Chapter 7

Special Interest Group Comments on the 1997 Draft EIR/EIS

Johas & Associates, Inc.
a professional consultancy for agribusiness

Sp 1

RECEIVED
DEC 18 1997
WATER SUPPLY IMPROVEMENTS

Dec. 10, 1997

Ms. Maria Solis
East Bay Municipal Utility District
Mail Slot 305
P.O. Box 24055
Oakland, CA 94623

Dear Maria,

Here are some comments in response to the draft EIR/EIS that represent the concerns of the property owners of permanent plantings on the Borden Ranch. Enclosed you will find a map of the area we discussed on Monday, December 8th. I have colored some of the features we spoke of in this area to make it clearer to differentiate land uses.

To reiterate our conversation of Monday, running the pipeline through the areas of permanent plantings (vineyard & orchard) will be very costly and disruptive to all of those involved. Listed below are some of the points that need to be considered in this area:

1) All of these plantings are on drip irrigation or mini jet sprinklers, that have an underground water distribution system. The pipeline's path would disrupt the entire planting's irrigation systems and force massive and costly alterations. Sp1-1

2) To cut across the plantings at an angle not related to the planting's row orientations will cause large inefficiencies in the remaining planting that is to be farmed. These inefficiencies will increase the cost of farming these plantings forever.

3) The chemical re-entry period may be a real problem. The proposed path in this area cuts through 4 different farming operations with independent spraying time tables. Some of the chemicals used to spray grapes and apples have a several day re-entry period that may well effect the safe use of your right of way for potentially weeks at a time during peak spraying periods. Sp1-2

4) Cost. The owners in this area have invested literally millions of dollars to establish state of the art vineyards and orchards. The vineyards all have long term contracts for their fruit (up to 15 years) at very profitable levels. With the owners having spent vast sums of money to bring these plantings into production at very profitable levels they will not be very amiable to a less than lucrative buy out. They will expect to be compensated for the continuing inefficiencies that the proposed pipeline will cause for them in the future. Sp1-1

5) Sutter Home Winery just this summer drilled a new irrigation well, producing 4,000GPM, that is crucial to their vineyard. This well is located in their SW corner where the pipeline is proposed. The pipeline construction may well have a negative impact on this well. Sp1-1

6) John Hancock has also drilled an irrigation well that appears to be in the proposed path of the pipeline. These irrigation wells cost between $70,000 and $100,000 each and were drilled where they would be the most productive. The ensuing irrigation systems were designed with their existing placements in mind.

7) By routing the pipeline in native grasslands that will only be disrupted during construction, the impact on the area will be very minimal. Grazing will continue into the future after only missing at most one season.

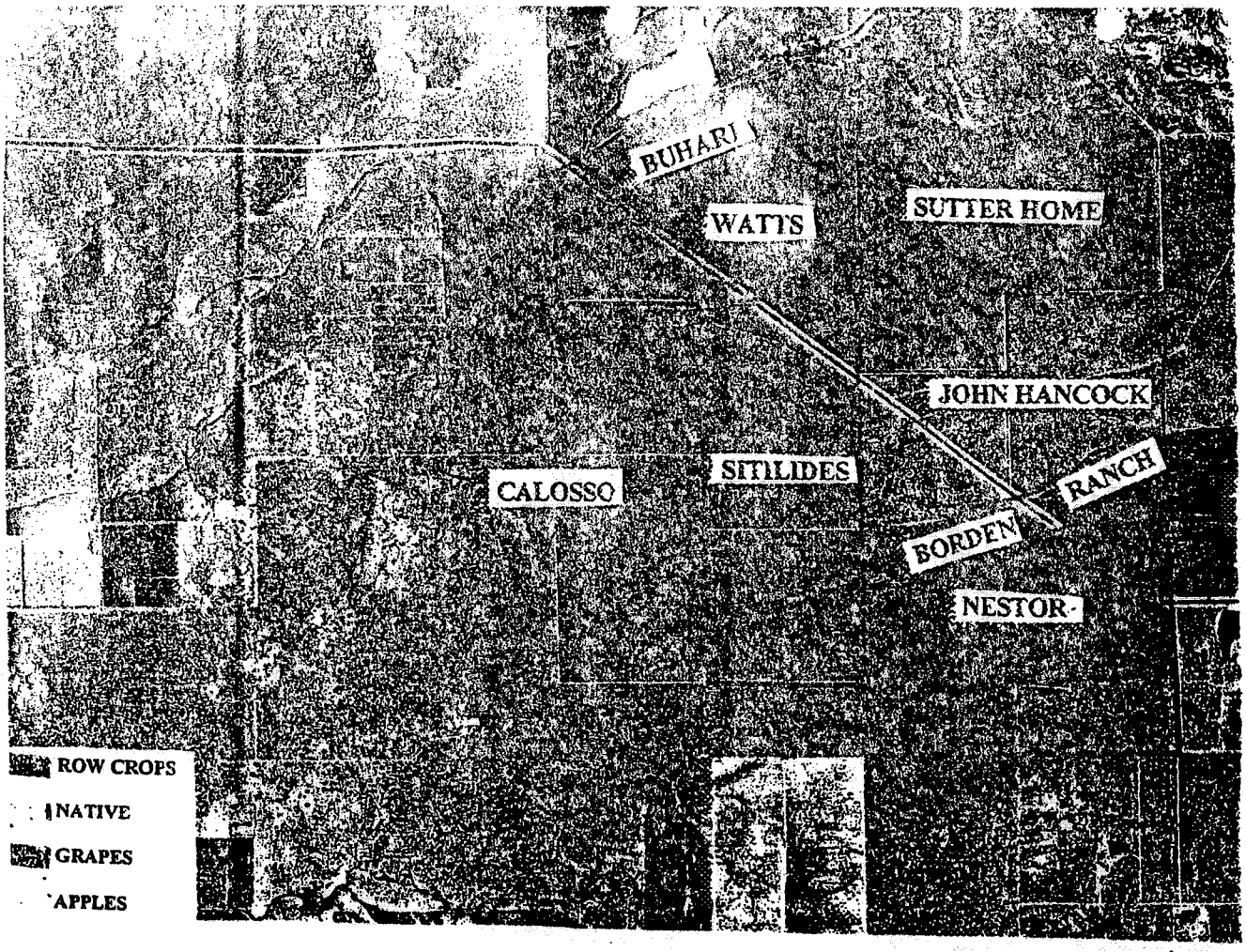
Routing the pipeline trough the native grass areas as much as possible will be the least disruptive to the area both in the near and long term.

I look forward to working with you to help resolve these issues to everyone's mutual best interest and I'm sure we will have more comments in the future.

Sincerely,

John J. Strohmaier

planning *budgeting* *appraising* *financing* *developing* *managing*
33980 South River Road Clarksburg, CA 95612 P.O. Box 22938, Sacramento, CA 95822 Phone: (916) 665-2190 Fax: (916) 665-1084


BUHARI
WATTS
SUTTER HOME
JOHN HANCOCK
RANCH
SITILIDES
CALOSSO
BORDEN
NESTOR
ROW CROPS
NATIVE
GRAPES
APPLES

Response to Comments of Johas & Associates

Sp1-1, John J. Strohmair, Johas & Associates
The specific alignment for the Folsom South Canal Connection pipeline route (Alignments 2 and 4) through agricultural lands in southern Sacramento County and northern San Joaquin County would be established in such a way as to minimize impacts on ongoing agricultural activities along the route and to reduce property acquisition expenses. See the discussion of Alignments 2 and 4 refinements in Chapter 2 of the 1997 Draft EIR/EIS. EBMUD has conducted extensive outreach activities to contact land owners and residents along the entire length of the proposed pipeline. Informal community meetings have been held to allow land owners the opportunity to express their concerns over the project as it relates directly to their property. The outreach has been effective in addressing the concerns of property owners and residents.

Since the agricultural analysis was conducted for the 1997 Draft EIR/EIS, some areas along the pipeline pathway that were grazing lands have been planted with vineyards. As a result, EBMUD has altered plans for some of the proposed property easements and acquisitions along the pipeline corridor. In limited areas, the pipeline route presented in the 1997 Draft EIR/EIS traverses vineyard rows with drip irrigation lines and passes over newly drilled water wells. Through informal discussions with individual property owners, these impacts can be avoided with slight alterations in the proposed route.

Sp1-2, John J. Strohmair, Johas & Associates
Pesticide application re-entry delays on agricultural lands would be addressed in the Project Planning, Coordination, and Communication Plan as well as in the Phase I and Phase II Hazardous Materials Studies (see pages 2-5 and 2-7 in the 1997 Draft EIR/EIS). During the construction of the pipeline, EBMUD would be in communication with farmers to coordinate pesticide application schedules with construction schedules.

EBMUD/USBR Supplemental Water Supply Project
Comment Form

Sp 2

Name: ALL STATE PACKERS, INC. Date: 1/5/98

Address: P.O. BOX 350 6011 E. PINE ST.

City/State/Zip LODI, CA. 95241 Phone/Fax (209) 369-3586 369-5465

Organization (if applicable)

Comments: ALL STATE PACKERS WOULD BE AGAINST THE PROPOSED ROUTE 1 & 3 RUNNING ALONG THE TRACTION LINE SOUTH OF HWY. 12. A 130' CONSTRUCTION RIGHT OF WAY ON THE EAST SIDE OF THE TRACTION LINE WOULD COST ALL STATE PACKERS APPROXIMATELY $4-6 MILLION OF LOST OFFICE SPACE, COLD STORAGE FACILITIES, PROCESSING FACILITIES & EQUIPMENT REMOVAL. WE WOULD HOPE THAT CONSIDERATION BE TAKEN IN SELECTING AN ALTERNATE ROUTE. Sp2-1

To comment on the EBMUD-USBR Supplemental Water Supply Project Draft EIR/EIS you can: 1) Turn in your comment form during today's meeting; 2) Mail your written comments to EBMUD, attn: Kurt Ladensack, P.O. Box 24055, MS 305, Oakland, CA 94623-1055; 3) Make a verbal statement at the December public meetings. The deadline for submitting comments is January 5, 1998. Thank you for your input.

Response to Comment of All State Packers

Sp2-1, All State Packers
If Alignment 1 or 3 is selected, the pipeline would follow the CCT right-of-way. Construction of this alignment would not require a 130-foot right-of-way adjacent to the CCT right-of-way. In many cases, construction could be contained entirely within the CCT right-of-way. EBMUD would continue to work with affected residents and businesses to reduce temporary construction impacts.

Sp 3

January 21, 1998

Mr. Kurt Ladensack
East Bay Municipal Utility District
Water Supply Improvements Division
P.O. Box 24055
Oakland, CA 94623-1055

Subject: Draft EIR/EIS for EBMUD's Proposed Water Supply Project

Dear Mr. Ladensack:

The undersigned are seven retired EBMUD managers who have been monitoring the progress of the District's Water Supply Management Program for many years. The District's reinstatement (in 1995) of the American River as the optimal supplemental supply put the District back on track toward a much-needed improvement with the best quality water source available. We appreciate the opportunity to review and comment on the Draft EIR/EIS.

Sp3-1

• Critical Need

EBMUD has a critical need for an immediate water supply improvement to protect existing customers against drastic cutbacks in the event of another serious drought. Without this improvement, rationing will be more severe than was experienced during the drought of 1976-77. Potential water supply deficiencies during drought conditions must be reduced to reasonable levels.

• Benefit of American River Source

It is clear to us that the value of the American River supplemental water supply is to the long-range benefit of existing EBMUD customers and should move forward at the earliest possible date. It meets the essential need for a reliable high quality source comparable to the existing Mokelumne River supply. We fully support the project objectives listed on Page 2-1 of the Draft EIR/EIS.

• Joint Water Supply Alternative

The Draft EIR/EIS describes two alternatives for meeting EBMUD's need. We recognize the economic and practical benefits of Alternative 3,

"Joint Water Supply." This is a reasonable option for a supplemental supply from the American River as long as (a) an acceptable agreement can be reached with the agencies in the Sacramento area to assure that the District's dry- and drought-year needs can be met without compromising the District's water quality and reliability objectives, and (b) the contract with the U.S. Bureau of Reclamation can be amended with acceptable terms and conditions.

• Folsom South Canal Connection Alternative

Alternative 2, "Folsom South Canal Connection," has been the first choice for delivery of American River water under EBMUD's contract with the Bureau of Reclamation, except that court-ordered flows in the lower American River would preclude essential dry- and drought-year deliveries of water. If this alternative is selected, a significant increase in EBMUD's storage capacity will have to be constructed to carry over water available for delivery during normal and wet years.

• American River Diversion Structure

For Alternative 3, the Draft EIR/EIS describes five potential sites for the intake structure on the lower American River (Fig. 2-6a). It is readily apparent that site No. 5 is significantly better than the others because (a) the intake structure would be closer to the south bank of the river thus minimizing the access/pipeline bridge (Fig. 2-7), (b) the pipeline to the Fairbairn Water Treatment Plant would be shorter, reducing costs and avoiding many of the disruptive construction impacts in city streets and on businesses (Fig. 2-6a), (c) the visual impact of an intake structure and long access/pipeline bridge next to Discovery Park near the mouth of the river would be avoided (pages 16-4 and 16-5), and (d) there would be greater assurance that the high quality American River water would not be affected by the Sacramento River. An intake site further upstream would be even better.

