an international treaty that identifies the Central Valley as one of six priority habitat areas for North American waterfowl.¹</p> <p>We believe that wetland habitat should receive a high priority in CVP and SWP operations, and any proposed changes in operations should analyze and attempt to mitigate adverse impacts on achieving waterfowl habitat objectives in the Central Valley. GWD requests that the proposed action incorporate a description and analysis of CVPIA refuge water supply goals and the objectives of the CVJV Implementation Plan. Direct consultation with the CVJV is encouraged. Projected water deliveries that help meet the objectives of the CVPIA and CVJV Implementation Plan should be included in the proposed action, in addition to water needed for fish, agriculture, and municipal and industrial uses.</p>	
Grassland Water District	<p>Impacts as a Result of Reduced CVPIA Restoration Fund Collections. Reduced water supply and power allocations to CVP contractors will also result in reduced collections to the CVPIA Restoration Fund, which in turn has negative environmental impacts from reduced delivery of CVPIA environmental compliance programs (refuge water, anadromous fish restoration, and others). Reclamation also recently proposed, but did not adopt, draft policy guidelines affecting the Restoration Fund. The proposed action should address strategies to maintain at least historic levels of funding for the Restoration Fund.</p>	<p>Appropriations, including collections into the CVPIA Restoration Fund, are not within Reclamation’s discretion. Modifications to CVPIA collections does not meet Screening Criterion #1, <i>Purpose and Need</i>.</p>

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Grassland Water District	Impacts as a Result of San Luis Reservoir Refuge Water Storage Policies. The long-term operation of the CVP and SWP includes the operation of San Luis Reservoir. In recent years, Reclamation has greatly restricted the volume and timing of refuge water that can be carried over from winter into spring, which historically helped address the lack of available Incremental Level 4 refuge water for spring wetland irrigations. Reclamation should analyze and mitigate for the negative impacts of reduced carryover storage for refuge water supply contractors in San Luis Reservoir.	Refer to Section 2, <i>Revised Purpose and Need</i> , of the Initial Alternatives Report. Reclamation will operate consistent with the requirements of the CVPIA.
Kern County Water Agency	the Agency reiterates its request to be included in the consultation process, consistent with the ESA and the Water Infrastructure Improvements for the Nation (WIIN) Act, and also requests to be included in the environmental review process consistent with the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 et seq.	Kern County Water Agency has been invited to be a Cooperating Agency and a Designated Non-Federal Representative.
Kern County Water Agency	The NOI describes the project purpose and need. The Council on Environmental Quality (CEQ) regulations to implement NEPA require inclusion of the project purpose and need in an EIS. 40 C.F.R. § 1502.13. But Reclamation does not plainly state in the NOI that these multiple-use water projects are primarily water supply projects that are paid for by local water agencies with long-term water supply contracts with Reclamation and the Department of Water Resources. Acknowledgement of this fact is important because the scope of the project purpose and need influences the range of alternatives that	Refer to Section 2, <i>Revised Purpose and Need</i> , of the Initial Alternatives Report.

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	<p>Reclamation should consider in preparing its EIS. Any alternative that fails to recognize water supply as the primary use of the CVP and SWP should be screened from detailed consideration because it would be inconsistent with the project purpose and need.</p>	
<p>Kern County Water Agency</p>	<p>7 Fed. Reg. at 11094. In light of the size and complexity of the SWP and CVP, we urge Reclamation to give consideration to alternatives that vary operations in a manner that will allow Reclamation to mix and match components in order to select an alternative that is consistent with the project purpose and need and has the greatest overall benefits relative to costs. Examples of components that should be explored during the environmental review process are:</p> <ul style="list-style-type: none"> • Inclusion of alternative Shasta cold-water pool management strategies to protect winter-run Chinook salmon while minimizing water supply losses. For example, providing the coldest water during the last half of the egg incubation period (when eggs are most sensitive to water temperature), rather than attempting to provide the coldest water from the very beginning of egg incubation. • Collaboration with the State to alter existing Chinook salmon and steelhead hatchery practices in ways that would benefit wild populations of these species. For example, current practices that do not include sufficient natural origin fish in hatchery brood stock and 	<p>Refer to Appendix L, <i>Shasta Coldwater Pool Management</i>, of the Initial Alternatives Report.</p> <p>Hatchery Operations is a contemporaneous activity that has a separate Section 7 Consultation. Contemporaneous actions will be included in the No Action Alternative of the Draft EIS.</p> <p>Modifications to Ocean Harvest Regulations does not meet Screening Criterion #1, <i>Purpose and Need</i>.</p> <p>Reclamation will include reasonable and foreseeable actions in the cumulative impacts analysis.</p> <p>The alternatives may include elements to control predation exacerbated by the Long-term Operation of the CVP and SWP.</p> <p>Storm flex may be included if it meets the established screening criteria, including Screening Criterion #4, <i>Value Added</i>.</p> <p>Refer to Appendix K, <i>Summer and Fall Delta Outflow and Habitat</i>, of the Initial Alternatives Report.</p> <p>Refer to Appendix P, <i>Delta Habitat Restoration</i>, of the Initial Alternatives Report.</p> <p>The Suisun Marsh Preservation Agreement is a contemporaneous program that addresses wetland management and restoration and is</p>

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	<p>allow excess hatchery-produced fish to spawn in-river are impairing the productivity and fitness of remaining wild-origin populations.</p> <ul style="list-style-type: none"> • Inclusion of broader non-native predator control strategies to benefit smelt and salmonids. This could be accomplished by changing recreational harvest regulations to encourage harvest of size classes and species of predators most likely to prey upon smelt and salmonids. • Inclusion of more relaxed storm-flex and /risk- based provisions during high flow periods to provide water supply benefits without causing population-level adverse effects on smelt and salmonids. • Elimination of a summer-fall outflow action to provide water supply benefits without causing population-level adverse effects on delta smelt. • Development of flow-through managed wetlands in Suisun Marsh and Grizzly Island to substantially increase food production for smelt in Suisun Marsh, Honker Bay and northern Suisun Bay. • Substantially more inundation of Yolo bypass than would be achieved by the "Big Notch" project. 	<p>not included as part of the Long-term Operation. Contemporaneous programs will be included in the Environmental Baseline for Section 7 Consultation and in the No Action Alternative for the Draft EIS.</p> <p>The Yolo Bypass Fish Passage and Habitat Improvement Project is a contemporaneous program not included as part of the Long-term Operation. Contemporaneous programs will be included in the Environmental Baseline for Section 7 Consultation and in the No Action Alternative for the Draft EIS.</p>
Kern County Water Agency	Adaptive management cannot succeed unless it is embraced at the outset of the environmental review	Consulting to implement a proposed operation of the CVP is one step within adaptive management.

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	process and carried through that process to implementation.	Regulatory needs and requirements may limit flexibility, and broader adaptive management may require reinitiation per the triggers described in 50 CFR 402.16, which would be supported by the monitoring, studies, and experience from this effort.

