

SEC Member Question/Request Tracking Log 01.22.2020

	Date	Requester	Question/Comments	Responder	Status
1	12/11/2019	Barbara Barrigan Parilla	Will there be real-time disclosure of existing issues discovered during soil testing or field work?	Gwen Buchholz	Answered
2	12/11/2019	Barbara Barrigan Parilla	Are you going to coordinate markers on each soil collection point so levee impacts can be tracked by RD's?	Graham Bradner	Answered
3	1/6/2020	David Gloski	Flow at the intake – At the last meeting someone asked about negative or reverse flow in the river at the intake. There was an instant response of no, never negative, but I sort of wonder what that looks like at high or low tide. That is a big issue out here and I personally would like to understand those flows at the intake during the complete tide cycle. Top, bottom, half tide rising (flooding), half tide falling (ebbing). At full “take” what are the flows just above, just below, and going out of the system? I assume that just below there is always a positive downstream cfs there even when it is peak flooding. Specific numbers like that would help. Probably good to do during the driest drought time, low river flow. If we can get those flows we, I, can put stuff like that to bed when talking with people.	Phil Ryan	Answered
4	12/11/2019	Anna Swenson	Can we add to Map 8: Historical sites, cultural resources, Indian Burial grounds	Gwen Buchholz	Answered
5	12/11/2019	Phillip Merlo	Is there a map reflecting the history of settlement of Native peoples (Mr. Merlo offered to help coordinate data collection)?	Gwen Buchholz	Answered
6	12/11/2019	Barbara Barrigan Parilla	Will you be identifying and protecting native plant species around the Clifton Forebay used for tribal medicinal practices?	Carrie Buckman	Answered
7	1/3/2020	Jim Wallace	NEPA is the National Environmental <u>Policy</u> Act, not ..."Protection" Act.	Nazli Parvizi	Answered
8	12/27/2019	David Gloski	Directory for DCA employees?	Nazli Parvizi	Follow-Up Needed
9	12/11/2019	Anna Swenson	What is the definition of “temporary” in terms of years?	Carrie Buckman	Answered

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10	12/11/2019	Anna Swenson	Who decides what a reasonable alternative is, what makes an alternative qualify as "reasonable" and to whom is the alternative deemed reasonable?	Carrie Buckman	Answered
11	12/11/2019	General	Clarification about how DWR will reflect and characterize SEC participation in the EIR	Carrie Buckman	Answered
12	12/11/2019	Anna Swenson	Incorrect data on Map 7, cropscape is historically wrong. Will this be corrected?	Gwen Buchholz	Follow-Up Needed
13	12/11/2019	Dierdre Des Jardin	What constitutes a recreational facility in terms of representing sensitive receptors?	Gwen Buchholz	Follow-Up Needed
14	12/11/2019	General	Is there a map reflecting existing water infrastructure and facilities such as intakes,	Gwen Buchholz	Follow-Up Needed
15	1/16/2020	Barbara Barrigan Parilla	Would it be possible for the upcoming packet to get a map with the alignment for the tunnel that has the following: 1) Highways, railroads -- any major infrastructure that is easy to label. It needs a few more markers for users. 2) A legend for miles. 3) Names of the islands through which it passes and refuges -- public boat launches if time permits. That would be helpful. It will make discussions easier. Across the board, people in the community are frustrated that the NOP map is hard to read. We understand that it may be more conceptual; my request is for readability.	Gwen Buchholz	Follow-Up Needed
16	12/11/2019	Angelica Whaley	DWR plans for levee maintenance in regards to the intakes and flood protection	Luke Miner	For Future Discussion
17	12/11/2019	Anna Swenson	How long the bridges have to be up and when for DCA construction barges	Luke Miner	For Future Discussion
18	12/11/2019	Anna Swenson	What are round trip barge calculations?	Luke Miner	For Future Discussion
19	12/11/2019	Anna Swenson	Do the conveyer belts go across the island?	Luke Miner	For Future Discussion
20	12/11/2019	Anna Swenson	Features that could end up being permanent	Luke Miner	For Future Discussion