• San Joaquin County Groundwater Storage

It is important for EBMUD to negotiate an acceptable agreement with San Joaquin County interests (described on page 1-13) regarding the groundwater basin along the lower Mokelumne River in eastern San Joaquin County. However, EBMUD should not be obligated to construct and operate a conjunctive-use project in excess of the groundwater storage benefits it would realize.

Sp3-2

• EBMUD Service Area

Figure 1-1 (facing page 1-2) shows the Ultimate Boundary of the District, a planning line established by the EBMUD Board of Directors to anticipate future service commitments. Not all areas within the Ultimate Boundary are currently annexed to the District and thus are not part of the Service Area. The title of the map should be changed from "EBMUD Service Area" to "EBMUD Ultimate Boundary." Sp3-3

Please address any questions and your response to Orrin Harder, 232 Castle Glen Road, Walnut Creek, CA 94595.

Very truly yours,

John W. McFarland
John McFarland
General Manager, 1950-1968
(21-year EBMUD career)

John S. Harnett /OWH
John S. Harnett
Chief Engineer, 1965-1968
General Manager, 1968-1980
(18-year EBMUD career)

Harold Raines
Harold Raines
General Counsel, 1947-1966
(39-year EBMUD career)

John B. Reilley
John B. Reilley
General Counsel, 1966-1982
(32-year EBMUD career)

Francis B. Blanchard
Francis B. Blanchard
Manager, Water Resources
Planning, 1927-1971
(40-year EBMUD career)

Orrin H. Harder
Orrin H. Harder
Manager, Water Reources
Planning, 1971-1982
Chief Engineer, 1982-1984
(36-year EBMUD career)

R L Kolm
Richard L. Kolm
Assistant Chief Engineer
for Planning, 1982-1990
(32-year EBMUD career)

Response to Comments of Retired EBMUD Managers

Sp3-1, Orrin H. Harder, Retired EBMUD Managers
Alternatives 2 and 3 provide for a supplemental water supply that would reduce the frequency and severity of drought-related deficiencies.

The quantity of available deliveries during dry-year flow conditions would be less under Alternative 2 than under Alternative 3 because of Hodge flow requirements. However, Alternative 2 could meet project objectives without requiring additional reservoir storage.

The 1997 Draft EIR/EIS evaluated five alternative intake sites. As described in the 1997 Draft EIR/EIS, impacts on recreational and visual resources would be less at the intake Site 5 site than at the other sites downstream. The pipeline distance would be shorter between the Fairbairn WTP and the five sites along the lower American River. Of the five intake sites considered in the 1997 Draft EIR/EIS, the distance to the Fairbairn WTP is the shortest for intake Site 5.

Sp3-2, Orrin H. Harder, Retired EBMUD Managers
The alternatives analyzed in the 1997 Draft EIR/EIS do not include a conjunctive-use program for groundwater in San Joaquin County. Any future proposal for a groundwater conjunctive-use program, and EBMUD's potential participation in the program, would require separate environmental documentation.

Sp3-3, Orrin H. Harder, Retired EBMUD Managers
See Chapter 12 of this document, "Errata." The title of Figure 1-1 should read "EBMUD Ultimate Service Boundary."

Recreational Boaters of California

Joseph R. Baiunco
President

Linda A. Newland
Vice President - North

Bill Lewis
Vice President - South

Jerry Olson
Secretary - Treasurer

Legislative Advocates
Jerry Desmond
Executive Vice President

Jerry Desmond, Jr.
Executive Secretary

Directors
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Verlon Halle
Gail E. Hine
Bill Lewis
Joan Marsh-Cline
William H. Patton
Russell H. Robinson
Richard C. Tipton
Robert R. Usher
Wes Wallstrom
S.A. "Bud" Zucker

Ex Officio Director
Richard Schwartz
BOAT/U.S.

January 26, 1998

Attn: Rod Hall, Environmental Specialist
U.S. Bureau of Reclamation
North-Central California Area Office
7794 Folsom Dam Road
Folsom, CA 95630-1799

Attn: Kurt Ladensack, Manager
Water Supply Improvement Division
East Bay Municipal Utility District
375 Eleventh Street
Oakland, CA 94607-4240

RE: EBMUD – Sacramento Joint Water Supply Project

Sp 4

Dear Sirs:

Sp4-1

Recreational Boaters of California urges the adoption of "option number five" in order to minimize the negative impact on recreational boating in the lower American River.

The lower American River is a valuable resource for boaters in this area, many of whom visit from other areas of the state. It is a "five mile per hour area" which makes it ideal for overnight anchorage. There are frequently more than 200 boats in the area before the "C" street bridge on any weekend. The project will certainly have visual impacts and noise impacts, and will be an impingement on navigation on the river. Please address boater concerns and choose option number five for the location of the pumping station.

Recreational Boaters of California is the governmental advocacy organization that represents the interests of boaters from throughout the state. It is committed to promoting the protection, enjoyment, and responsible use of California waterways.

If there are any questions on our position, please contact me at (626) 796-8742, or our legislative advocate, Jerry Desmond Jr., at (916) 441-4166.

Sincerely,

Joseph Baiunco,
President

rboc/l-EBMUD

925 L Street
Suite 220
Sacramento
CA 95814
916.441.4166
rboc.com

Response to Comment of Recreational Boaters of California

Sp4-1, Joseph Baiunco, Recreational Boaters of California
See response to Comments Form 1-1 and Form 1-2.

ROSEMONT
COMMUNITY ASSOCIATION, INC.
P.O. Box 277194
Sacramento, CA 95827
Voice Mail: (916) 486-4636
8 Feb 98

Sp 5

SUBJECT:
DEIR/EIS
East Bay Municipal Utility District
Supplemental Water Supply Project

TO:
Kurt Ladensack
EBMUD - MS#305
PO Box 24055
Oakland CA 94623-1055

and

Cecil Lesley
USBR
Central California Area Office
7794 Folsom Dam Road
Folsom CA 95630

The Rosemont Community Association's (RCA) review of the DEIR/EIS believes it is deficient in several respects. The Kiefer Blvd route goes through the middle of Rosemont which is bounded on the west by S. Watt Ave and on the east by Bradshaw Road and will have major impacts on residential and business uses. Our comments will be limited to neighborhood impacts, but we are well aware of other broader concerns about the entire project being raised by other parties.

Our first concern is the selection of Kiefer over a more logical Jackson Highway route. Kiefer is the major business center for Rosemont and the construction will have significant impacts on business. RCA insists on a comprehensive mitigation strategy for the loss of business during the construction. A portion of this mitigation could be in the form of improvements to Kiefer to correct traffic flow issues. This would require a cooperative effort involving Sacramento County Public Works.

During the construction period. residents would be subject to delays, noise, and dust. Mitigation for these adverse impacts could take many forms, but RCA would propose a grant contributing to the recently approved Rosemont area high school.

A final issue which must be addressed, is the need to consider an alternative water supply system to deal with ground water contamination from Mather and Aerojet. Although Rosemont currently has high quality water, areas east of Rosemont are not so fortunate. At some point, diversion of ground water from Rosemont wells might be necessary to supply these areas. That would require an alternative water source, such as connecting to the City of Sacramento's system.

Rosemont looks forward to responses to the concerns we have raised. Please keep us informed of the status of this project.

Sp5-1

Sincerely,

Michael R. Gallagher, President
Rosemont Community Association

Copies to:
Supervisor Don Nottoli
Mr Kieth DeVore, Chief
Sac County Water Res. Div

Response to Comment of Rosemont Community Association

Sp5-1, Michael Gallagher, Rosemont Community Association
See the response to the "Kiefer Boulevard Pipeline Routing" major issue in Chapter 3 of this document and Form 3-1 in Chapter 9 of this document. EBMUD would continue to work with the community and the City and County of Sacramento to develop appropriate measures to address temporary construction impacts if Alternative 3 is implemented.

Sp 6

February 11, 1998

Kurt Ladensack
P.O. Box 24055
MS 305
Oakland, CA 94623-1055

Dear Mr. Ladensack:

I am writing on behalf of the Marshall School Neighborhood Association to comment on the EBMUD-USBR Supplemental Water Supply Project Draft EIR/EIS. If you decide to implement the water project that involves the placement of a water pipe under C Street in Sacramento, I strongly recommend that street lighting be installed in the surrounding impacted neighborhoods(north of J Street, east of 16th Street). This action would mitigate the negative impact of increased traffic on local pedestrian and neighborhood automobile circulation. The street lighting would not only lessen the negative impact of the Supplemental Water Project but would be a lasting monument to the preservation our central city neighborhoods. The Marshall School Neighborhood Association, located the impacted central city area, would be negatively affected by the water project. We would be willing to endure short term problems if you would help us provide long term solutions. Sp6-1

If your agency is willing to work with our neighborhoods, both parties would benefit from the Supplemental Water Supply Project. Please call me at (916) 442-1847 if you have any questions. Thank you.

Sincerely,

Vito Sgromo
Chairman
Marshall School Neighborhood Association

Response to Comment of Marshall School Neighborhood Association

Sp6-1, Vito Sgromo, Marshall School Neighborhood Association
The affected streets in Sacramento would be returned to their original condition as part of the construction plan. EBMUD would continue to work with the community and the City and County of Sacramento to develop appropriate measures to address temporary construction impacts if Alternative 3 is implemented. See responses to "Construction-Related Environmental Commitments and Mitigation" and "C Street Pipeline Routing" major issues in Chapter 3 of this document.

SIERRA CLUB
SAN FRANCISCO BAY CHAPTER
Serving the counties of Alameda, Contra Costa, Marin and San Francisco
Office: 2530 San Pablo Ave., Suite I, Berkeley, CA 94702 Tel. (510) 848-0800
Bookstore: 6014 College Avenue, Oakland, CA 94618 Tel. (510) 658-7470

Sp 7

February 13, 1998

Mr. Kurt Ladensack
Water Supply Improvements Division
East Bay Municipal Utilities District
P.O. Box 24055
Oakland, CA 94623

Mr. Cecil Lesley
Contract Specialist
U.S. Bureau of Reclamation
Central California Area Office
7794 Folsom Dam Road
Folsom, CA 95630

RE: Comments on the DEIR/DEIS for the Supplemental Water Supply Project

Dear Sirs:

Please note the following comments regarding the DEIR/DEIS for the Supplemental Water Supply Project, prepared by Jones & Stokes Associates, dated October 1997. It is our opinion that the EIR is seriously deficient and should not be certified in its present form.

1. The hydrologic analysis of the EIR is based upon a flawed model. The hydrology underlying the discussion of Chapters 3 and 4 is based upon the PROSIM hydrologic model. However, PROSIM has been abandoned by CALFED and other responsible agencies due to the model's inaccurate flow prediction during dry and critically dry years. The EIR acknowledges this point: Sp7-1

> [U.S. Bureau of] Reclamation and the U.S. Fish and Wildlife Service recently discovered an inconsistency in the PROSIM input hydrology that may cause the model to overestimate the potential flexibility of Central Valley Project (CVP) operations. As a result, the PROSIM simulations presented in this analysis may underestimate the use of CVP storage and overestimate water deliveries in some critical dry years. This inconsistency affects all the PROSIM simulations reported in this draft EIR/EIS but probably does not significantly change the relative differences between the simulations for each alternative (p. 3-12, emphasis added).

The last line represents faulty reasoning. While it is true that the relative difference between the alternatives remain the same, what is important when considering the overall impact of the project upon the Lower American River and Delta systems are the absolute numbers (i.e., the actual predicted in-stream flows). Yet, in calculating the impact upon fisheries, EBMUD and the Bureau assume that "PROSIM reasonably simulates river and Delta flows and reservoir storage effects under existing conditions and alternatives" (p.5-14). Thus, EBMUD and the Bureau base the determination of "no significant impact" to the Lower American River and Delta systems on a model that they admit is flawed. The PROSIM data of this EIR is not sufficiently robust to allow a "no significant impact" finding.

2. Project Alternative 2 (Nimbus Diversion) is incomplete and represents "piecemealing" of the project. Under Project Alternative 2 (Folsom South Canal/ Nimbus Dam diversion), "EBMUD would take delivery of American River water whenever it is available and can be used to supplement its water supplies or to store in its reservoirs...EBMUD would take delivery of up to 350 cfs of water...when flows in the American River are at or above flows required by the Hodge Decision (1990)" (pp.2-11-12). The criteria for in-stream flows below Nimbus Dam outlined in the Hodge Decision effectively restrict EBMUD to diversions in above normal years, but the report makes no provision that in such years the district's remote and local storage reservoirs would be at or near capacity. As such, the EIR fails account for where EBMUD might store the water it diverts from the American River. The expansion of existing facilities, the construction or purchase of new storage facilities or the implementation of alternatives such as the East Bay Plain Groundwater Pilot Project are clearly integral to the successful implementation of the project and as such need to be explicitly addressed in the EIR. Failure to do so amounts to "piecemealing" of the project, which is explicitly forbidden under CEQA and NEPA. Sp7-2

3. The cost criteria for rejected project alternatives are vague and incomplete. The EIR states:

> "Failure of a potential alternative to substantially achieve one or more of the specific criteria resulted in the elimination of the alternative from detailed consideration in the EIR/EIS...be of reasonable cost while meeting most of the project alternatives; and...minimize costs to ratepayers." (pp.2-24-25) Sp7-3

The EIR lists only the total capital costs of the various project alternatives. While these figures are instructive, the key cost figure is the ratepayer cost per unit water delivered over the remaining years of the current USBR contract as well as in future contracts. The DEIR fails to list in its body or appendices either the expiry date for its current contract or the assumed future cost of water under any renegotiated Bureau contract. What is the projected cost of the project per unit water delivered should the state face 10% below average precipitation (thus restricting EBMUD's draw from the American River) during the remaining years of the contract? What are the projected costs per unit water delivered of the various project alternatives (both those accepted and rejected) for critically dry, dry, normal and above normal scenarios? The analysis of the per unit delivered costs of the project may show either that none of the alternatives meet the stated criterion of "reasonable cost" (which is left undefined by both the body and Appendix B of the EIR) or that some rejected alternatives (such as a Delta diversion) compare more favorably in cost to Project Alternatives 2 and 3 and thus deserve more thorough consideration.