Table 5: Government Offices

Commentor	Comment	Response (to include where in doc)
<p>US Department of the Interior, National Park Service (NPS), Whiskeytown National Recreation Area (NRA)</p>	<p>Whiskeytown NRA requests communication and collaboration during the Bureau’s development of the Environmental Impact Statement (EIS) on proposed changes to the CVP to ensure that operational, safety, and resource concerns of NPS are adequately addressed. If there are any alternatives being considered that could alter operations at the Whiskeytown Reservoir or associated facilities, creeks, and water diversions, we request that the NPS be included as a cooperating agency during the development of the EIS.</p>	<p>If Reclamation considers alternatives that could alter operations at Whiskeytown Reservoir or associated facilities, then Reclamation will request that NPS becomes a Cooperating Agency.</p>
<p>US Department of the Interior, National Park Service, Whiskeytown National Recreation Area</p>	<p>Additionally, we request the Bureau conduct an analysis of the impacts of continued testing of the Crystal Creek Bypass on natural and cultural resources.</p>	<p>Continued testing of the Crystal Creek Bypass does not meet the screening criteria, and it is not part of the range of alternatives.</p>
<p>Delta Stewardship Council</p>	<p>As a Coordinated Operating Agreement (COA) partner with DWR, Reclamation should describe in the EIS how Reclamation implements, operates, and manages DWR partnered programs, plans, and projects that would advance the coequal goals. Specific considerations include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Reduced Reliance on the Delta through Improved Regional Water Self Reliance. Reclamation should support and encourage CVP contractors to report their expected outcome for measurable reduction in Delta reliance and improvement in regional self-reliance in their Urban and Agricultural Water Management Plans. 	<p>Reclamation will consider a reasonable range of alternatives to continue the operation of the CVP and SWP for authorized purposes, in a manner that meets the Purpose and Need for the proposed project. The Draft EIS will include a cumulative effects analysis, which will include reasonably foreseeable actions.</p> <p>Reclamation will continue to comply with applicable federal law.</p> <p>Please refer to Section 2, <i>Revised Purpose and Need</i>, of the Initial Alternatives Report.</p>

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	<ul style="list-style-type: none"> • Transparent Water Contracting. Reclamation should conduct contracting processes for CVP water in a publicly transparent manner consistent to section 226, Title II, Public Law 97-293 or section 3405(a)(2)(B) of the Central Valley Project Improvement Act, Title XXXIV of Public Law 102-575. Reclamation should also review and update its contracting processes to account for more current transparency capabilities (e.g., hybrid in-person and virtual public meetings, list serv public notices with links to electronic versions of public documents) to ensure that the public, including stakeholders who do not usually engage in contract matters, have transparent access to public CVP contracting documents. • Delta Flow Objectives. Reclamation and DWR are required to operate and manage water to meet the State Water Resources Control Board’s Bay-Delta Water Quality Control Plan² flow objectives. Reclamation should support DWR’s efforts and evaluate and seek potential actions to minimize instances when both agencies are not in compliance with the BayDelta Water Quality Control Plan and request temporary urgency change petitions from the Water Board. 	
Delta Stewardship Council	Reclamation should include increased CVP support of DWR and the SWP’s compliance with provisions of the 2020 ITP as part of the EIS project description, and analyze the potential environmental effects of such support	Reclamation has reinitiated consultation based on anticipated modifications to the Proposed Action that may cause effects to listed species or designated critical habitats not analyzed previously. These

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	<p>in the EIS. Specific ITP provisions that Reclamation should support include, but are not limited to the following:</p> <ul style="list-style-type: none"> • 8.16 Relationship between the SWP adaptative management program (AMP) and the ITP. The SWP AMP may result in recommendations regarding operational components for the SWP which Reclamation and CVP contractors should support. (2020 ITP, p. 101). • 8.17 Export curtailments for spring outflow. Reclamation and CVP Contractors should support actions by the SWP and its contractors to propose export reductions to protect outflows in the springtime period, April 1 to May 31 of each year. (2020 ITP, p. 102). • 8.18 Potential to redeploy up to 150 thousand acre feet (TAF) for Delta Outflow. Reclamation should support the potential for the SWP, under agreement with the California Department of Fish and Wildlife (CDFW), to increase exports in April and May whereby up to 150 TAF of water (known as the Spring Outflow Block) would be made available for CDFW use during the following water year. (2020 ITP, p. 105). • 8.19 Additional 100 TAF for Delta Outflow. Reclamation should support SWP efforts to develop a flexible block of water of 100 TAF to supplement Delta outflow during the spring, summer, and fall months to benefit Delta Smelt and Longfin Smelt. (2020 ITP, p. 107). 	<p>anticipated modifications are, in part, to address the review of agency actions required by Executive Order 13990 and to voluntarily reconcile CVP operating criteria with SWP operational requirements.</p> <p>Refer to Appendix J, <i>Spring Pulses and Delta Outflow</i>, of the Initial Alternatives Report.</p> <p>The reasonable range of alternatives will include Drought Actions components that meet the screening criteria.</p> <p>Refer to Appendix O, <i>Tributary Habitat Restoration</i>, and Appendix P, <i>Delta Habitat Restoration</i>, of the Initial Alternatives Report.</p> <p>The Yolo Bypass Fish Passage and Habitat Improvement Project is a contemporaneous program not included as part of the Long-term Operation. Contemporaneous programs will be included in the Environmental Baseline for Section 7 Consultation and in the No Action Alternative for the Draft EIS.</p>

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	<ul style="list-style-type: none"> • 8.20 Delta Outflow Operations Plan and Report. Reclamation should collaborate with DWR to develop an annual Delta Outflow operations plan to describe potential water available to support ITP provisions such as 8.18 and 8.19. (2020 ITP, p. 108). • 8.21 Drought Contingency Planning. Reclamation should coordinate with DWR to meet and confer with State and federal agencies to develop a drought contingency plan for implementation if dry conditions continue into the following year, if the prior water year was dry or critical. (2020 ITP, p. 110). • 9.1 Compensatory Mitigation for Delta Smelt and Longfin Smelt. Reclamation should support DWR efforts to mitigate for effects to Delta Smelt and Longfin Smelt by implementing restoration actions. Such actions may include, but are not limited to, developing tidal wetland habitat and Delta Smelt summer-fall food supply and habitat. (2020 ITP, p. 112). • 9.2 Compensatory Mitigation for Winter- and Spring-run Chinook Salmon. Reclamation should support DWR efforts to mitigate for effects to Winter- and Spring-run Chinook Salmon by implementing restoration actions. Such actions may include, but are not limited to annually funding restoration projects identified by State and federal fish agencies, supporting implementation of the Yolo Bypass Salmonid Habitat 	