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21	12/11/2019	Anna Swenson	Fuel stations aesthetics, whether they will be temporary or permanent, if they will be underground or above-ground tanks, their proximity to schools and people and what safety operations are going to be used to ensure against contamination	Luke Miner	For Future Discussion
22	12/11/2019	Anna Swenson	Batch plants effects on air quality	Luke Miner	For Future Discussion
23	12/11/2019	Anna Swenson	Map that depicts an interaction with the bridges	Luke Miner	For Future Discussion
24	12/11/2019	Anna Swenson	Pile Drivers: How many sites, are they all at once, how close, duration?	Luke Miner	For Future Discussion
25	12/11/2019	Anna Swenson	Barges: Size, docking areas, bridges impact, how many barge trips per day, how many docks for barges	Luke Miner	For Future Discussion
26	12/11/2019	Barbara Barrigan Parilla	Toxicity from soil strengthening, potential spread and impact on sloughs	Luke Miner	For Future Discussion
27	12/11/2019	Barbara Barrigan Parilla	Air quality around port of Stockton from increased barge and train traffic	Luke Miner	For Future Discussion
28	12/11/2019	David Gloski	What are the anticipated waterway rules and process when DCA construction barges are on the waterways?	Luke Miner	For Future Discussion
29	12/11/2019	General	How the testing, drying, run-off and on-site management of reusable tunnel material will work	Luke Miner	For Future Discussion
30	12/11/2019	General	Specifics of tunneling process, machinery used, material derived and its treatment	Luke Miner	For Future Discussion
31	12/11/2019	General	RTM testing, usage, drying, run-off and on-site management	Luke Miner	For Future Discussion
32	12/11/2019	Gilbert Cosio	Specific discussions about the barge loading locations	Luke Miner	For Future Discussion
33	12/11/2019	Jim Wallace	Is there siting information available for burrow pits?	Luke Miner	For Future Discussion
34	12/11/2019	Karen Mann	How barges used by DCA during construction would affect the recreational activities in the waterways	Luke Miner	For Future Discussion
35	12/11/2019	Karen Mann	Waterways safety and usage during construction barging	Luke Miner	For Future Discussion

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36	12/27/2019	David Gloski	Fishless intake system? Finds it hard to believe there are no fish in there. Can you explain how this would be fishless including tiny fish?	Luke Miner	For Future Discussion

RESPONSE TO QUESTIONS/INFORMATION REQUESTS

Date: 12/11/2019

Requester: Barbara Barrigan Parilla

- 1. Question/Comment:** Will there be real-time disclosure of existing issues discovered during soil testing or field work?

Response: The actual draft and final soil testing results will be initially shared with property owners. If the property owners wish to disclose the information prior to publication of the geotechnical report, that information may be provided by the property owners. The geotechnical report will include the results of the soil testing.

If any hazardous materials or other environmental hazards are encountered during the field work, property owners will be notified and notification of federal, state and local agencies in accordance with applicable laws and policies will be coordinated with the property owners.

Responder: Gwen Buccholz

Status: Answered

Date: 12/11/2019

Requester: Barbara Barrigan Parilla

- 2. Question/Comment:** Are you going to coordinate markers on each soil collection point so levee impacts can be tracked by RD's?

Response: Yes. The exploration locations will be documented with a survey coordinates using current datums and a metallic pin will also be buried in the top of the wet backfill grout at each exploration to allow for future locating with metal detection equipment.

Responder: Gwen Buccholz

Status: Answered

Date: 1/6/2020

Requester: David Gloski

- 3. Question/Comment:** Flow at the intake – At the last meeting someone asked about negative or reverse flow in the river at the intake. There was an instant response of no, never negative, but I sort of wonder what that looks like at high or low tide. That is a big issue out here and I personally would like to understand those flows at the intake during the complete tide cycle. Top, bottom, half tide rising (flooding), half tide falling (ebbing). At full “take” what are the flows just above, just below, and going out of the system? I assume that just below there is always a positive downstream cfs there even when it is peak flooding. Specific numbers like that would help. Probably good to do during the driest drought time, low river flow. If we can get those flows we, I, can put stuff like that to bed when talking with people.

Response: The project would not significantly impact the magnitude of reverse flows that would already occur in the river/Delta system.

The project would divert water until the tidal flow in the river approaches a preset minimum outward flow rate (i.e. towards the ocean). The diversion rate would be reduced proportional to the reduction in the outward river flow rate as the tide comes in. At some preset minimum outward river flow rate, diversions would be stopped by closure of the intakes. In summary, the

RESPONSE TO QUESTIONS/INFORMATION REQUESTS

project would only divert at the maximum capacity when the river flow rate exceeds a specific high preset outward flow rate. The diversion rate would be reduced in steps as the outgoing river flow rate declines and stop completely if the outward river flow rate reaches the preset minimum rate prior to a dominant incoming tidal flow rate.