Until all of the above concerns are completely and adequately addressed, the DEIS/DEIR should not be certified.

Sincerely,

Helen Burke

Helen Burke
Chair, Executive Committee
San Francisco Bay Chapter

Response to Comments of Sierra Club, San Francisco Bay Chapter

Sp7-1, Helen Burke, Sierra Club, San Francisco Bay Chapter
See response to the "PROSIM Modeling" major issue in Chapter 3 of this document. PROSIM has been used in other recently completed environmental documents to support conclusions of significance under CEQA and NEPA.

Sp7-2, Helen Burke, Sierra Club, San Francisco Bay Chapter
See response to the "Project Segmentation/Piecemealing" major issue response in Chapter 3 of this document. The analysis conducted for the 1997 Draft EIR/EIS is appropriate. No additional facilities are required to implement Alternatives 2 and 3 beyond those described in the 1997 Draft EIR/EIS. Under these alternatives, the water that EBMUD receives from the American River would be a substitute for a similar amount of water that would otherwise be taken from the Mokelumne River system to meet EBMUD customer demands. This operation allows additional storage to be maintained in the Mokelumne River for use in subsequent dry periods.

Alternatives 2 and 3 do not require any additional facilities prior to project implementation. In addition, there are no plans for any additional facilities to be constructed as part of these project alternatives. Therefore, the analysis contained in the 1997 Draft EIR/EIS is appropriate.

Sp7-3, Helen Burke, Sierra Club, San Francisco Bay Chapter
Ratepayer effects of Alternates 2 and 3 are provided in the 1997 Draft EIR/EIS in Tables 2-4 and 2-6. Projected delivery schedules for these alternatives based on historical hydrology are provided in Figures 3-2 and 3-3. EBMUD's current contract with Reclamation extends to 2012. This information can be used to look at costs under different conditions. Most of the capital cost of the project will come from new connection charges rather than rates, as noted in Tables 2-4 and 2-6 of the 1997 Draft EIR/EIS.

Sp 8

CSD

Capitol Station District
501 North 10th Street
Sacramento, CA 95814
916.553.9286
fax 916.553.9281

February 13, 1998

Kurt Ladensack
Water Supply Improvement Division
East Bay Municipal Utility District
via fax# 510-287-1295

Dear Mr. Ladensack,

RE: Draft EIR/EIS for the EBMUD-Sacramento Joint Water Supply Project and Folsom South Canal Connection Project.

The Capitol Station District, Inc. (CSDI) is a nonprofit organization representing property owners, business people and residents in the Richards Blvd. redevelopment area. Our mission is to promote the economic and cultural well-being of the district, which is bounded by the American River on the north, Sacramento River on the west, Union Pacific railroad tracks on the south, and Business 80 on the east.

Of the five alternatives located upstream of the I-5 bridge crossing, as described in the DEIR dated October 1997, the CSDI believes that Intake Alternative 5 (12,000 feet upstream from the I-5 bridge crossing) is the least disruptive and most efficient. Sp8-1

All the alternatives would originate in the Richards Blvd. redevelopment area, and would cross properties and impact operations in the district. However, alternatives 1 through 4 would require much more construction, noise, traffic and upheaval to our businesses along Bercut Drive, Richards Blvd., Bannon Street, North B Street, North 3rd, 5th and 10th Streets. Our restaurants, hotels and office complexes along the Bercut Drive circle are particularly opposed to intake alternatives 1-3, because of their potential for negative aesthetic and recreational impacts.

In addition, the DEIR does not adequately describe the impacts of alternatives 1-4 on future development and growth in the redevelopment district, as described in the Richards Blvd. Area Plan, prepared by the ROMA Design Group in 1994. In our view, a project of this scale could delay and, perhaps, permanently change the pattern of redevelopment in our prime office corridor.

However, alternative 5 could actually help improve the district if EBMUD were to contribute to the extension of Richards Blvd. through from North 12th Street to Business 80 and also promote the creation of Sutters Landing Park at our eastern end. Because the pipeline would run through the Dellar and Bell properties, no retail, commercial, or offices would be

affected by construction and the intake would be well out of view from those types of businesses.

Of course, if the City and EBMUD decide to move forward with any of the five alternatives, the Richards Blvd. community would expect to have advance notice of and input into any and all associated plans and work. In addition, we would request that the project make use of the many resources and businesses in the district, for example, local contractors and construction workers, Gerlinger Steel for materials, F.B. Hart for trucking, etc. The CSDI would be happy to share our membership database with project coordinators to identify these potential resources within the district.

Thank you for the opportunity to comment on the DEIR; we look forward to hearing about your progress on the project.

Yours truly,

Connie Miottel
Executive Director

cc: Rod Hall
U.S. Bureau of Reclamation
North-Central California Area Office
via fax #989-7208

Jim Sequeira
City of Sacramento Utilities Dept.
vis fax #433-6652

Response to Comment of Capitol Station District

Sp8-1, Connie Miottel, Capitol Station District
The preference for intake Site 5 is noted. Chapter 2 of this document presents the current status of the project with respect to a preferred alternative.

Page 18-9 in Chapter 18 of the 1997 Draft EIR/EIS describes potential growth effects on the Sacramento service area resulting from Alternatives 2 and 3. The short-term nature of the construction impacts in the Richards Boulevard area make adverse impacts to growth in the area unlikely. The construction schedule and design would be consistent with the Richards Boulevard Area Plan. See the response to the "Construction-Related Environmental Commitments and Mitigation" major issue in Chapter 3 of this document for measures planned to reduce the construction impacts.

EBMUD and the City and County of Sacramento would comply with Sacramento area plans and policies as noted in Chapter 10 of the 1997 Draft EIR/EIS, Table 10-1 and Chapter 2, Table 2-7. EBMUD would continue to work with Sacramento-area residents and those affected by the project implementation.

LEAGUE OF
WOMEN VOTERS
OF THE BAY AREA
An Inter League Organization of the San Francisco Bay Area

Sp 9

February 16, 1998

Kurt Ladensack
East Bay Municipal Utility District
MS #305
P.O. Box 24055
Oakland, CA 94623-1055

RE: EBMUD SUPPLEMENTAL WATER SUPPLY PROJECT DEIS/R

Dear Mr. Ladensack:

The League of Women Voters of the Bay Area submits the following comments on Volume 1: Draft EIR/S for the East Bay Municipal Utility District Supplemental Water Supply Project. Three alternatives are presented: No project, Folsom South Canal Connection and a Joint Project with the City and County of Sacramento which would involve sharing facilities. The DEIS/R states the project objectives as being to: maintain high quality water supply; increase reliability; reduce customer deficiencies; provide operational flexibility; increase opportunities for enhancement of Mokelumne River; and contribute to EBMUD planning objectives.

Our questions and concerns about the DEIS/R are:

• Sacramento City and County are simultaneously preparing an EIR/S on the potential joint project alternative separately from EBMUD. It is unusual for different jurisdictions/lead agencies to conduct separate environmental review for the same project. How are these simultaneous but different review processes dealing with the potential for inconsistencies or gaps between the different environmental documents to be dealt with? Environmental issues could be raised in one process and not in the other. Are the same consultants preparing both EIS/R's? What if mitigation measures are different or evaluations of the significance of impacts are different? Discuss the process or measures that are in place to ensure that information and analyses from one process is presented in the other, and how any inconsistencies or conflicts would be resolved. Sp9-1

• A location map showing the entire estuary and the various alternatives should be included. Sp9-2

• We request that another alternative be analyzed to provide emergency supply and meet other objectives, i.e. that of using existing reservoirs being sold by PG & E. We understand that there are several different reservoirs in EBMUD's service area that could provide emergency water supply and perhaps meet other project objectives. Sp9-3

• Would the joint alternative include meters for water users in the City of Sacramento? It seems to us that responsible water use required the ability to keep track of how much water is being used and by whom. Sp9-4

• The EIS/R should contain a comparison of the environmental impacts for each of the alternatives. For example, the different alternatives would impact different amounts of riparian habitats, wetlands, trees etc. The analyst should reveal which alternative and scenario within each alternative would have the most substantial impact in each area of environmental concern. Sp9-5

• How is the project being coordinated with the CALFED process? Sp9-6

500 St.Mary's Road, Suite 14, Lafayette, Ca 94549 • Tel. (415) 283-7093 • Fax 283-2613

CUMULATIVE IMPACT ANALYSIS

• The Summary Table S-2 of cumulative impacts states that no mitigation would be required for "Change in acreage or condition of willow scrub riparian; riparian woodland; or interior live oak woodland in and around Folsom, Comanche, and Pardee reservoirs and the lower American and Mokelumne rivers." However, the discussion in chapter 7 does not support this conclusion. Numerous mitigation measures 7-1a, 7-1b, 7-2a, 7-2b, 7-3a, 7-3b, are identified, and the previous table S-1 identifies that mitigation measures are needed. Sp9-7

• The cumulative impact of the loss of water on downstream resources (i.e. Suisun Marsh, fish passage, the North Bay marshes), should be discussed for each alternative. The analysis should address impacts on downstream resources of the loss of the quantity of water the project proposes to divert in combination with already existing losses. Sp9-8

FISHERIES IMPACTS

• The criteria for significance discussed on pages 5-15 & 16 require that an impact, to be significant, be 10% or greater. Why was this percentage chosen? We are concerned that the importance of the impacts of this project is in their cumulative significance. Substantial diversions from the estuary already occur, and each of these are themselves probably under 10% because this is a large estuary. 10% is so high that almost nothing would be significant. Sp9-9

• The discussion (page 5-21) indicates that the impact on Delta outflows and on Delta and downstream habitats is not significant. Reduced fish habitat in the American River as a result of reduced flows would

• The cumulative analysis (page 5-22) does not addressing the cumulative impacts. The analysis should be based on the already significantly reduced flows, i.e. the flow reductions from this project should be considered together with past reductions. The analysis should address the cumulative impacts of the reduced flows on the movement of fish through the Delta, Suisun Marsh and the Bay; potential conversion of the fresh/brackish characteristics of Suisun Marsh; the location of the entrapment zone; and on the North and South Bay. Sp9-10

• Mitigation should be provided for the "Reduced Fish Habitat along American River" impact discussed on page 5-24. Sp9-11

• The discussion of American Shad egg entrainment (page 5-28) dismisses the egg entrainment that could occur with this project by the existence of entrainment elsewhere. Because that threat exists in other places does not mean that potential impacts of this project are diminished. This means that the impact is cumulatively increased. Sp9-12

VEGETATION AND WETLAND RESOURCES

• We question whether Mitigation Measures 7-1a through 7-6 are adequate to ensure the impacts to native plant resources are reduced to a level of insignificance. For example, it is not clear if native oak trees and willow riparian scrub could be successfully avoided, or whether they would recolonize naturally if they were not avoided. To ensure these native plants would not be permanently lost, additional measures including planting would be needed. Sp9-13

• The mitigation recommended for the loss of trees is to comply with local zoning. Local zoning standards are not stated. This could mean that trees in some communities would not be replaced while others could have high replacement ratio, or that none would be replaced. Native trees provide important ecological services, particularly along stream banks. They stabilize streambanks, shade and cool water, trap sediment, contribute to food Sp9-14

source in water, slow water flow, reduce flood potential downstream, provide fish and wildlife habitat and aesthetic values. The project proponents should commit to a specific standard for replacing all native trees that should be at least as high as the most stringent zoning or policy standards among the jurisdictions.

• The EIS/R should provide an estimate of the potential loss of native trees and woodlands. Approximately how many native trees could be lost? The visual simulations show a number of trees on the project sites but the text does not address them. Sp9-15

• Criteria for the width of a construction buffer should be established in the EIS/R. Sp9-16

• The amount of wetland loss that would result from the different alternatives should be identified or at least estimated. We suggest that the mitigation for wetland loss be the same as that for riparian losses, i.e. 2 acres replacement for each 1 acre lost or fraction thereof. Sp9-17

WILDLIFE

Preconstruction surveys for wildlife should not in themselves be considered mitigation. Identification of special status species by the surveys, should automatically trigger protection measures or compensation. These measures should be identified. Sp9-18

Thank you for considering our comments.