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	Restoration and Fish Passage Project, supporting and funding habitat acquisition and protection, and providing funding for ongoing management of restored habitats. (2020 ITP, p. 120).	
Delta Stewardship Council	Reclamation should include in the environmental analysis the best available science on climate change; consider climate change impacts to water resources in the Delta watershed and areas that rely on water from the Delta watershed; and ongoing climate change adaptation planning.	<p>Reclamation will use the best-available science in their Section 7 ESA Consultation, including the scientific information collected and documented in the 2022 knowledge-based papers.</p> <p>Climate change will be discussed in the Draft EIS, and climate change scenarios will be included in the modeling.</p>
Environmental Protection Agency	Specifically, in the Draft EIS, clarify what actions will ultimately be supported by the Record of Decision and identify if specific actions are described because they will be offsetting negative impacts from continued pumping. Additionally, be clear about the time frame this document would be supporting so that the public and decisionmakers know how this document can be relied upon for future coverage.	Thank you for the description of NEPA requirements.
Environmental Protection Agency	The Draft Environmental Impact Statement prepared for the Long-Term operation of the Central Valley Project and State Water Project should clearly identify the underlying purpose and need to which the Bureau of Reclamation is responding in proposing the alternatives. The <i>purpose</i> of the proposed action is typically the specific objectives of the activity, while the <i>need</i> for the proposed action may be to eliminate a broader underlying problem or take advantage of an opportunity.	Thank you for the description of NEPA requirements.

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	<p>The purpose and need should be a clear, objective statement of the rationale for the proposed project, as it provides the framework for identifying project alternatives. The EIS should concisely identify why the project is being proposed, why it is being proposed now, and should focus on the specific desired outcomes of the project (e.g., secure reliable water supply, protect beneficial uses in the Delta). The purpose and need should also clearly describe Reclamation’s role and federal action in the project, particularly regarding the similarities and differences with the Department of Water Resources’ objectives and future actions as outlined in the Coordinated Operation Agreement. We note that the Purpose and Need as described in the Notice of Intent has changed from the 2020 Record of Decision and we support Reclamation in developing an EIS that reinforces a Range of Alternatives that support the multiple purposes of the CVP.</p>	
<p>Environmental Protection Agency</p>	<p>All reasonable alternatives that fulfill the project’s purpose and need should be evaluated in detail. The EIS should provide a clear discussion of the reasons for the elimination of alternatives which are not evaluated in detail. A robust range of alternatives will include options for avoiding significant environmental impacts. The EIS should clearly describe the rationale used to determine whether impacts of an alternative are significant or not.</p> <p>The environmental impacts of the proposal and alternatives should be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker</p>	<p>Thank you for the description of NEPA requirements.</p> <p>Reclamation will include the regulatory vehicles that govern the operational regimes.</p> <p>A Biological Opinion addresses conditions, not a timeframe. The NOI identified potential hydrologic and meteorologic climate change through 2040, including changes in precipitation, air temperatures, and sea level.</p>

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	<p>and the public (40 CFR 1502.14(b)).</p> <p>The potential environmental impacts (including benefits) of each alternative should be quantified to the greatest extent possible (e.g., acres of wetlands impacted; change in water quality parameters).</p> <p>The No Action Alternative should clearly describe the current Central Valley Project operating criteria. It should specify the regulatory vehicles that govern the operational regimes including water rights, the Endangered Species Act, and water quality standards in the Bay Delta Water Quality Control Plan and include details of all permits and transfers related to the current pumping.</p> <p>Please describe the time frame for which the agency would be applying for ESA coverage. If unknown, please bookend possible scenarios (10-year, 20-year) and their expected environmental impacts.</p>	
Environmental Protection Agency	<p>The EIS prepared for the proposed action should include a comprehensive description of the regulatory context of the project. This section should include a description of any permits and/or modifications to those state and federal permits that the proposed action would require.</p> <p>The analysis in the new EIS should reflect changes in the regulatory regime. At this time, the State Water Resources Control Board has finalized and is implementing the 2018 amendments to the Water Quality Control Plan in the lower San Joaquin River and its tributaries. In addition, the State Board has announced an aggressive schedule for amending the WQCP including Delta outflow and Sacramento watershed requirements.</p>	<p>The Draft EIS will describe the regulatory framework. Alternative development may include components of the proposed Bay-Delta Water Quality Control Plan (Bay-Delta Plan).</p>

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	<p>Although the EIS analysis cannot predict the exact outcome of these new regulatory efforts, the analysis should include sensitivity or sideboard analyses of potential regulatory changes in the immediate future.</p>	
<p>Environmental Protection Agency</p>	<p>Reclamation should coordinate with the U.S. Army Corps of Engineers (USACE) to determine if any of the proposed actions require a Section 404 permit under the Clean Water Act. Section 404 regulates the discharge of dredged or fill material into waters of the United States, including wetlands and other special aquatic sites. The EIS should describe all waters that could be affected by the project alternatives and include a jurisdictional delineation for all waters. The EIS should include maps that clearly identify all waters within the direct footprints of the construction and operational areas (including the project area and proposed facilities). A jurisdictional delineation will confirm the presence or absence of waters in the project area and help determine methods for impact avoidance if state and federal permits would be required for activities.</p> <p>If a Section 404 permit is required, the EPA may review the project for compliance with Section 404(b)(1) Guidelines. Any permitted discharge into Waters of the U.S. must be the <i>least environmentally damaging practicable alternative</i> available to achieve the project purpose. If needed, the EIS should include an evaluation of the project alternatives within this context in order to demonstrate the project's compliance with the 404(b)(1) Guidelines.</p>	<p>Thank you for the description of the USACE permitting process.</p>

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<p>Environmental Protection Agency</p>	<p>The water quality discussion in the EIS should include a description of constituents of concern, water quality standards (termed 'objectives' in California Basin Plans and Water Quality Control Plans) and designated beneficial uses in the study area and a quantitative water quality analysis that compares to all water quality standards and objectives described. The EPA notes that there are many quantitative and qualitative water quality standards that apply to CVP/SWP operations, as described in the Water Boards' Basin Plans and Water Rights Decision 1641 and 90-5. In the EIS, discuss how each alternative would affect water quality with respect to narrative and numeric water quality objectives, highlight any predictions of exceeded water quality standards, and identify mitigation strategies that would prevent such exceedances.</p> <p>The EIS should discuss how droughts are incorporated into the CalSim model for water supply and quality impact analysis and acknowledge that drought can and has altered hydrology in the Delta. Contingency procedures for severe droughts should be discussed in this document, including the frequent use of Temporary Urgency Change Petitions (TUCP) filed with the State Water Board by Reclamation and DWR. In previous drought conditions, multiple water quality objectives were not met for at least two years, resulting in a substantial impact on aquatic life beneficial uses throughout the study area. In the EIS, provide a description of the adjustments to the Proposed Action made during drought conditions, recognizing that low precipitation might be the new normal</p>	<p>The Draft EIS will describe the regulatory framework. Alternative development may include components of the proposed Water Quality Control Plan.</p> <p>Drought actions, including TUCPs that meet the screening criteria, will be included in the range of alternatives.</p> <p>The Draft EIS will identify mitigation actions.</p> <p>Monitoring is being explored as a component of the range of alternatives.</p>