Flow histograms illustrating the river and diversion flow rates across tidal cycles will be generated from an extensive modeling process as part of preparation of the EIR.

Responder: Phil Ryan

Status: Answered

Date: 12/11/2019

Requester: Anna Swenson

4. Question/Comment: Can we add to Map 8: Historical sites, cultural resources, Indian Burial grounds

Response: Public disclosure of the locations of archaeological resources and tribal cultural resources, including human remains, may make those resources vulnerable to theft and vandalism as well as be in violation of both federal and State laws. Because of this, these resources cannot be mapped for, or shared with, the public. Federal regulations include, but are not limited to, Section 304 of the National Historic Preservation Act (54 United States Code [USC] § 307103) and the Archaeological Resources Protection Act (16 USC § 470h). State regulations include, but are not limited to, California Government Code Section 6250 et seq. and Section 6254 et seq. Other State regulations such as Public Resources Code Section 5097 et seq. and Health and Safety Code Section 7050 et seq. cover the unanticipated discovery and treatment of human remains.

Responder: Gwen Buccholz

Status: Answered

Date: 12/11/2019

Requester: Phillip Merlo

5. Question/Comment: Is there a map reflecting the history of settlement of Native peoples (Mr. Merlo offered to help coordinate data collection)?

Response: DWR, as the CEQA Lead Agency, will conduct a CEQA analysis on the proposed Delta Conveyance Project that includes analyzing potential impacts to cultural and tribal cultural resources, including descriptions of the settlement of Native peoples in the project study area. However, DWR does not have a map of these settlements at this time.

Responder: Gwen Buccholz

Status: Answered

Date: 12/11/2019

Requester: Barbara Barrigan Parilla

6. Question/Comment: Will you be identifying and protecting native plant species around the Clifton Forebay used for tribal medicinal practices?

RESPONSE TO QUESTIONS/INFORMATION REQUESTS

Response: DWR, as the CEQA Lead Agency, will conduct a CEQA analysis on the proposed Delta Conveyance Project that includes analyzing potential impacts to biological, cultural, and tribal cultural resources among many other resource areas. To analyze potential impacts to biological resources, an evaluation of the project study area, including Clifton Court Forebay, will be conducted to identify plant communities and determine if existing conditions provide habitat for any special-status plant or wildlife species or is the location of any tribal cultural resources. As part of the cultural and tribal cultural resources review, DWR will be providing Tribes the opportunity, through consultation as required under AB 52 and DWR's own Tribal Engagement Policy, to share information concerning native plant species that are used for tribal medicinal practices and potential measures for avoidance or mitigation. Cultural Resources work will be initiated consistent with release of the Notice of Preparation. DWR has initiated pre-AB 52 discussions with the Tribes with potential ancestral territories in the Delta.

Responder: Carrie Buckman

Status: Answered

Date: 1/3/2020

Requester: Jim Wallace

7. Question/Comment: NEPA is the National Environmental Policy Act, not ..."Protection" Act.

Response: Yes, NEPA is an acronym for the National Environmental Policy Act; the glossary has been corrected

Responder: Nazli Parvizi

Status: Answered

Date: 12/27/2019

Requester: David Gloski

8. Question/Comment: Directory for DCA employees?

Response: A DCA staff directory will be provided to SEC members at the January 22, 2020 meeting.

Responder: Nazli Parvizi

Status: Answered

Date: 12/11/2019

Requester: Anna Swenson

9. Question/Comment: What is the definition of "temporary" in terms of years?

Response: The term "Temporary" in the CEQA document will be defined based on the resource area and the nature of the activity. As part of the initial EIR preparation, this term will be defined for each resource. Generally, for an EIR, "temporary impacts" range up to 2 years.

Responder: Carrie Buckman

Status: Answered

RESPONSE TO QUESTIONS/INFORMATION REQUESTS

Date: 12/11/2019

Requester: Anna Swenson

10. Question/Comment: Who decides what a reasonable alternative is, what makes an alternative qualify as “reasonable” and to whom is the alternative deemed reasonable?

Response: DWR, as the Lead Agency under the California Environmental Quality Act (CEQA), will decide the range of reasonable alternatives for the environmental impact report (EIR).