Sincerely,

Jean Matsuura

Jean Matsuura
President

Response to Comments of League of Women Voters

Sp9-1, Jean Matsuura, League of Women Voters
The County of Sacramento and Reclamation have completed an EIR/EIS for the proposed contract entitlement under Public Law 101-514 (Section 206) or Fazio contract. That EIR/EIS addresses the environmental effects of the County and Reclamation entering into a new water service contract. The City of Sacramento has issued an EIR evaluating its proposed expansion of the Fairbairn Water Treatment Plant. While there is overlap between these efforts, there are also discrete reasons why these analyses are being conducted. The County is proposing as part of the Fazio contract to take delivery of water through existing City facilities. If Alternative 3 is selected as the preferred project for the Supplemental Water Supply Project, the County's entitlements would be delivered through the Joint Project facilities instead of City facilities. The City is also pursuing environmental compliance for the expansion of the Fairbairn WTP because this expansion is an important element of the City's water planning regardless of whether the Joint Project is selected as part of the Supplemental Water Supply Project. In addition, alternatives for meeting water needs are different for each entity. However, the conclusions reached in the Fazio contract EIR/EIS and the 1997 Draft EIR/EIS for the cumulative impact analysis are generally similar and are based on similar information. The 1997 Draft EIR/EIS for the Supplemental Water Supply Project accurately evaluates and describes the impacts of Alternatives 2 and 3.

With respect to resolving any inconsistencies, EBMUD, Reclamation, the City, and the County have been working closely to coordinate efforts. For example, each of these agencies has participated extensively in the Water Forum planning process and many of the basic analyses regarding cumulative impacts are generally the same. Resolving conflicts between projects would be the responsibility of all implementing agencies.

Sp9-2, Jean Matsuura, League of Women Voters
An estuary map was not needed to evaluate the alternatives and was not included in the 1997 Draft EIR/EIS.

Sp9-3, Jean Matsuura, League of Women Voters
Refer to the response to the "Alternatives Considered" major issue in Chapter 3 of this document. An alternative involving use of PG&E reservoirs was not considered during alternatives screening because it would not meet the project purpose and objectives. Refer to Appendix B, "Alternatives Screening Report," of the 1997 Draft EIR/EIS, which includes a discussion of the alternatives considered, screening criteria, and alternative screening process results.

As indicated on page 1-3 of the 1997 Draft EIR/EIS, EBMUD operates five terminal storage reservoirs in its service area: Upper San Leandro, San Pablo, Briones, Lafayette, and Chabot. The functions of these reservoirs currently are to provide emergency standby water supply, Mokelumne River water regulation functions, drought reserve, local water yield development, environmental preservation and recreation, and flood protection. These existing reservoirs are an essential part of EBMUD's current water system but are not capable of meeting the objectives of the Supplemental Water Supply Project.

Sp9-4, Jean Matsuura, League of Women Voters
The 1997 Draft EIR/EIS assumes, under Alternative 3, that use of water supplies within the City, County, or EBMUD service area would occur in the same manner currently taking place in those service areas. The City and County currently do not require water meters for residential use.

Sp9-5, Jean Matsuura, League of Women Voters
As described on page 1-1 of the 1997 Draft EIR/EIS, the "two project alternatives are analyzed at an equal level of detail and compared to the no-action alternative." The acreage of affected riparian habitat, wetlands, trees, and other plant communities and habitats have been estimated for each project alternative, as shown on Table 7-1, page 7-2 of the 1997 Draft EIR/EIS. As stated on page S-6, "neither action alternative is clearly environmentally superior. There are substantial tradeoffs to be assessed." Within each resource section of the 1997 Draft EIR/EIS, the analysis describes the significant impacts for each project alternative.

See response to "Alternatives Considered" major issue in Chapter 3 of this document. See also the REIR/SEIS.

Sp9-6, Jean Matsuura, League of Women Voters
As a CVP contractor, EBMUD is committed through its CVP water contract to participating in and complying system-wide efforts, such as CVPIA and the CALFED process. See response to "Relationship to CALFED" major issue in Chapter 3 of this document.

Sp9-7, Jean Matsuura, League of Women Voters
The mitigation measures identified in this comment refer to mitigation for direct construction-related effects, such as pipeline construction. The discussion referred to in the Summary Table refers to operational effects on riparian and woodland habitats. Operational changes resulting from implementation of the project do not have the potential to significantly affect these habitat types

The impact discussed in the comment is described on page 7-13 of the 1997 Draft EIR/EIS as an "Impact Found To Be Less than Significant." Therefore, the impact is shown on Table S-2, page S-12 as mitigation measures "not required." The impact is not included on Table S-3, which describes Significant Cumulative Impacts and Mitigation Measures.

Sp9-8, Jean Matsuura, League of Women Voters
The 1997 Draft EIR/EIS indicates on page 5-18 that minimal-to-no changes in Delta outflow, exports, or location of X2 under Alternative 2 (and Alternative 3) would occur. Therefore, the contribution of Alternatives 2 and 3 to cumulative conditions in the Delta would be less than significant. No additional analysis of potential cumulative downstream effects is necessary.

Cumulative fisheries impacts are addressed in the 1997 Draft EIR/EIS beginning on page 5-22. The cumulative fisheries analysis found that significant cumulative impacts on American River juvenile steelhead and American shad would result from reduced flows. The analysis also indicates that cumulative effects in the American River could result in increased temperatures that could affect juvenile steelhead and Chinook salmon. The analysis concludes that no project-level mitigation is available to reduce EBMUD's contribution to significant cumulative impacts or to reduce cumulative impacts to less-than-significant levels. The analysis recommends that EBMUD should contribute to ongoing regional fishery management efforts by Reclamation, Sacramento-area Water Forum, SWRCB, and Sacramento County.

Sp9-9, Jean Matsuura, League of Women Voters
The 1997 Draft EIR/EIS indicates on page 5-15 that a 10% or greater change in the frequency of a particular impact is considered the threshold for fisheries impacts associated with the Supplemental Water Supply Project because the natural variation in hydrologic conditions is substantially larger than changes associated with the project alternatives, a 10% change was considered a reasonable threshold for identifying potential fisheries population effects, an environmental change that occurs 10% of the time or more was considered large enough to substantiate a conclusion that an adverse or beneficial effect is significant, and environmental impact assessments typically establish quantitative "significance" thresholds in the 10% range.

Sp9-10, Jean Matsuura, League of Women Voters
The cumulative fisheries impact analysis is based on PROSIM hydrologic modeling data as presented in Chapter 3 of the 1997 Draft EIR/EIS. The cumulative fisheries analysis is based on a comparison of existing conditions modeling output to cumulative hydrologic conditions assuming future demands for water on the American River. This approach to cumulative impacts provides a reasonable assessment of the cumulative scenarios assuming Alternative 2 and Alternative 3 because it fairly captures the reasonably foreseeable American River conditions compared to present conditions. The PROSIM modeling assumptions for existing conditions are presented in Table 3-1 of the 1997 Draft EIR/EIS. For fisheries impacts, consideration and meaningful analysis of cumulative Delta impacts assuming the effects of all of the past actions that have resulted in flow reductions would be difficult and would not change the 1997 Draft EIR/EIS conclusions about significant cumulative impacts and possible mitigation measures. Potential effects on the Bay, Delta, and Suisun Marsh were evaluated in the 1997 Draft EIR/EIS to the extent allowed by existing information.

Sp9-11, Jean Matsuura, League of Women Voters
Mitigation for the cumulative American River fisheries impact referenced on page 5-24 of the 1997 Draft EIR/EIS is addressed beginning at the end of page 5-24 and continuing on to page 5-25. This section discusses ongoing regional mitigation efforts proposed by Reclamation and the County to install a temperature-control device in Folsom Dam to help implement cold-water management approaches. The Sacramento-area Water Forum is also pursuing ongoing regional efforts to address the area's water needs while preserving fishery, wildlife, recreational, and aesthetic values of the lower American River. Implementation of regional fisheries and habitat management measures is beyond the control of EBMUD.

Sp9-12, Jean Matsuura, League of Women Voters
Discussion of possible American shad egg and larvae entrainment under Alternative 3 is discussed on page 5-20 of the 1997 Draft EIR/EIS. The analysis concludes that entrainment of American shad eggs and larvae is considered less than significant because American shad populations have remained stable and have shown increases despite being exposed to numerous intake facilities throughout the Sacramento River system.

Sp9-13, Jean Matsuura, League of Women Voters
Mitigation Measures 7-1a through 7-6 are designed to avoid impacts on vegetative and wetland resources or to minimize, replace, or compensate for impacts on these biological resources. These mitigation measures address identified impacts as well as compliance with local, state and federal permitting conditions. As stated on page 7-14 and 7-15 of the 1997 Draft EIR/EIS, Mitigation Measures 7-1b, 7-2a, and 7-3a, sensitive vegetation, native oak trees, and woody riparian communities would be avoided when possible during construction by identifying and flagging or fencing these sensitive areas as part of the pre-construction activities. These measures are sufficient to reduce potential impacts to less-than-significant levels. No additional mitigation is needed.

Sp9-14, Jean Matsuura, League of Women Voters
Areas where sensitive habitats cannot be avoided during construction would be replanted in accordance to the project's Revegetation Plan (Mitigation Measure 7-3b), conditions identified in the California Department of Fish & Game (DFG) Streambed Alteration Agreement (Mitigation Measure 7-4b), and in County and City natural resource permits for tree removal and protection (Mitigation Measures 7-2b and 7-6). These permit conditions would be included in the construction specification documents and in the Revegetation Plan. Adherence to these conditions

would be monitored by construction inspectors and environmental monitors before, during, and following construction, if required by the permitting agencies.

Sp9-15, Jean Matsuura, League of Women Voters
Table 7-1 on page 7-2 of the 1997 Draft EIR/EIS provides an estimate of acres of native trees and woodlands that could be potentially affected by Alternatives 2 and 3. In addition, Mitigation Measure 7-2b states that "local ordinances require successful replacement of lost trees as a condition of tree removal permits." During final design, the specific alignment would be identified and the exact number of tree losses calculated by the project arborist. This information would be included in the tree removal permit prior to construction.

Sp9-16, Jean Matsuura, League of Women Voters
Prior to construction, a buffer zone would be established for each drainage in the construction corridor that supports woody riparian vegetation and could be impacted by construction activities. The width of the buffer zone would be determined and flagged or fenced prior to construction on a site-specific basis in consultation with USFWS and DFG (see page 7-15 of the 1997 Draft EIR/EIS). In the 1997 Draft EIR/EIS analysis, these woody riparian areas were assumed to be avoided during construction by identifying and flagging a buffer zone. Buffer zones would protect the riparian areas by indicating to construction workers that the flagged areas are exclusion zones that must be avoided during construction.

Sp9-17, Jean Matsuura, League of Women Voters
Table 7-1 on page 7-2 of the 1997 Draft EIR/EIS provides an estimate of acres of wetland resources that could be potentially affected by Alternatives 2 and 3. As stated in Mitigation Measure 7-4a (on page 7-16), EBMUD intends to avoid wetland plant communities to the extent feasible. For wetland resources that are impacted by the proposed project, Mitigation Measure 7-4c (on page 7-17) states that "EBMUD may be required by the Corps to implement a wetland mitigation and monitoring plan as a condition of permit issuance." The plan would specify the mitigation ratio required by the Corps for wetland creation or restoration.

Sp9-18, Jean Matsuura, League of Women Voters
Pre-construction wildlife surveys are required for specific impacts on special-status wildlife species and to identify necessary measures to protect these resources during construction (e.g., as described in Mitigation Measure 8-2 on page 8-12, avoid active Swainson's Hawk nest until young have left the nest). The USFWS and DFG specific mitigation requirements for special-status species (as described in Mitigation Measures 7-5a, 7-5b, 7-5c, 8-1, 8-2, 8-3, 8-4, 8-5, and 8-6) would be identified during consultation with the USFWS and DFG and included as Section 7 and Streambed Alteration Agreement permit conditions in the construction specifications. These conditions would be implemented during construction.

Sp 10

SAVE THE AMERICAN

SAVE THE AMERICAN RIVER ASSOCIATION, INC.
P.O. BOX 277638 - SACRAMENTO, CA 95827-7638 - (916) 387-1763

March 12, 1998

Kurt Ladensack, Manager
Water Supply Improvements
EBMUD, Water Supply Division
P.O. Box 24055 - MS #305
Oakland, CA 94623-1055

Cecil Lesley
Central California Area Office
U.S. Bureau of Reclamation
7794 Folsom Dam Road
Folsom, CA 95630-1799

SUBJECT: RESPONSE TO EBMUD DEIR/EIS, dated OCTOBER, 1997

Dear Sirs:

Since 1961 the SAVE THE AMERICAN RIVER ASSOCIATION (SARA) has taken an energetic lead in promoting the protection, conservation and enhancement of the waters, lands and natural resources of the Lower American River (LAR) and the American River Parkway. Our primary purpose is to ensure that this precious resource will survive and prosper for the benefit of future generations.

As you are aware, SARA was a party to the lengthy legal proceedings which dealt with the issues relating to EBMUD'S planned diversion of LAR water which subsequently led to the "**Hodge Decision**" of 1... SARA has also been an active participant in the Water Forum process as one of the designated stakeholders. From these experiences, we are very knowledgeable and interested in all elements of the proposed Supplemental Water Supply Project (SWSP) as described in the subject draft EIR/EIS. Our comments and concerns are brought out in the following text.

GENERAL COMMENTS

SARA would prefer no LAR diversions by EBMUD. SARA has historically opposed any diversion by EBMUD of LAR water prior to its confluence with the Sacramento River. This remains SARA's position and leads to our overall stand on the project alternatives as summarized below.