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	<p>climate pattern, and report their impacts on covered fishes. The EPA recommends that Reclamation commit to include in its ongoing monitoring and reporting program any deviations from the Reasonable and Prudent Alternatives for drought conditions and describe the impacts that severe drought is having on the species and habitats that they depend on.</p>	
<p>Environmental Protection Agency</p>	<p>In 2009, several federal agencies, including Reclamation and the EPA, declared that the Sacramento-San Joaquin River Delta ecosystem, part of the larger San Francisco estuary, was in a state of collapse.¹ This declaration was made after several years of sharp population declines in four resident fishes, commonly referred to as the pelagic organism decline (POD), followed by sharp drops in Chinook salmon abundance. Two of the POD fishes were already rare while the other two were formerly the most abundant fishes in the estuary. Low Chinook salmon populations resulted in a multi-year closing of commercial and recreational fishing.</p> <p>The 2009 National Marine Fisheries Service Biological Opinions (BOs) observed the status of winter-run and spring-run Chinook salmon as trending sharply downward followed by years of low abundance. These populations have not recovered appreciably since then. The potential for impacts, including thermal impacts, is not only below Keswick Dam, but also along the length of the Sacramento River to the Delta. The lack of meaningful recovery of winter-run and spring-run Chinook as well as of other resident and migratory fish populations since 2007 suggests that the implementation approach of the</p>	<p>Reclamation reinitiated Section 7 Consultation in 2016.</p>

Commentor	Comment	Response (to include where in doc)
	<p>RPA, plus commitments to improve protection for aquatic habitat in the Bay Delta watershed, has not been successful in protecting aquatic habitat, reversing population declines, avoiding jeopardy, or improving aquatic life beneficial use protection. The pace and severity of the decline highlight the urgent need to move forward with full implementation of the RPA and, perhaps, additional measures in an adaptive management context to ensure their effectiveness.</p> <p>The EIS should identify all petitioned and listed threatened and endangered species and critical habitat that might occur within the project area. The document should identify and quantify which species or critical habitat might be directly, indirectly, or cumulatively affected by each alternative and mitigate impacts to these species; emphasis should be placed on the protection and recovery of species due to their status or potential status under the federal or state Endangered Species Act.</p>	
Environmental Protection Agency	<p>The NOI states that “reasonable alternatives may include combinations of operation of CVP and SWP facilities and diversions, construction actions, habitat restoration, conservation hatchery practices, and monitoring and special studies...and may include DWR operations for new storage projects.” The EPA is aware that some of these site-specific projects may already be underway, and some have not yet completed the NEPA process (e.g., Delta Conveyance). The EPA recommends that the EIS discuss the prospects and “triggers” for developing additional NEPA documentation, including site-specific Environmental Assessments (EAs) or</p>	<p>The cumulative impact analysis will include reasonably foreseeable projects. Any multi-use water projects reasonably certain to occur will be analyzed in the cumulative effects section.</p> <p>Refer to Appendix A, <i>Facilities Description</i>, of the Initial Alternatives Report.</p>

Commentor	Comment	Response (to include where in doc)
	<p>EISs for individual projects and/or operational criteria. The basis for such additional NEPA reviews should be described, including federal agency permitting that may trigger NEPA document development. In general, topics such as operation of all CVP facilities including reservoirs and forebays and canals should be generally discussed in the EIS (e.g., expected operational ranges) and discussed in more detail in the site-specific NEPA documentation.</p> <p>The EIS should discuss the status and possible environmental impacts of two major projects that are currently underway- Sites Reservoir and Delta Conveyance. Both of these large construction projects have the potential to alter the operations of the CVP and SWP in a meaningful way.</p>	
Environmental Protection Agency	<p>The cumulative impacts analysis should identify how resources, ecosystems, and communities in the project have already been, or will be, affected by past, present, or future activities in the project area. These resources should be characterized in terms of their response to change and capacity to withstand stresses. Trends data should be used to establish a baseline for the affected resources, to evaluate the significance of historical degradation, and to predict the environmental effects of the project components.</p> <p>For the cumulative impacts assessment, we recommend focusing on resources of concern or resources that are "at risk" and/or are significantly impacted by the proposed project, before mitigation. For this project, Reclamation should conduct a thorough assessment of the</p>	Thank you for the description of NEPA requirements.

Commentor	Comment	Response (to include where in doc)
	<p>cumulative impacts to aquatic and biological resources, especially in the context of the other developments occurring and proposed in and around the Bay Delta estuary.</p> <p>The EPA recommends that the EIS identify which resources are analyzed, which ones are not, and why. For each resource analyzed, the EIS should:</p> <ul style="list-style-type: none"> • Identify the current condition of the resource as a measure of past impacts. For example, the percentage of species habitat lost to date. • Identify the trend in the condition of the resource as a measure of present impacts. For example, the health of the resource is improving, declining, or in stasis. • Identify all on-going, planned, and reasonably foreseeable projects in the study areas, including planned restoration under EcoRestore, which may contribute to cumulative impacts. • Identify the future condition of the resource based on an analysis of impacts from reasonably foreseeable projects or actions added to existing conditions and current trends. • Assess the cumulative impacts contribution of the proposed alternatives to the long-term health of the resource and provide a specific measure for the projected impact from the proposed alternatives. 	

Commentor	Comment	Response (to include where in doc)
	<ul style="list-style-type: none"> • When cumulative impacts are identified for a resource, mitigation should be proposed. • Disclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts. • Identify opportunities to avoid and minimize impacts, including working with other entities. <p>The EIS should consider the cumulative impacts associated with other development projects proposed in the area and the potential impacts on various resources including water supply, endangered species, and habitat.</p> <p>The EIS should quantify cumulative impacts across resources areas, as well as describe and evaluate feasible mitigation measures to avoid and minimize the identified adverse cumulative impacts. Although these mitigation measures may be outside the jurisdiction of the lead agency or project proponents, describing them in the EIS would serve to alert other agencies or officials who can implement these extra measures (CEQ 40 Questions No. 19(b)).</p>	
Environmental Protection Agency	Consistent with the policies of Executive Order 14008, <i>Tackling the Climate Crisis at Home and Abroad</i> , the EPA recommends that Reclamation identify measures to provide for diverse, healthy ecosystems that are resilient to climate stressors; require effective mitigation; and identify and protect areas of potential climate refugia. We also recommend considering whether additional conservation commitments may be warranted to achieve the goal in	The Draft EIS will consider and analyze climate trends on the Long-term Operation of the CVP and SWP. The Draft EIS will provide a discussion of how climate change may exacerbate Long-term Operation effects and how the Long-term Operation may exacerbate climate change. Potential mitigation will be identified and analyzed in the Draft EIS. Selected mitigation will be described in the ROD.