CEQA requires that an EIR include a detailed analysis of a range of reasonable alternatives to a proposed project. CEQA requires that an EIR evaluate alternatives to the proposed project that are potentially feasible and would attain most of the basic project objectives while avoiding or substantially lessening the project’s potential impacts. Likewise, the National Environmental Policy Act (NEPA) requires that a range of reasonable alternatives that meet the purpose and need statement of the action be analyzed at an equivalent level of detail in an environmental impact statement (EIS). Generally, a range of reasonable alternatives is analyzed to define the issues and provide a clear basis for choice among the options.

CEQA requires that the lead agency consider alternatives that would avoid or substantially lessen any of the significant impacts of the proposed project. However, numerous alternatives that have slight variations are not necessarily required. The lead agency determines the alternatives to be analyzed in detail in an EIR. Section 15126.6[a] of the State CEQA Guidelines provides that:

“[a]n EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”

The Council on Environmental Quality’s (CEQ’s) NEPA regulations state that the Lead Agency in an EIS shall “Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated. Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits. Include reasonable alternatives not within the jurisdiction of the lead agency.” (CEQ NEPA Regulations 40 CFR 1502.114). In addition, CEQ has issued guidance on alternatives, stating “For some proposals there may exist a very large or even an infinite number of possible reasonable alternatives. ... When there are potentially a very large number of alternatives, only a reasonable number of examples, covering the full spectrum of alternatives, must be analyzed and compared in the EIS. ... What constitutes a reasonable range of alternatives depends on the

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nature of the proposal and the facts in each case.” (see Council on Environmental Quality’s Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations; 2(a).) Under these principles, the EIR (and EIS) needs to describe and evaluate only those alternatives necessary to permit a reasonable choice and “to foster meaningful public participation and informed decision making” (State CEQA Guidelines Section 15126.6[f]). The EIR scoping process is utilized by the lead agency to gather input on alternatives to the proposed project. Ultimately, it is the responsibility of the CEQA lead agency to determine a reasonable range of alternatives to a proposed project for analysis in the EIR.

Responder: Carrie Buckman

Status: Answered

Date: 12/11/2019

Requester: General

11. Question/Comment: Clarification about how DWR will reflect and characterize SEC participation in the EIR

Response: See attached memo

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



To: Delta Conveyance Design and Construction Authority Stakeholder Engagement Committee

From: Carrie Buckman, Environmental Program Manager

Date: January 17, 2020

Subject: Role of the Stakeholder Engagement Committee during the Environmental Impact Report process

During the December meeting of the Design and Construction Agency's (DCA) Stakeholder Engagement Committee (SEC), stakeholders requested additional information about how the SEC's role would be described and documented within the Department of Water Resources' (DWR's) Environmental Impact Report (EIR).

First, I would like to describe the roles and responsibilities of the DCA and DWR in relation to the SEC. DWR and DCA are two separate entities. DWR, as the owner and operator of the State Water Project, is the project proponent for the proposed Delta Conveyance Project. In compliance with the California Environmental Quality Act (CEQA), DWR is acting as lead agency for the preparation of an environmental impact report (EIR) to analyze the proposed project and makes the decision on whether to approve the project after the CEQA process is complete. The DCA is a joint powers authority working under DWR's oversight, assisting DWR with the design of the proposed project and alternatives to be analyzed in the EIR.

DWR has requested the DCA design the proposed project facilities with a focus on ways to reduce or avoid construction-related local effects. The DCA has organized the SEC to provide valuable input in understanding these local effects and the ways they might be minimized or avoided. This work is expected to result in recommendations by the DCA to DWR for design of the proposed project and suggestions on construction methodology. DWR will then determine the contents of the EIR both in relation to the proposed project description and the environmental analysis as to whether there are residual construction-related local effects that are considered significant impacts requiring mitigation. Therefore, the work that the DCA performs, including work informed by the SEC, necessarily will be utilized in the EIR and become part of DWR's record for preparing the EIR.

DWR is attending the SEC meetings as a resource to provide information in a spirit of cooperation and collaboration. While DWR staff attends the SEC meetings, DWR does not organize or otherwise lead the SEC. The SEC is organized by the DCA and its focus is related to the design aspects of the project. As such, the work of the SEC will be

reflected in the DCA's record supporting the conceptual design for potential project components. Therefore, where the EIR references the conceptual designs and includes them in the EIR's administrative record, it is expected that the record will necessarily also include reference to SEC input. In terms of how the EIR specifically describes the role of the SEC in DWR's process, EIRs also typically include information on public involvement, consultation, and coordination that occurred during the EIR's development. This may be in an introductory chapter of the EIR, as background information in an appendix, or as a separate report that becomes part of the EIR's administrative record.