- If it can be agreed upon by all parties of the Joint Project, SARA could support the Alternative 3 proposal for the Joint Sacramento City/County-EBMUD Project. Assurances would be required whereby a FSC diversion (Alternative 2), for whatever reason, can never be implemented and protection of the beneficial uses of the LAR, Sacramento River and the delta is provided. Sp10-1
- We favor the proposed intake Site 5 for reasons brought out in the DEIR, assuming design and operational assurances related to our concerns of flow limits, esthetic values and mitigation measures, as discussed in subsequent paragraphs, can be agreed upon. Sp10-2
- We have a concern regarding the size (96-in-dia.) and capacity (350 cfs) of the pipe from the Fairbaim Water Treatment Plant (FWTP) to the pumping station at the FSC terminus. We feel that there are alternatives to this approach for meeting the "planned outages" that would be more cost effective and would not provide an option for water deliveries greater than the nominal capacity (217 cfs) of the I-5 to FWTP pipeline. Sp10-3

- We cannot accept the EBMUD demand of 70,000 AFA of LAR water even in the driest of years As may be seen in the DEIR Table 3-3 and reflected in Water Forum agreements, most if not all Sacramento area and foothill purveyors will take significant reductions in their deliveries in the "drier" and "driest" years. Sacramento City for example is proposing to restrict its FWTP diversions when Hodge flow levels past the facility are not met. Further comments on this issue, and on the preceding paragraph topic, may be found in subsequent paragraphs. Sp10-4
- We feel that the DEIR/EIS is in many areas deficient in that incorrect data, assumptions and methodology have been used which casts doubt on the accuracy or completeness of impact assessments. Sp10-5

SPECIFIC ISSUES AND CONCERNS

Pg. S-2. PROJECT OBJECTIVES - Project objectives should also include protection of public trust interests and the natural resource objectives of the Judge Hodge Decision; complying with the fish "in-good-condition" criteria of Fish and Game Code Section 5937; and meeting conditions of the Delta Accord and delta water quality requirements. Sp10-6

Pg. S-3. HISTORY - EBMUD's statement that their increased water needs over the next 20 years are for "...senior water rights holders and for resource protection in the Mokelumne River and the S.F. Bay/Sacramento-San Joaquin River Delta" and that new customer needs will be almost completely offset by conservation and water reclamation projects, makes it difficult for SARA to justify the need for any EBMUD diversion of LAR waters. Especially in light of the DEIR's later (same page) statement that "EBMUD must maintain a high quality water source to meet customer expectations..." It seems this need is already satisfied. The objective of enhancing Bay/Delta resources at the expense of the American River is not acceptable to SARA, nor likely, to most Sacramento area residents. It is difficult to understand how more American River diversions would enhance the Bay/Delta resources when the biggest stumbling block to protecting beneficial uses of the Delta pool are the upstream water right holders and diverters (including EBMUD) who by depleting Delta inflow contribute to water quality degradation of the Delta. Sp10-7

Pg. S-4. ALTERNATIVES CONSIDERED - EBMUD's failure to study or consider alternative sources for the desired supplemental water supply, such as the Sacramento River or the delta, is an obvious deficiency in the DEIR/EIS. These options were probably omitted for the historical reasons of desiring a higher quality water source, ie., the American River. Sp10-8

Under cross-examination during the 1992-93 State Board hearings on EBMUD's Mokelumne River project, it was established that the Bixler facility is a viable solution for EBMUD to take some or all of its water from the delta, as about 20 million Californians already do. The delta city of Pittsburg treats delta water to a lower level of trihalomethanes than EBMUD's pure snow melt. The Contra Costa Water District diverts from the delta and satisfactorily treats its water supply for municipal and industrial purposes. EBMUD representatives admitted that it could treat delta water to the same drinking water standards as Pardee Reservoir water.

Because the Bixler facility is a viable alternative for EBMUD to obtain its supplemental water supply, EBMUD should develop realistic cost estimates for enlarging and operating this facility. Such costs and the cost of operations should be included for comparison purposes alongside EBMUD's FSC connection and the joint project. The absence of this alternative in the DEIR is a serious flaw which must be remedied before any final decision on a project is made.

The City of Sacramento depends on the Sacramento River for a large portion of its residential water supply. To disregard these options under the CEQA/NEPA "Rule of Reason" is not a legitimate application of this stipulation, nor is it consistent with EBMUD's own WSMP objectives (Pg. 2-2) of "minimizing total project costs and impacts to outdoor recreational opportunities" (as applied to Folsom Lake and LAR). The rationale leading to eliminating other alternatives from further consideration is not defined and leads us to assume that the screening criteria was designed to support predetermined alternatives.

Pg. S-5. **PREFERRED ALTERNATIVE** - As stated previously, SARA prefers a diversion off of the American River system- - but as that was not a consideration of the DEIR/EIS, we favor Alternative 3 over 2 and the intake site No. 5. This support is contingent upon firm assurances that the FSC diversion capability is never implemented, as well as other conditions discussed in later paragraphs. Sp10-9

We disagree fully with the ENVIRONMENTALLY SUPERIOR ALTERNATIVE (Pg. S-6) conclusion that neither alternative is superior. Alternative 3 is clearly superior from a health of the LAR perspective, especially from a fishery and recreational standpoint. EBMUD's conclusion is the result of incomplete and inaccurate analyses which did not correctly identify FSC diversion-related impacts. Sp10-10

Pg. S-6. **SUMMARY OF IMPACTS AND MITIGATION MEASURES** - This section is deficient in that only operational plans associated with construction are noted. Specific mitigation measures resulting from temperature, flow and esthetic impacts need to be identified and included as part of the project. It appears that most decisions regarding what constitutes "significant impact" were based on Hodge flow criteria and compared to Alternative 1 (No Action). An "existing condition" data base is required for such evaluations and the AFRP flow recommendations are more appropriate as they take into account various type water-year conditions. Sp10-11

Chapter 1. **PURPOSE AND NEED FOR THE PROJECT** - This section appears to suggest that the No-Action Alternative is the more environmentally acceptable approach and again raises the question as to whether a real need exists for more water. Sp10-12

On Pg. 1-3 it is pointed out that EBMUD's terminal reservoirs are partially for drought reserve. Water conservation savings in the EBMUD service area are low (-3.5%) compared to national norms. These observations, in conjunction with the limitations imposed by Hodge on FSC diversions in drought years, weakens any justification of the need for American River water.

Pg. 2-8. **ALTERNATIVE 1. NO-ACTION** - The DEIR states that the No-Action alternative water supplies are "...anticipated to be adequate to meet full build out...although at significant costs to ratepayers..." This leads to a suggestion that Alternative 1 may be preferred in that the DEIR acknowledges (Pg. 2-2) "...that alternatives considered...may include those that are more costly..." The reader could justifiably assume that Alternatives 2 and 3 are included in this statement. Sp10-13

Pg. 2-11. **OPERATIONS (ALTERNATIVE NO. 2)** - EBMUD's operational plans for the use of FSC under Alternative 2 should be fully explained. For example, how much water will be taken and when? The 35,000 AF average annual delivery (DEIR Table, page 3-5) does not tell the complete story. A chart showing what water amounts would be diverted in different type water years would be helpful since it is clear that 150,000 AF, or 112,000 AF or even 40,000 AF would not be available each and every year. In some years little or no water would be available via the FSC, or via the Alternative 3 system for that matter. Sp10-14

Pg. 2-17. **ALTERNATE INTAKE SITES** - For the reasons noted in the DEIR, i.e. least costly, less infrastructure disruption, less visual intrusion, etc., SARA prefers the SITE 5 location. However, this support is contingent upon assurance that by-pass flows down-river to the mouth meet or exceed a minimum level to be established for satisfactory fish in and out migration. Sp10-15

Pg. 2-19. **FAIRBAIRN WTP-to-FSC PIPELINE** - We don't believe the need for the increase in pipeline capacity (350 cfs) has been fully justified. We think there are other alternatives that could augment the Site 5-to-FWTP pipeline capacity (217 CPS) to meet EBMUD's "planned outage" needs. For example: (1) re-activate the Bixler facility or, (2) establish a conjunctive-use program with ground-storage capability in Sacramento or San Joaquin County. It is SARA's position that any LAR diversion for ground-banking, whether for planned outages or use outside EBMUD's area-of-use, be allowed only if Hodge flow requirements are met at the LAR mouth. Continuation of the 78-in-dia. pipe size to the FSC connection would certainly be much more cost effective than changing to a 96-in-dia. size at FWTP - - especially to accommodate a 12-mo. out of 20 year need. The reduction of impacts to traffic, air quality, noise, in-ground infrastructure and business disruption would also be considerably reduced by maintaining the 78-in-dia. pipe size. Further study is needed on the final alignment of this long pipeline segment, as evidenced by concerns expressed at various public meetings. Sp10-16 Sp10-17

Pg. 2-20. **OPERATIONS (EBMUD)** - Alternative 3 assumes the Hodge flow restrictions do not apply to the I-5 area intake sites and a minimum 70,000 AFA diversion guarantee is sought (based upon Water Forum negotiations). It is SARA's position that in "drier" and "driest" years, EBMUD's diversions must be subject to the same CVP deficiencies as other American River water users; i.e. Sacramento area purveyors cannot be expected to accept greater shortages (percentage-wise) than EBMUD is willing to accept. Again, conjunctive use of water banked during above-Hodge flows could be used to help EBMUD maintain a 70,000 AFA supply. Additionally, the no-Hodge flow restriction assumption is inconsistent with the stated project objective of "...allow EBMUD to make use of its water service contract...**consistent with** (emphasis added) conditions set forth in the Hodge Decision..." Sp10-18

Pg. 2-21. **FULL-USE SCENARIO** - It should be recognized that implementation of this scenario would not be acceptable to SARA in "drier" and "driest" years. Additionally, no third-party sales of LAR water (except possibly to San Joaquin Co. or Sacramento City or County) would be acceptable in any type water year. If San Joaquin Co. is in a third party agreement for use of American River water diversions via EBMUD's system, such use should be restricted to periods when Hodge minimum flows are met or exceeded at the mouth. It would be appropriate that S.J. Co. be required to develop and implement a conjunctive use program to reduce dry-year diversions of LAR water by EBMUD. Sp10-19

Pg. 2-24. ALTERNATIVES CONSIDERED BUT NOT INCLUDED IN DETAILED ANALYSIS - It is apparent from a reading of the specific criteria used for the screening process that any option/alternative not including an American River delivery capability was excluded from the start. A more substantive explanation of why all project alternatives except for the FSC diversion and Joint Sacramento City-County-EBMUD-LAR diversions were excluded would have been useful and appropriate. Other comments under referenced Page S-4 would apply here. Sp10-20

A specific screening criteria states "increase opportunities for protection and enhancement of Mokelumne River resources." Why not a similar criteria for the American River and Folsom Reservoir?

We do not agree with the screening summary conclusion (Pg. 2-25) stating that all American River diversion options "...potentially meet all of the screening criteria." If project alternatives were truly eliminated for failing to meet at least one criteria, we contend there would be none to consider further. We also do not accept the claims that the "...environmental analysis of the joint project alternative sufficiently addresses the potential environmental effects of a similar downsized EBMUD-only alternative." This diversion was assumed to be at a lower-than-Nimbus delivery point on the LAR. We believe it (the analysis) does not adequately define the environmental impacts of the joint project alternatives, let alone any other. Sp10-21

Pg. 3-1. HYDROLOGY, WATER SUPPLY AND POWER - The Introduction states that EBMUD used available technology to extensively model hydrological conditions, yet the USBR's water temperature model of the American River was not used to determine temperature effects on the fishery. The use of D-1400 LAR flows is hardly valid for an "existing" condition baseline in impact comparisons. Flow data from Folsom AFRP water release schedules in recent years would have been a better existing condition basis--and would result in less likelihood of underestimating impacts. Sp10-22

The Water Forum "F" pattern has been incorporated into the Federal Anadromous Fish Restoration Program (AFRP) for the LAR and since 1995 has become the operating criteria (current condition) for managing Folsom Reservoir by the Bureau of Reclamation. Sp10-23

Pg. 3-4. Table 3-2 and Pg. 3-6, Table 3-3 (ASSUMED DEMANDS) - These tables are generally inconsistent with, and often vary widely from, data developed by the Water Forum. There is little descriptive information relating to source of data, mode locations, year of Table 3-3 demand, etc. How do tables relate to each other? Up-dated information and clarification are needed, particularly in regard to Alt. 1 conditions, assumptions, etc. If this data formed the basis of all the PROSIM analyses, all conclusions (particularly impacts) are suspect. Table 3-3 also shows a "no-hit" diversion (112,000 AFA) for EBMUD during even the driest years, and as we stated in an earlier section, this is not acceptable to SARA. The No-Action Alternative 1 data in Table 3-2 and throughout Vol. 1 is used as the basis for determining or evaluating project environmental impacts. Alt.1 is defined in the DEIR as "future conditions" project (2030). Existing (current) conditions must be used as a baseline for impact evaluation per CEQA requirements. Sp10-24 Sp10-25

Pg. 3-16. PROSIM SIMULATED ALT. 2 AMERICAN RIVER DELIVERIES - We don't understand the origin of the 435,000 AFA value assumed for "future" American River use ("...developed by the Water Forum"). Water Forum data for 2030 wet/avg. year demands shows an estimated 514,000 AFA total demand. It may be that EBMUD analyses used early Forum data, but the large difference still casts a shadow on the validity of the overall DEIR data and conclusions made therefrom. Sp10-26