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	<p>Section 216 of Executive Order 14008 of conserving 30 percent of the nation's lands and waters by 2030.</p> <p>The EIS should consider how climate change could potentially influence the study area, and how implementation of the proposed project could lessen or potentially mitigate for these impacts. Conversely, the EIS should assess how the projected impacts could be exacerbated by climate change.</p> <p>Given the current severe drought in California, the EPA anticipates that both the EIS and the revised Biological Opinions will focus on drought impacts on listed species and their habitats. The EPA notes that climate models also suggest more severe precipitation events in the future, with a higher risk of catastrophic flooding in the project area. Flood management – a primary project purpose for the CVP – also needs significant review in the EIS. In addition to impacts on life and property, floods have significant adverse impacts on many listed species. The EIS should evaluate possible changes to flood management strategies. Flood plain restoration and flood bypasses, for example, can have multiple benefits for both flood management and for aquatic resources. The EIS should evaluate what those measures might mean for operations planning.</p>	<p>Drought components that meet the screening criteria will be included in the range of alternatives.</p> <p>Reclamation does not have discretion over flood operations, which USACE directs.</p>
Environmental Protection Agency	<p>Executive Order 13175, <i>Consultation and Coordination with Indian Tribal Governments</i> (November 6, 2000), was issued to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to</p>	<p>Reclamation will continue to comply with applicable federal law and Executive Orders.</p> <p>Reclamation will invite Federally recognized tribes to be Cooperating Agencies and continue to seek collaboration with the tribes through government-to-government</p>

Commentor	Comment	Response (to include where in doc)
	<p>strengthen the United States government-to-government relationships with Indian tribes.</p> <p>The Draft EIS should describe the process and outcome of government-to-government consultation between Reclamation, tribes, issues that were raised, and how those issues were addressed in the selection of the proposed alternative. There are Indian Trust Assets affected by the Trinity River Division and the potential impacts of CVP operation on those assets should be examined in the EIS.</p> <p><i>National Historic Preservation Act and Executive Order 13007</i></p> <p>Consultation for tribal cultural resources is required under Section 106 of the National Historic Preservation Act. Historic properties under the NHPA are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register. Section 106 of the NHPA requires a federal agency, upon determining that activities under its control could affect historic properties, consult with the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer. Under NEPA, any impacts to tribal, cultural, or other treaty resources must be discussed and mitigated. Section 106 of the NHPA requires that Federal agencies consider the effects of their actions on cultural resources, following regulation in 36 CFR 800.</p> <p>Executive Order 13007, <i>Indian Sacred Sites</i> (May 24, 1996), requires federal land managing agencies to accommodate access to, and ceremonial use of, Indian sacred sites by Indian Religious practitioners, and</p>	<p>consultation. Reclamation will continue to provide meaningful opportunities for engagement through quarterly outreach meetings in addition to the opportunities under NEPA.</p> <p>The Draft EIS will analyze effects on cultural resources and Indian Trust Assets.</p>

Commentor	Comment	Response (to include where in doc)
	<p>to avoid adversely affecting the physical integrity, accessibility, or use of sacred sites. It is important to note that a sacred site may not meet the National Register criteria for a historic property and that, conversely, a historic property may not meet the criteria for a sacred site.</p> <p>The Draft EIS should address the existence of Indian sacred sites in the project areas. It should address Executive Order 13007, distinguish it from Section 106 of the NHPA, and discuss how Reclamation will avoid adversely affecting the physical integrity, accessibility, or use of sacred sites, if they exist. The Draft EIS should provide a summary of all coordination with Tribes and with the SHPO/THPO, including identification of NRMP eligible sites, and development of a Cultural Resource Management Plan.</p>	
Environmental Protection Agency	<p>Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (February 16, 1994), directs federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations. It further directs agencies to develop a strategy for implementing environmental justice and providing minority and low-income communities access to public information and public participation. As such, we recommend that Reclamation address adverse environmental effects of the proposed project on these communities and outline measures to mitigate for impacts.</p>	<p>The Draft EIS will analyze potential impacts of the range of alternatives on Environmental Justice in minority and low-income populations. Reclamation will continue to comply with federal law and Executive Order 12898.</p>

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	<p>We encourage Reclamation to use EPA's EJSCREEN and/or the most recent American Community Survey from the U.S. Census Bureau (i.e., 2014-2018) for the Draft EIS to determine the presence of minority and low-income populations. However, it is important to note that minority and low-income can be measured in various ways.</p> <p>A minority population does not need to meet a 50 percent standard if "the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis."² To best illustrate the presence of a minority population, we recommend that Reclamation analyze block groups, the smallest geographical unit that the U.S. Census Bureau publishes data for. We caution using larger tracts in the analysis, such as counties or cities, as these may dilute the presence of minority populations.</p> <p>The NEPA Committee of the Federal Interagency Working Group on Environmental Justice has noted that, in some cases, it may be appropriate to use a threshold for identifying low-income populations that exceeds the poverty level.³</p> <p>After Reclamation has determined if minority and low-income populations exist in the project area, we recommend that the Draft EIS discuss whether these communities would be potentially affected by individual or cumulative actions of the proposed action. We also recommend addressing whether any of the alternatives would cause any</p>	

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	<p>disproportionate adverse impacts, such as higher exposure to toxins; changes in existing ecological, cultural, economic, or social resources or access; cumulative or multiple adverse exposures from environmental hazards; or community disruption.</p> <p>If it is determined that minority and low-income populations may be disproportionately impacted, describe in the Draft EIS the measures taken by Reclamation to fully analyze the environmental effects of the action on minority communities and low-income populations and identify potential mitigation measures. Clearly identify a monitoring and adaptive management plan to ensure that mitigation is effective and successful.</p> <p>Present opportunities for affected communities to provide input into the NEPA process. In the Draft EIS, include information describing what was done to inform these communities about the project and the potential impacts it will have on their communities (notices, mailings, fact sheets, briefings, presentations, translations, newsletters, reports, community interviews, surveys, canvassing, telephone hotlines, question and answer sessions, stakeholder meetings, and on-scene information), what input was received from the communities, and how that input was utilized in the decisions that were made regarding the project.</p>	
Solano County	The NOI noted that "Reclamation requested to reinitiate consultation on the Long-Term Operation of the CVP and SWP under section 7 of the Endangered Species Act (ESA) due to anticipated modifications to the previous Proposed Action that may	Reclamation has reinitiated consultation based on anticipated modifications to the Proposed Action that may cause effects to listed species or designated critical habitats not analyzed previously. These anticipated modifications are, in part,