DWR, as the lead agency, plans to include a similar chapter that will focus on the public involvement processes associated with the EIR development. This chapter will include descriptions of agency meetings associated with permitting efforts and other public or stakeholder outreach efforts for the Delta Conveyance Project and similar efforts. It is expected that any reference to the SEC in this chapter would include a description of the Committee and clear explanation of the SEC's role and how it was limited to providing input to the DCA's design and construction process, a process separate from public outreach directly undertaken by DWR as lead agency.

As previously described in DCA documentation, participation in the SEC does not preclude involvement in DWR's public outreach process for EIR preparation, which is a separate legal process conducted by the lead agency. DWR seeks and would appreciate stakeholders' involvement in both processes and understands that participation in the SEC does not constitute agreement or approval of any Delta Conveyance Project. Because the ultimate decision on the project description and environmental analysis of residual construction related local environmental impacts is the sole responsibility of DWR as the lead agency, there is no implication of tacit approval by SEC members. The role that any SEC member played in the DCA's process would not preclude any SEC member from criticizing the EIR in any aspects and, if appropriate, challenging DWR's CEQA compliance through litigation.

Many SEC members will likely comment as individuals or on behalf of their respective stakeholder groups on the Draft EIR and DWR will respond to these comments in the Final EIR. In responses to comments, DWR will not specifically cite SEC meeting discussions or materials as a response but may use materials developed for the SEC to provide a full response in the Final EIR.

INFORMATION REQUESTS WITH FOLLOW-UP NEEDED

Date: 12/11/2019

Requester: Anna Swenson

12. Question/Comment: Incorrect data on Map 7, cropscape is historically wrong. Will this be corrected?

Response: The data presented in the "Land Use Map" at the December 2019 Stakeholder Engagement Committee meeting was based on 2016 satellite data. The DCA has acquired 2018 crop type data from United States Department of Agriculture (USDA). The data is similar to the 2016 dataset. It is also noted by the DCA that this map is actually a "Vegetation Map" and not a "Land Use Map." Therefore, DCA is reviewing data sources for development of a Land Use Map to be presented in a February Stakeholder Engagement Committee meeting.

Responder: Gwen Buccholz

Status: Follow-Up Needed

Date: 12/11/2019

Requester: Dierdre Des Jardin

13. Question/Comment: What constitutes a recreational facility in terms of representing sensitive receptors?

Response: The map presented at the December Stakeholder Engagement Committee meeting was prepared with information collected in past studies. The recreational areas shown on that map included fishing marinas, parks, and wildlife viewing areas, that could be affected by noise, light, and air quality emissions. The database used for this map also included support facilities for the recreation areas, such as power poles. The database also did not include many recreational facilities included in studies prepared by Delta Stewardship Council, Delta Protection Commission, and others. Therefore, the recreational facilities will be added to an updated Sensitive Receptors map for a future Stakeholder Engagement Committee meeting.

Responder: Gwen Buccholz

Status: Follow-Up Needed

Date: 12/11/2019

Requester: General

14. Question/Comment: Is there a map reflecting existing water infrastructure and facilities such as intakes, diversion works and conveyance facilities?

Response: A map showing municipal water intakes, municipal wastewater outfalls, and major conveyance facilities for the State Water Project, Central Valley Project, East Bay Municipal Utility District, and Freeport Regional Water Authority will be developed.

Responder: Gwen Buccholz

Status: Follow-Up Needed

Date: 1/16/2020

Requester: Barbara Barrigan Parilla

15. Question/Comment: Would it be possible for the upcoming packet to get a map with the alignment for the tunnel that has the following: 1) Highways, railroads -- any major infrastructure that is easy to label. It needs a few more markers for users. 2) A legend for miles. 3) Names of the islands



INFORMATION REQUESTS WITH FOLLOW-UP NEEDED

through which it passes and refuges -- public boat launches if time permits. That would be helpful. It will make discussions easier. Across the board, people in the community are frustrated that the NOP map is hard to read. We understand that it may be more conceptual; my request is for readability.

Response: The DCA is currently developing and will provide at a future meeting once completed.

Responder: Gwen Buccholz

Status: Follow-Up Needed

FOR FUTURE DISCUSSION

Date: 12/11/2019

Requester: Angelica Whaley

16. Question/Comment: DWR plans for levee maintenance in regards to the intakes and flood protection

Date: 12/11/2019

Requester: Anna Swenson

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Requester: Anna Swenson

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