Pg. 4-3 (and subsequent). IMPACTS FOUND TO BE LESS-THAN-SIGNIFICANT (WATER QUALITY) - This section (and the chapter in general) does not deal with water quality issues in the LAR, Sacramento River or Folsom Reservoir under low flow condition as a result of Alt. 2 or 3 diversions. Therefore, the DEIR cannot be considered acceptable in ability to assess water quality impacts. Sp10-27

Pg. 5-11 (and subsequent). WATER TEMPERATURE IMPACTS ON FISHERIES RESOURCES IN THE LAR - The thermal analysis is flawed in many areas that result in fishery impacts that may be significantly underestimated. Historical data is used rather than more current AFRP flows; cold-water pool control measures (Folsom dam shutters and Thermal Control Devices) are not modeled; storage conditions (relating to cold-water pool) in months subsequent to EBMUD diversions are not modified for the results of these diversions; calculated temperature increases of less than 1.0% F due to the projects were written off because they were less than the "natural variability"--they should be added to the natural variability. The DEIR fails to adequately explain how EBMUD modeled the "Hodge physical solution," the "F" pattern or the AFRP flow regimen and temperature needs of the Lower American River. For these short-comings, and others, the reported impacts to the cold water fisheries of the LAR are considered deficient. Sp10-28

Pg. 5-20. ALT. 3: IMPACT: REDUCED HABITAT IN LAR AS A RESULT OF REDUCED FLOWS - Tables 5-12 through 5-17 generally show that Alternate 3 is more "salmon-friendly;" however, the substantial decline caused by both alternatives (from existing conditions) in late summer AFRP flow levels is troublesome and results in some significant impacts on steelhead and other LAR fish populations. Tables 5-19 & 20 show a 10% or worse decline in flows during steelhead emigration periods; Tables 5-22 through 5-25 paint an even worse picture for shad and striped bass. The flow level reductions portrayed are at, or worse than, the 10% established as "significant" and point out the need to limit diversions to by-pass levels determined to be non-detrimental to in or out migration. Sp10-29

Likewise, the "full-use" scenario, (Table 5-42) shows a 12% flow reduction during chinook salmon migration (I-5 to mouth) which would require a restriction on when full-use could be employed. What is the reason, or explanation, why full-use conditions do not create a worse condition for steelhead, striped bass, or shad, (Tables 5-40 through 5-51) as compared to the cumulative change data shown in tables referenced in the previous paragraph? The DEIR relies on compliance with Hodge flows during evaluation of significant impact thresholds. Conclusions based on this methodology are not supported by more recent information. Use of the AFRP recommendations would provide a more adequate assessment of impacts. Hodge flows were never intended as a criteria for CEQA significance. Sp10-30 Sp10-31

Pg. 6-7. SIGNIFICANCE CRITERIA - Who, and by what process, would determine definition of "**substantial**" relating to changes or disruptions leading to a "significant" impact classification? Sp10-32

Pg. 6-7. IMPACTS FOUND TO BE LESS-THAN-SIGNIFICANT - There is an apparent contradiction (or typo-error) between the messages of the first and second paragraph under Alt. 1: No Action. Para.1 states "...hydrologic conditions would not change." Para. 2 reads "...changes in hydrologic conditions at Folsom Reservoir, the LAR, and...would result in changes in recreational opportunities at these sites." What is the correct message? Sp10-33

It is difficult to understand how hydrological conditions are often better under Alt. No. 1 than for "existing conditions." What is the demand year, demand totals, data source, etc? Sp10-34

Pg. 6-13. IMPACT: CHANGE IN WATER-DEPENDENT RECREATIONAL OPPORTUNITIES IN THE LAR - There are significant impacts identified in this section for both Alternatives 2 and 3. The statement that "no mitigation is available to reduce this impact to a less-than-significant level" cannot be accepted at face value. True, there probably is no direct "same-kind" of mitigation-to-impact action that is practical, but there are alternate forms of recreational opportunities that could be implemented. For example: development of all-terrain bicycle trails; providing new small watercraft launch sites downstream of FWTP; fishing-pond and small-craft opportunities for youth in conjunction with Urrutia property development, etc. It is important to SARA that actual projects be conceived and carried out as part of specific mitigation efforts - -to supplement the plans, studies and evaluations to be funded as proposed herein and in Water Forum negotiations. Direct coordination with the Sacramento County Parks and Recreation Dept., City of Sacramento, and community representatives would be required to define and implement any such projects. Sp10-35

Pg. 6-5, TABLE 6-6 - Is the first entry under "existing conditions" correct? If so, its difficult to understand: (1) Why so few months are above the threshold; and (2) why adding EBMUD's diversions in Alt. 2 and 3 increases the number of months flows are above the threshold. Is this a result of trying to "squeeze" all conditions into the 1500-2000 cps "threshold?" If so, this is probably a mis-interpretation of how the threshold was intended to be applied or, more likely, SWRCB has provided a "range" instead of a "threshold"--which is too restrictive. In any case, all data entries for SWRCB are generally mis-leading and CVPIA-based data entries are more meaningful for impact evaluation. Sp10-36

Pg. 6-14, ANALYSIS OF FULL-USE SCENARIO - Table 6-6 is not consistent with (or understandable when compared to) Table 6-3 in regards to the last entry in both. Table 6-3 shows "**no change**" in the number of months Alt. 2 or 3 meets Hodge summer recreation flows (compared to Alt.1), while Table 6-6 shows more months meet this same criteria under "full-use" conditions. Are we missing something? Sp10-37

Pg. 16-9. IMPACT. CHANGE IN VISUAL RESOURCES AT THE SITES OF AR INTAKE ALTERNATIVES 4 AND 5 - As noted earlier, SARA supports the Site 5 location for the Joint Project Alt. 3 intake. Part of this support is based on the opportunity for least visual intrusion into the Parkway. We need assurances that the final design is not only state-of-the-art technically, but is esthetically in keeping with the natural environment of its setting. It should intrude into the river as little as possible and use materials, colors and features consistent with the area. A design competition has been suggested for the architectural or artistic elements. SARA would like the opportunity to participate in a final review of the visual character of the structure before any project go-ahead. Sp10-38

CONCLUSION/SUMMARY

SARA's support of the Joint Project Alternative 3 approach and Site 5 intake is based upon our assessment that it is the project with the least impact on the cumulative values of the LAR, the American River Parkway and other water resources. This alternative also benefits Sacramento area future water needs. Our support comes with a requirement that specific mitigation measures will be implemented to lessen impacts to the various qualities of the river - - regardless whether specific impacts meet the DEIR "10% worse" guideline for significance.

The intake structure is a prime example of this philosophy. It will be in the river for eternity, perhaps, always visible from the river and south bank, most always reducing natural flows to the mouth, and always a potential death-trap to young fish. SARA has compromised their long-standing position against any relaxation of Hodge flow requirements at the mouth of the American River to enable us to accept the Joint Project as an eventual reality.

Therefore, it is appropriate that acceptable and specific mitigation measures be included in the final Project plan. Some suggested (and we feel **necessary**) elements include:

- Acquisition of the Urrutia Property (123 acres) and ownership transferred to the County of Sacramento. This property would be administered by the Sacramento County Department of Regional Parks, Recreation and Open Space consistent with the provisions of the American River Parkway Plan.
- Purchase and improvement of the Dellar property for a Sacramento City park.
- Restoration of habitat and levees in the construction site.
- The levee between highways I-5 and I-80 on the south side of the American River be paved for use as a Class I bicycle trail.
- Fishing and small-craft boating accesses in the lower reaches of the LAR.
- All-terrain bicycling trail (when approved in American River Parkway Plan).
- Participation in habitat restoration in areas downstream of Howe Avenue.
- Maintain annual contribution to the Water Forum Habitat Mitigation Element planning, monitoring and evaluation task.
- Additionally, we endorse and support mitigation measures being proposed by the City and County of Sacramento.

Emphasizing a previous position, required for an acceptable joint project from SARA's perspective would be an agreed upon cutback in EBMUD's diversion allocation in the drier and driest years in order to protect the public trust uses, values and resources of the LAR and the Delta. Of critical importance is **maintaining a by-pass flow downstream of the intake site which meets criteria to be based upon studies done as part of the Water Forum effort**. Minimum flows that sustain fishery needs to the mouth in all type years must be maintained and water intake quotas adjusted accordingly.

We will continue to work with EBMUD personnel to define a supplemental water project for EBMUD users that best meets all party's needs, while protecting the public trust interests of the American River and related water resources. We hope you will seriously consider our comments, questions and suggestions, and respond to what we feel are deficiencies in the areas of the DEIR/EIS methodology, assumptions and conclusions.

We look forward to further conversations and negotiations with the EBMUD staff and its Board of Directors. It is our strong preference that any project final agreements be developed within the Water Forum process and are incorporated in that entity's Final Agreement.

Thank you for the opportunity to review and respond to the DEIR/EIS.

Sincerely,

Frank F. Cirill

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Save the American River Assn., Inc.
Residence: 5515 State Avenue
Sacramento, CA 95819
Phone: 455-2880

jds/wgd

cc list on next page

cc: U.S. Bureau of Reclamation:
Attn: Thomas J. Aiken, Area Manager
Attn: Rod Hall, Environmental Specialist

City of Sacramento - Department of Utilities - Attn: James Sequeira, Director

County of Sacramento - Public Works Agency - Attn: Keith Devore, Chief

DeCuir & Somach, Attorneys - Attn: Stuart Somach, Counsel

County of Sacramento - Community Development and Neighborhood Assistance Agency.
Attn: John O'Farrell, Administrator

County of Sacramento - Dept. of Regional Parks, Recreation and Open Space
Attn: Roy Imai, Deputy Director, Planning
Attn: Gary Kukkola, Deputy Director, Rangers

Sacramento Area Flood Control Agency - Attn: Tim Washburn, Agency Counsel

American River Flood Control District - Attn: Ted Smith, General Manager

Friends of the River - Attn: Ron Stork - Attn: Charlie Casey

Sierra Club - Attn: Clyde Macdonald

ECOS - Attn: Tom Whitney, President - Attn: Gail Ervin

Water Forum - Attn: Jonas Minton - Attn: Susan Sherry

PCL - Attn: Jennifer Jennings

American River Parkway Foundation - Attn: Jacqui Swaback, Exec. Director

Metropolitan Water District of Southern California -
Attn: Laura J. Simonek, Principal Environmental Specialist

Contra Costa Water District - Attn: Walter J. Bishop, General Manager

American River Parkway Advisory Committee
Attn: Ann Stevens, Chair, and Michele McCormick

SARA Board of Directors

Response to Comments of Save the American River Association

Sp10-1, Frank F. Cirill, Save the American River Association
The commentor's preference for Alternative 3 is noted.

Sp10-2, Frank F. Cirill, Save the American River Association
The commentor's preference for intake Site 5 is noted.

Sp10-3, Frank F. Cirill, Save the American River Association
No response is necessary.

Sp10-4, Frank F. Cirill, Save the American River Association
EBMUD will be subject to CVP contractual shortages during dry years.

Sp10-5, Frank F. Cirill, Save the American River Association
The 1997 Draft EIR/EIS accurately discloses the environmental impacts of Alternatives 2 and 3 and is consistent with the intent of CEQA and NEPA.

Sp10-6, Frank F. Cirill, Save the American River Association
As stated on page S-2 of the 1997 Draft EIR/EIS, EBMUD would make use of its water service contract consistent with the conditions set forth in the Hodge Decision, which is protective of public trust values. Effects on fisheries and Delta water quality were addressed in the 1997 Draft EIR/EIS. The primary project objective is to allow EBMUD to use its water service contract with Reclamation for delivery of American River water.

Sp10-7, Frank F. Cirill, Save the American River Association
As stated on page S-3 of the 1997 Draft EIR/EIS, the needs of new residential and commercial customers would be met in normal years by conservation and water reclamation projects; however, the existing EBMUD water supply would not be able to meet system-wide demands during a prolonged drought. The 1997 Draft EIR/EIS indicates that the project would not result in significant impacts on water-related resources (e.g, fisheries, recreation, water quality) in the lower American River or Bay/Delta (Pages 4-4 through 4-6, 5-17 through 5-22, and 6-7 through 6-12).

Sp10-8, Frank F. Cirill, Save the American River Association
See the responses to the "Alternatives Considered" and the "Delta and Sacramento River Alternatives" major issues in Chapter 3 of this document. See also the REIR/SEIS.

Sp10-9, Frank F. Cirill, Save the American River Association
The commentors preference for Alternative 3 is noted.

Sp10-10, Frank F. Cirill, Save the American River Association
The 1997 Draft EIR/EIS accurately describes the environmental impacts associated with Alternatives 2 and 3. Each alternative results in generally similar effects, but there are differences between the alternatives that must be evaluated. For example, under Alternative 2, deliveries to EBMUD are made upstream of the lower American River, thereby potentially decreasing downstream flows. However, deliveries under Alternative 2 would generally be made in wet years because of the restrictions of the Hodge Decision. In contrast, Alternative 3 deliveries would be made downstream after flows to be diverted had traveled down much of the lower American River. However, operations under Alternative 3 would result in diversions being made largely in dry years when water supplies are less plentiful. In addition, Alternative 3 would require the construction of new facilities in the lower American River, resulting in some impacts that would not occur under Alternative 2. Overall, impacts are relatively minor and avoidable under both alternatives, as described throughout the 1997 Draft EIR/EIS.