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	<p>cause effects to ESA-listed species or designated critical habitat not analyzed in the current 2019 Biological Opinions”, however, details on what may be missing in the analysis of the current 2019 Biological Opinion and the anticipated modifications are not identified or well defined. As such, due to the complexity of the proposed activities, such detail must be described in the NOI so that the public may provide meaningful responses to any specific targeted issues.</p>	<p>to address the review of agency actions required by Executive Order 13990 and voluntarily reconcile CVP operating criteria with SWP operational requirements. A reasonable range of alternatives will be described in the Draft EIS.</p> <p>Refer to Appendices I to Appendix R of the Initial Alternatives Report for a description of variable components that may be incorporated into the range of alternatives.</p>
<p>Solano County</p>	<p>The Solano County General Plan, adopted in 2008, reflects an overall commitment to provide protections for the environment while supporting its diverse land uses and human needs with emphasis on protecting agricultural uses in the Delta region. The long-term operation of the CVP and SWP (Project) regarding the export of surface water out of the Delta region may cause significant environmental effects that directly impact the County’s ability to sustain the objectives established in the General Plan. This EIS needs to assess project impacts for consistency with local landuse policies including County General Plans, in particular; agricultural policies; resource policies, including biological resources, Marsh and Delta areas, scenic resources, cultural resources, recreational resources, water resources, and quality; public and environmental health and safety policies including; flood control, disaster preparedness, and climate change; economic development policies, transportation and circulation policies; and public facilities and services policies; including water facilities and service, drainage, fire</p>	<p>The Draft EIS will analyze the impact of the range of alternatives to the various affected environmental resources, including land use, agricultural, biological, visual, cultural, public safety, recreational, water quality, and socioeconomics.</p>

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	protection and emergency services, law enforcement, and utilities.	
Solano County	<p>Alterations to natural freshwater flows in the Delta during Project operations would drastically impact threatened and endangered species that rely on water flows of adequate quality and quantity from the north of the Delta. The EIS must fully analyze the potential impacts to aquatic resources and potential increases of invasive species that pose additional pressures on threatened and endangered species.</p> <p>The Suisun Marsh (Marsh) which is comprised of diked seasonal wetlands, is the largest brackish water marsh in the Western United States. The Marsh is managed primarily as habitat for fish and wildlife. The Marsh salinity levels are mandated by the Bay-Delta Water Quality Control Plan, which is currently being updated, and maintained by Delta outflow, tidal flows, and the operations of the Suisun Marsh Salinity Control Gates. The Project operations could result in reduced freshwater inflow to the Suisun Marsh, which may alter the quality and quantity of freshwater flows resulting in increased salinity, compromising existing water quality standards, wetland and habitat management, and Marsh management infrastructure.</p> <p>Solano County is currently the lead agency for the Cache Slough Complex Habitat Conservation Plan (HCP) which is being developed in partnership with the State Department of Water Resources in coordination with habitat restoration in the Yolo Bypass/Cache Slough Region. The goal of the HCP is to provide endangered species take for existing agricultural and municipal water diversions in the Cache Slough</p>	The Draft EIS will analyze impacts from the range of alternatives on water supply, aquatic resources, wetland habitat, land use, and agriculture.

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	<p>region. Furthermore, Solano County is active and committed to sustainable agriculture, including wildlife-friendly farming, agricultural land repurposing projects with multi-benefit, and ag-forward carbon sequestration without fallowing valuable agricultural land. The sustainability of the agricultural way of life is core value to the residents of Solano County. As such, the success of the above activities and strategies is underpinned by the availability and reliability of the Delta surface water supply and other associated components afforded by the Project's long-term operation.</p>	
Solano County	<p>As mentioned above, the Yolo Bypass and Cache Slough Region (Region) is the focus of several interagency planning efforts through a partnership program by multiple federal, state, and local governmental agencies including Solano County and the US Bureau of Reclamation aimed at improving flood conveyance, fisheries and wildlife habitat, water supply and water quality, agricultural land preservation, and economic development. It is anticipated that the operation of the Project will have significant impacts on the implementation of these integrated resource management projects. It is also important to consider the global effects in the Region rather than any specific area of concern due to their interconnectedness and subsequent cultural and socio-economic impacts. The alignment of such a partnership program with the operation of the Project is paramount to assure that impacts may be minimized or avoided.</p>	<p>The Draft EIS will analyze impacts from the range of alternatives on cultural resources and socioeconomics.</p> <p>Reclamation will continue to participate in partnerships programs that improve the regional environment.</p>

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Solano County	The uncertainties of the future are a great concern in any EIS analysis. The rapidly changing Delta landscape resulting from the advancing climate change outlook with sea level rise, frequent flooding and longer droughts, competing demands, and land use changes with accelerated ecological restoration activities are all factors to be considered. Other uncertainties which will have direct impact on the operation of the Project as some are noted in the NOI include the pending Bay-Delta Water Quality Control Plan update and its associated potential Voluntary Agreement implementation and proposed Delta Conveyance Project. The assessments of these uncertainties must be quantified with a range of potential scenarios and alternatives.	The cumulative effects analysis will include reasonably foreseeable actions.
State Water Resources Control Board	The State Water Board recommends that Reclamation include an alternative that incorporates operational criteria that are consistent with the 2020 ITP for both the CVP and SWP that enhance instream flows and fish and ecosystem protections including: contribution to Delta outflow during the spring and other periods; management of Old and Middle River (OMR) flows and water exports based on the seasonal and daily entrainment thresholds for fish species (winter-run and spring-run Chinook salmon, Delta smelt, and longfin smelt); storm-related project operations under OMR Flexibility; monitoring and real-time operations; and, enhanced drought planning.	Reclamation has reinitiated consultation based on anticipated modifications to the Proposed Action that may cause effects to listed species or designated critical habitats not analyzed previously. These anticipated modifications are, in part, to address the review of agency actions required by Executive Order 13990 and voluntarily reconcile CVP operating criteria with SWP operational requirements. A reasonable range of alternatives that meet the Purpose and Need for the proposed project will be considered in the Draft EIS.
State Water Resources Control Board	Given the short duration, extreme drought conditions over the last several years, and on-going legal challenges against the implementation	The Proposed Action, as adopted in the 2020 ROD, best represents the current management direction and intensity. The No Action Alternative

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	<p>of the 2019 BiOps, 2020 ROD, and ITP for the CVP and SWP, respectively, there is a lack of data regarding implementation of the 2019 BiOps and 2020 ROD, especially the impacts on aquatic species and other natural resources. It would be informative to consider the conditions prior to the 2019 BiOps and 2020 ROD as a point of comparison given these issues.</p>	<p>includes implementation of the 2019 USFWS and NMFS biological opinions as the most current CVP/SWP analysis on past, current, and future operations.</p>
<p>State Water Resources Control Board</p>	<p>The State Water Board recommends that Reclamation develop and evaluate a range of project alternatives that would increase protections for fish and wildlife and aquatic ecosystems while improving water supply reliability. Available scientific knowledge indicates that decreasing freshwater flows in the Bay-Delta watershed and increasing exports and associated reverse flows (i.e., more negative OMR flows) in the interior Delta have negative impacts on the survival and abundance of native fish species, including threatened and endangered species that are the subject of the existing BiOps for the Projects. There is a significant body of scientific evidence that increased freshwater flows into and through the Delta and aquatic habitat restoration are needed to protect Bay-Delta ecosystem processes and native and migratory fish.</p> <p>In the spirit of EO 13990, the State Water Board recommends that Reclamation develop and analyze additional project alternatives that would result in increased Delta inflows and outflows, reduced reverse flows in the Delta, and improved habitat conditions suitable for the native fish species and aquatic ecosystem conditions.</p>	<p>Refer to Appendix I through Appendix R of the Initial Alternatives Report.</p>

Commentor	Comment	Response (to include where in doc)
State Water Resources Control Board	The State Water Board recommends that the EIS evaluate a scenario that is consistent with the State Water Board’s efforts to update and implement the Bay-Delta Plan to improve protections for native fish species.	The range of alternatives in the Draft EIS will include elements of the updated (Bay-Delta Plan), with offramps to preserve Shasta Reservoir coldwater pool. Refer to Appendix L, <i>Shasta Coldwater Pool Management</i> , of the Initiative Alternatives Report.
State Water Resources Control Board	The State Water Board recommends that the EIS develop a project alternative that describes and analyzes flow and non-flow measures comparable to those included in the proposed VA.	Reclamation is simultaneously engaging in voluntary agreement discussions and tracking consistency and the interrelatedness of the processes.
State Water Resources Control Board	The State Water Board recommends that Reclamation evaluate project alternatives that would meter out cold water supplies to provide temperature management over the winter-run and fall-run Chinook salmon temperature management periods in all water year types. Such alternative(s) should not result in additional impacts on other rivers (e.g., flows and temperatures in Feather and American rivers) and reservoirs (e.g., storages in Oroville and Folsom lakes).	Refer to Section L, <i>Shasta Coldwater Pool Management</i> , of the Initial Alternative Report.
State Water Resources Control Board	The State Water Board also requests that Reclamation include alternatives that evaluate flow conditions under the Board’s 2018 Framework for possible updates to the Bay-Delta Plan for the Sacramento River, its tributaries, and the eastside tributaries to the Delta. Reclamation included Alternative 4 in the 2019 EIS that evaluated a 55% unimpaired flow level from the Project tributaries with offramps to preserve cold water pool. Similar analyses should be included in the current EIS.	This comment is under consideration. The range of alternatives in the Draft EIS will include elements of the updated Bay-Delta Plan with off-ramps to preserve Shasta Reservoir coldwater pool.

Commentor	Comment	Response (to include where in doc)
State Water Resources Control Board	The adopted Bay-Delta Plan update should be considered as part of the regulatory baseline in the EIS.	Reclamation will describe the Regulatory Framework in the EIS. As described in the Purpose and Need, Reclamation will meet its statutory obligations and comply with Federal law.
State Water Resources Control Board	The State Water Board also recommends that Reclamation include other measures to protect San Joaquin River steelhead and fall-run Chinook salmon that are an important food source for listed Southern Resident killer whales, including the Vernalis inflow to export ratio (or equivalent protection) during April through May (RPA Action IV.2.1 of 2009 NMFS BiOp), possible installation of the Head of Old River Barrier, and more positive OMR flows during the winter and spring period.	Refer to Appendix I, <i>Old and Middle River Flow Management</i> , and Appendix R, <i>Head of Old River Barrier</i> , of the Initial Alternatives Report. If the effects analysis determines that there are CVP effects to Southern Resident killer whales, then conservation measures will be included as part of the Proposed Action.
State Water Resources Control Board	The State Water Board recommends that Reclamation develop actions that would result in higher Delta inflows and outflows to enhance habitat conditions for native fish species and aquatic ecosystem conditions in the Delta and Estuary.	Refer to Appendix J, <i>Spring Pulses and Delta Outflow</i> , of the Initial Alternatives Report. Refer to Appendix K, <i>Summer and Fall Delta Outflow and Habitat</i> , of the Initial Alternatives Report.
State Water Resources Control Board	The State Water Board recommends Reclamation incorporate the potential for reduced streamflow conditions in the Delta and its watershed under climate change. Despite the slightly higher precipitation forecasted in the Central Valley under the climate change scenarios, scientific studies suggest that a warmer climate will bring changes in precipitation patterns (from more snow to more rain), higher temperatures, vegetation expansion, and longer growing seasons, which overall would result in lower annual streamflow than the current conditions. Such reduced streamflow, including Delta inflows, conditions	The Draft EIS will analyze impacts on and from climate change. Climate change scenarios will be included as part of the modeling.

Commentor	Comment	Response (to include where in doc)
	<p>under future climate change could be incorporated to model the hydrology, water supply, and ecosystem protection as a sensitivity analysis. It is forecasted that future climate change will bring more frequent and intense drought conditions in the Central Valley watershed; therefore, Reclamation should consider project alternatives and actions that would enhance water supply reliability in the future under such anticipated constraints.</p>	
<p>State Water Resources Control Board</p>	<p>That means that issuance of a TUCO should be considered a rare and unforeseen event and not part of planned operations. Instead, planned changes to water right requirements should be pursued through a long-term process (i.e. a standard water right change petition).</p>	<p>The Range of Alternatives will include drought actions that meet the screening criteria, including TUCPs.</p>
<p>State Water Resources Control Board</p>	<p>The State Water Board assumes that the cumulative operational impacts of reasonably foreseeable projects such as Sites Reservoir and the Delta Conveyance Project would be included in Reclamation’s analysis. Such analyses should include a quantitative evaluation of the cumulative effects of these projects on Delta inflows and outflows, water quality conditions (salinity, turbidity, temperatures, dissolved oxygen, algalblooms, aquatic vegetation, and other conditions) and the associated impacts on fish and wildlife and other beneficial uses of water, including in-Delta communities.</p>	<p>Multi-use water projects that are reasonably certain to occur will be analyzed in the Cumulative Effects section.</p>
<p>Stephanie Gordon, USEPA</p>	<p>I was wondering what the time frame for the project is? I noticed that in the Scoping Notice it said until 2040 for some of the climate change, but how long would the new bi ops be written for, like 20 years longer, shorter? Thanks.</p>	<p>A Biological Opinion addresses conditions, not a timeframe. The NOI identified potential hydrologic and meteorologic climate change through 2040, including changes in precipitation, air temperatures, and sea level.</p>

Table 6: Other Water Districts

Commentor	Comment	Response (to include where in doc)
Karl Seckel, Municipal Water District of Orange County	One is what options will be considered in the scoping process for conveying water either around or through the Delta? It seems to me that's the most complex part of the whole arena. So that was question number one.	Water projects that are reasonably certain to occur will be analyzed in the Cumulative Effects section.
Karl Seckel, Municipal Water District of Orange County	Question number two, with respect to salinity repulsion and long-term operations, it seems to me that a permanent salinity barrier of some type could be erected but I don't – I've never heard any technical analysis done on that. And it just seems like it would make the whole system a little bit more operable if there were a permanent barrier in the Cartina Straits (phonetic) area, something like that.	<p>The range of alternatives considered in the EIS will meet screening criteria, including Screening Criterion #1, <i>Purpose and Need</i>.</p> <p>The NOI states: "The purpose of the Proposed Action considered in this EIS is to continue the operation of the CVP and the SWP, for authorized purposes..." which entails existing facilities. New facilities do not meet the Purpose and Need. Refer to Section 2- <i>Revised Purpose and Need</i> of the Initial Alternatives Report</p> <p>Refer to Section 2, <i>Revised Purpose and Need</i>, of the Initial Alternatives Report.</p>
Karl Seckel, Municipal Water District of Orange County	And then the third question I had relates to water rights. It's unclear to me how the CVP and State Water Project water rights are being considered, and is there a joint obligation to meet the environmental needs or is one senior over the other?	<p>Refer to Section 2, <i>Revised Purpose and Need</i>, of the Initial Alternatives Report.</p> <p>The range of alternatives analyzed in the Draft EIS must meet the purpose and need, which includes meeting applicable requirements under State of California water rights, permits, and licenses pursuant to Section 8 of the Reclamation Act.</p>