Sp10-11, Frank F. Cirill, Save the American River Association
Mitigation measures to reduce project-level and cumulative impacts are described in each resource chapter. The 1997 Draft EIR/EIS concluded that significant project-level impacts on water-related resources would not occur under Alternatives 2 and 3. Specific mitigation measures that address impacts under these alternatives were identified in the 1997 Draft EIR/EIS. The environmental commitments common to both alternatives are described on pages 2-3 through 2-7 of the 1997 Draft EIR/EIS. The commentor has not identified any specific feasible mitigation measures for consideration.

Sp10-12, Frank F. Cirill, Save the American River Association
Under the No-Action Alternative, EBMUD would not take delivery of water from Reclamation. The purpose of the Supplemental Water Supply Project includes increasing system reliability in case the Mokelumne River supply is disrupted as a result of planned maintenance or a catastrophic event and reducing customer deficiencies to manageable levels during a drought. The No-Action Alternative would not meet the project purpose of using its water service contract with Reclamation.

As described in Chapter 1 of the 1997 Draft EIR/EIS, EBMUD has undertaken a very aggressive conservation and reclamation program. EBMUD projects that full implementation of these programs will reduce future annual water consumption by approximately 18% as compared to projected demands without these measures.

Sp10-13, Frank F. Cirill, Save the American River Association
As indicated in the project objectives and the purpose and need, the Supplemental Water Supply Project is not proposed to allow full buildout of the EBMUD service area. See response to Comment Sp10-12.

Sp10-14, Frank F. Cirill, Save the American River Association
As described in Chapter 3 of this document, " Hydrology, Water Supply, and Power," deliveries to EBMUD under Alternative 2 would average 29,000 AF annually. Figure 3-2 of the 1997 Draft EIR/EIS graphically depicts when deliveries are expected to be made to EBMUD under Alternative 2. As shown in this figure, in some years EBMUD is not expected to take delivery of water from the Folsom South Canal. Additional information on when delivers would be made to EBMUD are shown in Table C-5 of Appendix C to the 1997 Draft EIR/EIS, "Results of PROSIM and EBMUDSIM Modeling." Pages 3-1 and 3-14 of the 1997 Draft EIR/EIS describe the hydrologic events that would trigger deliveries to EBMUD under Alternatives 2 and 3.

Sp10-15, Frank F. Cirill, Save the American River Association
An analysis of flows below the intake facility and effects on fisheries was included in Chapter 5 of the 1997 Draft EIR/EIS, "Fisheries." As shown in Table 5-11, the frequency that flows in the reach of the lower American River below the intake facility would fall below Hodge Decision flows or AFRP flows would be nearly the same as under no-action conditions. As indicated in Chapter 2 of the 1997 Draft EIR/EIS, the fish exclusionary facility would be designed to meet DFG, USFWS, and NMFS criteria.

Sp10-16, Frank F. Cirill, Save the American River Association
See the responses to the "Alternatives Considered," "San Joaquin County Conjunctive Storage," and "Delta and Sacramento River Alternatives" major issues in Chapter 3 of this document. A 78-inch pipeline would not be able to carry the volume of water (350 cfs) needed during a planned outage of Pardee Reservoir. The Supplemental Water Supply Project does not include a groundwater banking component.

Sp10-17, Frank F. Cirill, Save the American River Association
See responses to "Construction-Related Environmental Commitments and Mitigation," "Kiefer Boulevard Pipeline Routing," and "C Street Pipeline Routing" major issues in Chapter 3 of this document. EBMUD would continue to work with communities through which the pipeline would pass before, during, and after the construction phase to ensure that disruptions are minimized and public safety is maintained.

Sp10-18, Frank F. Cirill, Save the American River Association
Taking delivery of water from the lower American River between intake Site 5 and the confluence with the Sacramento River would be consistent with the Hodge Decision. It is recognized that approvals by the Alameda County Superior Court would be necessary before deliveries under Alternative 3 would begin.

Sp10-19, Frank F. Cirill, Save the American River Association
Page 2-21 of Chapter 2 of the 1997 Draft EIR/EIS, "Project Objectives and Alternatives under Consideration," describes the full-use scenario. The full-use scenario was included in the 1997 Draft EIR/EIS for informational purposes of the potential effects of full use of the project facilities. As discussed in the 1997 Draft EIR/EIS, the full use of Supplemental Water Supply Project facilities would be subject to additional environmental documentation and compliance with applicable regulations.

Sp10-20, Frank F. Cirill, Save the American River Association
See response to the "Alternatives Considered" major issue in Chapter 3 of this document. The Supplemental Water Supply Project would not take deliveries of water from the lower American River in violation of the Hodge Decision. Hodge Decision flows were established to protect the public trust resources of the American River.

Sp10-21, Frank F. Cirill, Save the American River Association
Both Alternatives 2 and 3 meet the screening criteria summarized on page 2-25 of the 1997 Draft EIR/EIS. An EBMUD-only alternative based on construction and operation of facilities similar to those in Alternative 3 met the screening criteria but was not included in the 1997 Draft EIR/EIS. The impacts of an EBMUD-only alternative would be the same or less than disclosed under Alternative 3 in the 1997 Draft EIR/EIS because deliveries through such a facility would be the same as or lower than under Alternative 3. The 1997 Draft EIR/EIS accurately discloses the impacts of Alternatives 2 and 3. See also the REIR/SEIS.

Sp10-22, Frank F. Cirill, Save the American River Association
Appendix D to the 1997 Draft EIR/EIS, "Lower American River Water Temperature Assessment," provides a detailed explanation of the evaluation of river temperatures used in the 1997 Draft EIR/EIS and a comparison of this evaluation with Reclamation's temperature model for the lower American River. The "risk of warming" approach accurately predicts the potential for change in river temperatures under Alternatives 2 and 3. In addition, the modeling assessed changes in daily temperatures, whereas the existing Reclamation temperature model assesses monthly changes in river temperature.

Sp10-23, Frank F. Cirill, Save the American River Association
As indicated in Table 3-1 of the 1997 Draft EIR/EIS, AFRP flows were included as part of the hydrologic simulation of the no-action alternative. The no-action alternative served as the baseline for evaluating project-level impacts.

Sp10-24, Frank F. Cirill, Save the American River Association
The demand information shown in Table 3-3 of the 1997 Draft EIR/EIS was closely coordinated with the Water Forum to the extent the Water Forum was willing to share information. The 1997 Draft EIR/EIS used the best available information when the

1997 Draft EIR/EIS was prepared. See response to "PROSIM Modeling" major issue in Chapter 3 of this document.

Sp10-25, Frank F. Cirill, Save the American River Association
Conditions under the no-action alternative provide an appropriate baseline for evaluating project-level impacts. The hydrologic modeling for the no-action alternative assumed that Reclamation would be operating Folsom Reservoir to meet AFRP objectives and that deliveries to existing water users would be constrained by the lesser of their existing facility capacities, demands, or entitlements.

Sp10-26, Frank F. Cirill, Save the American River Association
The demand information shown in Table 3-3 of the 1997 Draft EIR/EIS was closely coordinated with the Water Forum to the extent the Water Forum was willing to share information. The 1997 Draft EIR/EIS used the best available information when the 1997 Draft EIR/EIS was prepared. See response to "PROSIM Modeling" major issue in Chapter 3 of this document.

Sp10-27, Frank F. Cirill, Save the American River Association
The 1997 Draft EIR/EIS adequately evaluates water quality concerns in the lower American River, the Sacramento River, and other locations. As described in Chapters 3 and 4 and Appendix C to the 1997 Draft EIR/EIS, the effects on flow and water quality under all flow conditions are shown to be exceedingly small and are considered less than significant.

Sp10-28, Frank F. Cirill, Save the American River Association
See responses to Comments L21-110 through L21-114. Descriptions of the hydrologic modeling approach and results are included in the 1997 Draft EIR/EIS in Chapter 3 and in Appendix C.

Sp10-29, Frank F. Cirill, Save the American River Association
The greater than 10% change in AFRP and Hodge Decision flows during steelhead emigration shown in Table 5-19 and 5-20 of the 1997 Draft EIR/EIS would occur in the reach of the river between the Fairbairn WTP and the confluence with the Sacramento River only under cumulative conditions. Similar to the cumulative effects on steelhead, flows would be below the thresholds analyzed for American shad and striped bass (Tables 5-22 through 5-25 of the 1997 Draft EIR/EIS). Significant impacts on steelhead emigration and American shad spawning and migration are disclosed on pages 5-23 and 5-24 of the 1997 Draft EIR/EIS. The 1997 Draft EIR/EIS recognizes that under cumulative conditions, the average reduction in Hodge Decision and AFRP flows during the striped bass rearing period would be greater than 10%. However, the significance of the reduction in flows cannot be determined because of lack of information of the flow requirements of juvenile striped bass. Mitigation to reduce cumulative impacts is described on pages 3-24 and 3-25 of the 1997 Draft EIR/EIS.

Sp10-30, Frank F. Cirill, Save the American River Association
As described on page 3-23 of the 1997 Draft EIR/EIS, a full-use scenario was included only to provide a full range of analysis. There is no proposal to operate the facilities as described under the full-use scenario. When compared to Alternative 3, additional water was assumed to be delivered under the full-use scenario. The estimated changes in river flows that would occur under the full-use scenario would not include increased deliveries to other water purveyors beyond those described for Alternative 1. The cumulative scenarios assume that water deliveries to other purveyors would increase. Therefore, the estimated changes in river flows associated with the full-use scenario would be less than under the cumulative scenarios.

See response to Comment Sp10-19.

Sp10-31, Frank F. Cirill, Save the American River Association
AFRP flow criteria were used in the fisheries impact assessment (pages 5-18 and 5-21 of the 1997 Draft EIR/EIS).

Sp10-32, Frank F. Cirill, Save the American River Association
For the recreation impact assessment, the impact assessment assumed that a 10% or greater change in the frequency that river flows or reservoir elevations were below or outside a specific recreation threshold would result in a significant impact on the activity represented by that threshold. Application of a 10% exceedance frequency to these thresholds takes into account variability in the PROSIM hydrologic model.

Sp10-33, Frank F. Cirill, Save the American River Association
The intent of the discussion on page 6-7 of the 1997 Draft EIR/EIS is to disclose how recreational opportunities may change under no-action conditions compared to existing conditions. These changes are described on page 6-7 and shown in Tables 6-1, 6-3, and 6-4. The changes described under Alternative 1 are not attributable to the Supplemental Water Supply Project, because no deliveries would be made to EBMUD.

Sp10-34, Frank F. Cirill, Save the American River Association
The recreation impact assessment was based, in part, on the results of the PROSIM hydrologic modeling effort. A comparison of the frequency that river flows or reservoir elevations are above recreation thresholds between existing conditions and no-action conditions can be made based on the information shown in Tables 6-2, 6-3, and 6-4 of the 1997 Draft EIR/EIS. Generally, reservoir elevations shown in Tables 6-2 and 6-3 are very similar between no-action and existing conditions. Table 6-3 does indicate that, based on some thresholds, the frequency flows in the lower American River that are above or within recreation thresholds would only be greater under no-action conditions for the minimum flow range for boating as established by the SWRCB. The assumptions used in the hydrologic modeling are described in Chapter 3 of the 1997 Draft EIR/EIS, "Hydrology, Water Supply, and Power." More detailed hydrologic output is shown in Appendix C to the 1997 Draft EIR/EIS.

Sp10-35, Frank F. Cirill, Save the American River Association
As described on page 6-13 of the 1997 Draft EIS/EIR, significant cumulative impacts on water-dependent recreation activities would occur on the lower American River between the Fairbairn WTP and the confluence with the Sacramento River. No mitigation is available to offset the cumulative effects on water-dependent recreational opportunities. EBMUD may be willing to participate in regional efforts to enhance recreational opportunities along the lower American River. The alternate mitigation measures mentioned in the comment cannot be implemented by EBMUD alone but could be implemented as part of a regional effort. See response to the "Construction-Related Environmental Commitments and Mitigation" major issue in Chapter 3 of this document.

Sp10-36, Frank F. Cirill, Save the American River Association
As indicated in footnote "c" of Tables 6-3 and 6-6 in the 1997 Draft EIR/EIS, the number of months and percent of time represent the frequency that flows are within an indicated range, except for the frequency that flows are above the Hodge Decision criteria for summer recreation flows of 1,750 cfs.

Sp10-37, Frank F. Cirill, Save the American River Association
As shown in Table 6-3 and 6-4 of the 1997 Draft EIR/EIS, the flows in the lower American River would be above the Hodge Decision criteria for summer recreation flows of 1,750 cfs slightly more frequently under the full-use scenario than under Alternative 3. As shown in Table 6-6, the summer flows would be above the Hodge Decision flow criteria for an additional 8 months over the 70-year hydrologic period, or a 3% change. This change is very

small and, for purposes of an impact assessment, would not be treated as a beneficial impact. The increase in the frequency that flows are above the 1,750-cfs threshold may be a result of PROSIM making stepped flow adjustments to meet downstream requirements. A comparison of other recreation thresholds indicates that river flows would typically be less favorable for the activities represented by these flows under the full-use scenario than under Alternative 2 or 3.

Sp10-38, Frank F. Cirill, Save the American River Association
As part project planning, EBMUD, in conjunction with the City and County, has conducted agency and public workshops to help determine the best location and design of an intake structure on the lower American River. EBMUD will continue to work with agencies and the public as the design of the intake facility moves forward if Alternative 3 is implemented.