Table 7: State Water Contractors

Commentor	Comment	Response (to include where in doc)
Jennifer Pierre, General Manger, State Water Contractor	<p>The LTO proposed action should:</p> <ol style="list-style-type: none"> 1) Be narrowly tailored to only include operations of the CVP and SWP and not include other projects such as the new Delta Conveyance Project, Sites Reservoir, the enlargement of San Luis Reservoir, or the enlargement of Los Vaqueros Reservoir; 2) Be consistent with the proposed Voluntary Agreements for the Bay-Delta Water Quality Control Plan update; 3) Be narrowly tailored to include minimal changes to the 2019 LTO project description; and, 4) Be based on the best available science and be limited to what is required to meet legal requirements. 	<p>The NEPA process will inform development and modifications of the Proposed Action that is currently being initially developed and modified by Reclamation, DWR, NMFS, USFWS, CDFW, and the Water Board, using as a starting point the 2019 Long-term Operation and SWP's California Endangered Species Act (CESA) ITP.</p> <p>Reclamation will include reasonable and foreseeable actions in the cumulative impacts analysis.</p> <p>Reclamation is simultaneously engaging in voluntary agreement discussions and tracking consistency and the interrelatedness of the processes.</p>
Jennifer Pierre, General Manger, State Water Contractor	<p>It is also important that the federal LTO proposed action is consistent with the project description for the SWP's California Endangered Species Act Incidental Take Permit (CESA ITP) and that it be developed through a true reconciliation where the two project descriptions are developed in a collaborative manner with consistent operations, driven by the best available science.</p>	<p>The NEPA process will inform development and modifications of the Proposed Action that is currently being initially developed and modified by Reclamation, DWR, NMFS, USFWS, CDFW and the Water Board, using as a starting point the 2019 Long-term Operation and SWP's CESA ITP.</p>
Jennifer Pierre, General Manger, State Water Contractor	<p>I. The Proposed Action should be limited to just the SWP-CVP operations plan. The proposed action should not include large construction projects like the new Delta Conveyance Project, Sites Reservoir, enlarging San Luis Reservoir or enlarging Los Vaqueros Reservoir for several reasons. First, these large construction projects will not be operating concurrently with the new</p>	<p>Reclamation will include reasonable and foreseeable actions in the cumulative impacts analysis.</p>

Commentor	Comment	Response (to include where in doc)
	<p>LTO permits since these projects have decades long permitting and construction windows. Second, many of these projects will not be owned and operated by either the CVP or SWP and will not convey "project water." As such, including these projects in the LTO consultation may result in the SWP and CVP mitigating for the effects of projects owned by third parties. Third, to include multiple large construction projects in a single consultation would also result in an extremely complicated Endangered Species Act (ESA) consultation that would undoubtedly extend the consultation timeline many years into the future. It will be challenging to complete even a narrowly tailored consultation on the LTO within the timeline currently outlined by the state and federal governments, with a 2024 approval date, and it would be impossible if the scope of the consultation were extended to include such large construction projects.</p>	
<p>Jennifer Pierre, General Manger, State Water Contractor</p>	<p>II. The Proposed Action should be consistent with the Voluntary Agreements. The CVP and SWP contribution to Delta outflow contained in the VAs should be the same outflow included in the proposed action for the state and federal LTO, with consideration of the cumulative effects of outflow from non- CVP/SWP water agencies.</p> <p>The biological opinions will need to cover CVP and SWP operations under the VAs, and therefore the project descriptions should be consistent.</p>	<p>Reclamation is simultaneously engaging in voluntary agreement discussions and tracking consistency and the interrelatedness of the processes.</p>
<p>Jennifer Pierre, General Manger,</p>	<p>III. The Proposed Action should only include minimal changes to the 2019 LTO.</p>	<p>The NEPA process will inform development and modifications of the Proposed Action that is currently being initially developed and</p>

Commentor	Comment	Response (to include where in doc)
State Water Contractor	<p>The federal government reinitiated consultation for the purposes of reviewing whether the biological opinions conflict with national objectives, and to voluntarily reconcile operating criteria between the CVP and SWP. The federal government did not find that it committed errors in approving the 2019 biological opinions. This means there is no reason to completely revise the 2019 LTO. However, it is important that the federal LTO proposed action and the SWP's CESA ITP are fully consistent with respect to the operational protections and non-flow measures to minimize and mitigate the take of the dually listed species in the Delta. We encourage Reclamation and DWR to work together to ensure that permits governing the operations of the CVP and SWP are developed to be consistent with each other.</p>	<p>modified by Reclamation, DWR, NMFS, USFWS, CDFW and the Water Board, using as a starting point the 2019 Long-term Operation and SWP's CESA ITP.</p>
Jennifer Pierre, General Manger, State Water Contractor	<p>IV. The Proposed Action should be based on the best available science and be limited to just what is required to meet legal requirements. The proposed action should be based on the best available scientific information to minimize take, and any expected take should be minimized to support a non-jeopardy conclusion using both operational and non-operational actions. In addition, the proposed action need not include every operation included in the 2019 biological opinions and 2020 CESA ITP just because they were included in the prior permits. Reclamation and DWR should be striving to meet legal requirements without unnecessary redundancy in the operational requirements for the species protections, and therefore many layers of operational protections to</p>	<p>Refer to the Initial Alternatives Report and Appendices I through R. The Draft EIS will provide the public and Interested Parties with opportunities to comment on the range of alternatives and suggest modifications.</p>

Commentor	Comment	Response (to include where in doc)
	address the same species of concern at the same facilities are likely unnecessary. Simplicity in operations can also help facilitate nimbleness in response to adaptive management and climate change effects.	

Table 8: Other Water Organizations

Commentor	Comment	Response (to include where in doc)
Jessica Law, Executive Director, Water Forum	1) Consistent with the MOU and its longstanding collaboration with Reclamation, the Water Forum will provide these new data to Reclamation, along with any conclusions that the Water Forum’s technical experts develop. We expect that these data constitute “best available science” that Reclamation and NMFS will rely upon as they undertake reinitiation of consultation. We look forward to engaging with Reclamation, as well as NMFS and other state and federal agencies, throughout the reconsultation process to ensure that appropriate flow and temperature standards, based on the best available scientific data, continue to be implemented for the lower American River.	Reclamation welcomes input from the Water Forum and other interested parties through the NEPA process.