Sp10-39, Frank F. Cirill, Save the American River Association
As indicated in the response to Comment Sp10-35, the mitigation measures mentioned in the comment could not be implemented by EBMUD alone. The measures could be implemented as part of a regional effort in which EBMUD could participate.

EAST SACRAMENTO IMPROVEMENT ASSOCIATION

Neighbors helping neighbors since 1958

March 12, 1998

Kurt Ladensack
East Bay Municipal Utility District
MS # 305
P.O.Box 24055
Oakland, CA 94623-1055

Sp 11

SUBJECT : COMMENTS ON EBMUD-SACRAMENTO JOINT WATER SUPPLY EIR

Dear Mr. Ladensack

I write with regard to the project environmental impact statement (EIR) on behalf of the East Sacramento Improvement Association (ESIA). ESIA is one of the oldest and largest neighborhood associations in Sacramento, and the proposed project would pass through a substantial portion of the East Sacramento area.

ESIA is supportive of the goal of preserving adequate flows in the lower American River while at the same minimizing community disturbance. It is our belief that Intake Alternative 5 is the best alternative for preserving such flows and minimizing civic disturbance.

The proposed pipeline alignment would go east on C Street, follow Elvas Avenue, then 57th Street to border of the California State University campus. ESIA supports the "bypass option," which avoids C Street entirely and joins Elvas at Lanatt Way. However, ESIA strongly urges EBMUD to investigate thoroughly the possibility of avoiding Elvas Avenue by placing the pipeline on the north and east sides of the railroad levee. Such an alignment would avoid virtually all of the disruption on Elvas and 57th Street that even the "bypass option" would cause. Sp11-1

Finally, ESIA would caution EBMUD to take all possible measures, including more time and study if necessary, to avoid civic disruption in Sacramento. There is a strong undercurrent of public resentment in East Sacramento and elsewhere concerning the effects of the project which, if not taken seriously, could threaten the political viability of the Water Forum proposal. Obviously, one way for EBMUD to attenuate this resentment is to avoid C Street and Elvas Boulevard. We urge that you do so.

Thank you for considering these comments.

Yours truly,

CYNTHIA SCANLON
President

Response to Comment of East Sacramento Improvement Association

Sp11-1, Cynthia Scanlon, East Sacramento Improvement Association

The preference for Alternative 3, intake Site 5, combined with the C Street Bypass Option, is noted. Chapter 2 of this document presents the current status of the project with respect to a preferred alternative. See response to the "C Street Pipeline Routing" major issue in Chapter 3 of this document.

Sp 12

Sierra Club

Sacramento Valley Group

~~P.O. Box 1336, Sacramento, California 95812-1336~~
2417 CASTRO WAY #9 SACRAMENTO CA 95818

Mr. Kurt Ladensack
EBMUD
P.O. Box 24055
Oakland, CA 94623

March 15, 1998

Mr. Cecil Lesley
U.S. Bureau of Reclamation
Central California Office
7794 Folsom Dam Road
Folsom, CA 95630

Dear Mr. Ladensack and Mr. Lesley:

These are the comments by the Sacramento Group and the Mother Lode Chapter of the Sierra Club on the EBMUD/Bureau of Reclamation EIR/EIS (EIR) on the supplemental water supply project for EBMUD.

OVERALL:

Congress and the State Legislature have recognized the importance of the lower American River by its inclusion into both the State and Federal Wild and Scenic Rivers Acts. In addition, the American River Parkway has about 5.5 million visitors per year, making it one of the most heavily used recreation areas west of the Mississippi River. Sp12-1

It is difficult to believe that a project that would divert about ten percent of the safe yield of a Wild and Scenic River has, according to the EIR, only two significant environmental impacts after mitigation: the visual impact of the intake structure and the use of a railroad right-of-way.

To put the amount of the annual diversion in perspective, it would annually fill a tank the size of a football field and stand 30 miles high.

This is a very large project with very large impacts, but the EIR doesn't properly evaluate them.

NEGOTIATIONS

The Sierra Club, through the Water Forum, has been negotiating with EBMUD on a diversion of American River water from near the confluence with the Sacramento River. These negotiations are not complete and it is not clear whether when or if they will be completed. Sp12-2

On page S-5, the EIR says that Alternative 3 is a "mutually acceptable proposal developed by EBMUD, the City of Sacramento, the County of Sacramento, in conjunction with the Sacramento-area Water Forum." While there have been negotiations, there has been no agreement on Alternative 3.

Because the EIS/EIR is a legal document with significant implications, the Sierra Club is placed into a position where it must assume that EBMUD intends to proceed regardless of whether an agreement with the Forum is approved, i.e., EBMUD intends to divert at Nimbus.

AREAS OF CONTROVERSY

On page S-6, the EIR describes the primary areas of controversy. Additional areas of controversy include: (1) impacts on recreation at Folsom Reservoir due to increased water demand from the American River and thereby on Folsom Reservoir, (2) impacts on recreation in the Lower American River (LAR) due to changes in the timing of demand for water, (3) impacts on habitat in the LAR, (4) impacts on Delta water quality, (5) impacts on the water quality of Delta exporters due to higher quality water being diverted by EBMUD, (6) impacts on Delta fisheries, (7) impacts on the upper Sacramento fisheries due to re-operation of the Central Valley Project because of the increased water demand from the American River, (8) impacts on the environment of the area supplied by water exporters who will face a reduced water supply, (9) inclusion of other areas as a part of the service area of the American River water, and (10) alternative diversion locations. Sp12-3

All of these issues should be fully evaluated in the EIR.

VISUAL IMPACTS OF THE INTAKE STRUCTURE

On page S-9, the EIR says that there are no mitigation alternatives for the intake structure under Alternative 3. The LAR is in the state and federal wild and scenic rivers acts. If Alternative 3 proceeds, there should be an architectural engineering competition to design the best intake possible, i.e., one that has the least impact on the environment of the river. Sp12-4

If any of the upstream intake locations are selected, the intake design must take into consideration the future recreational uses of the river and future park areas.

ALTERNATIVES

On page 1-3, the EIR discusses the Bixler pumping plant in Delta. Diverting water at Bixler, coupled with a new treatment plant, should be an alternative. EBMUD included this a water supply intake location in the past, and it should be considered as an intake location in this EIR. Sp12-5

The EIR should evaluate diverting water at the Clifton Court Forebay Sp12-6

The EIR should await the decision of CALFED on a Delta alternative. EBMUD potentially could be a participant in the project, gaining from economies of scale and then not needing such an expensive project to divert from a wild and scenic river. Sp12-7

The EIR should consider an alternative that would divert water from the Mokelumne in wet years when Pardee is taken off-line. This could be done by diverting Pardee water directly to a new pipeline that would connect to the downstream aqueduct. This would allow a smaller pipeline from the American and lesser impacts on the American River. Sp12-8

EBMUD should consider buying water from farmers in the Mokelumne watershed during severe droughts. Given the huge costs of this project, a water purchase project might be substantially cheaper with lesser impacts on the environment.

Alternative 3 would violate Hodge if flows are being diverted below Hodge. Sp12-9

MIDDLE BAR PROJECT

On page 1-12, there is a reference to Figure 2-3, which is not included. Sp12-10

THE HODGE DECISION

The document does not specify how EBMUD will comply with the Hodge Decision under Alternative 3. On page 1-5, the document says that EBMUD is encouraged to take delivery of as much of its allocated supply as possible when instream flows are least required for protection of environmental interests and public trust values. This language clearly notes that Judge Hodge did not think that the Hodge flows were fully sufficient to protect environmental interests and the public trust. The document does not specify the critical environmental needs and the public trust and how EBMUD intends to comply with this "encouragement." Sp12-11

SALES TO OTHERS

As stated on page 1-5, EBMUD is limited by the Hodge Decision to the using the water for its own demands. EBMUD may not sell any portion of its American River supply to others. EBMUD is currently offering to sell portions of its American River supply. Sp12-12

On page 2-21, the EIR says that when EBMUD is not using its full supply, some capacity may be available to others. The EIR evaluates diversions to EBMUD, not to others. Selling water to others from a wild and scenic river is inappropriate.

SCREENING CRITERIA

It isn't clear where EBMUD would store water under alternative 2; it isn't clear whether EBMUD has enough capacity to take the amounts the EBMUD proposes to take. Sp12-13

IMPACTS ON RECREATION IN THE LAR

Optimal flows in the LAR for recreation are 3,000 cfs. Under Alternative 2, in most of the summer, EBMUD could be diverting water when flows are in excess of 1,750 cfs at the mouth. This is stated on page 3-14. The EIR should fully evaluate the actual impact on recreation in the LAR; the Hodge Decision is a limit on diversions, not a limit on the impacts under CEQA or NEPA. Sp12-14

MORE RECREATION IMPACTS

The EIR includes a series of charts that show minor impacts on Folsom Reservoir levels and on lower American River flows. This is the "death by a thousand cuts" problem for natural resources. With many water agencies proposing to take water from the American over the next 30 years, it is inappropriate for each agency to declare that its relatively small diversions would have a relatively insignificant impact that doesn't need to be mitigated, even though the total impact is very large. Sp12-15

The EIR should evaluate mitigation alternatives.

WATER FORUM ANALYSIS

The Water Forum analysis probably is the most comprehensive analysis ever done on a watershed. Sp12-16

The EIR should describe differences between the EBMUD EIR and the Forum EIR when the Forum EIR is released in the near future. The conclusions of impacts are very different.

The EIR should describe any differences in the modeling assumptions and method of analysis.

FISHERIES SIGNIFICANCE CRITERIA

The EIR uses a "10%" or greater change as the criteria to identify a significant impact. This is crazy. With about twenty water agencies planning to take water from the American, the fisheries could be devastated. Sp12-17

EBMUD needs to accept its fair share of the impact on fisheries.

ADEQUATE ANALYSIS OF LOWER AMERICAN RIVER DIVERSION SITE;

There has not been adequate analysis of the alternative diversion sites. Impact on fisheries needs to be evaluated, as well as impact on the surrounding community to minimize disruption to traffic. Sp12-18

We want to incorporate by reference the comments of the Save the American River Association. Sp12-19

Sincerely

Tom Whitney

Tom Whitney
Member, Management Team, Sacramento Group of the Sierra Club
Water Forum Delegate, Sacramento Group and Mother Lode Chapter

Response to Comments of Sierra Club, Sacramento Valley Group

Sp12-1, Tom Whitney, Sierra Club, Sacramento Valley Group
It is recognized that the lower American River has been included in the State and Federal Wild and Scenic Rivers systems as a recreational river. The 1997 Draft EIR/EIS adequately evaluates the potential effects of the project alternatives on the human environment and identifies significant impacts and mitigation measures necessary to reduce impacts to less-than-significant levels.

Sp12-2, Tom Whitney, Sierra Club, Sacramento Valley Group
As indicated on page S-5 of the 1997 Draft EIR/EIS, Alternative 3 was a mutually acceptable proposal between EBMUD and the City and County of Sacramento.

Sp12-3, Tom Whitney, Sierra Club, Sacramento Valley Group
The areas of controversy indicated on page S-6 of the 1997 Draft EIR/EIS were based on public scoping input during the preparation of the 1997 Draft EIR/EIS. The 1997 Draft EIR/EIS fully evaluated impacts on recreation, vegetation, wildlife, fisheries, water quality, and water exports. Appendix B to the 1997 Draft EIR/EIS, "Alternative Screening Report," provides a description of the alternatives that were screened from additional analysis.

See the response to the "Alternatives Considered" major issue in Chapter 3 of this document.

Sp12-4, Tom Whitney, Sierra Club, Sacramento Valley Group
As noted on page 16-6 in the 1997 Draft EIR/EIS, the intake structure would be subject to Policy 5.7 of the American River Parkway Plan. The final design and architectural treatment of the intake structure would be subject to review and approval by the City and County of Sacramento as stated on page 16-11 and would be the subject of ongoing public involvement activities.

Sp12-5, Tom Whitney, Sierra Club, Sacramento Valley Group
See response to the "Delta and Sacramento River Alternatives" major issue in Chapter 3 of this document.

Sp12-6, Tom Whitney, Sierra Club, Sacramento Valley Group
See responses to "Alternatives Considered" and "Delta and Sacramento River Alternatives" major issues in Chapter 3 of this document.

Sp12-7, Tom Whitney, Sierra Club, Sacramento Valley Group
As a CVP contractor, EBMUD is committed to participating in the CALFED process. The purpose and objectives of the Supplemental Water Supply Project are outlined in Chapter 1 of the 1997 Draft EIR/EIS. See response to "Relationship to CALFED" major issue in Chapter 3 of this document.

Sp12-8, Tom Whitney, Sierra Club, Sacramento Valley Group
See response to "Alternatives Considered" major issue in Chapter 3 of this document. The alternatives outlined in this comment do not meet the project objectives. They were fully evaluated and found to be infeasible as part of EBMUD's Updated WSMP.

Sp12-9, Tom Whitney, Sierra Club, Sacramento Valley Group
Tables 5-9, 5-10, and 5-11 of the 1997 Draft EIR/EIS show the frequency that flows in the lower American River would fall below Hodge Decision criteria under Alternatives 2 and 3. As indicated in Table 5-11, the largest change in this frequency would occur under Alternative 3 for the reach of the lower American River between the intake structure and the mouth, with flows falling below Hodge Decision summer flow criteria for 19 additional months over the 70-year modeling period. It is recognized that approvals by the Alameda County Superior Court

would be necessary before deliveries under Alternative 3 would begin.

Sp12-10, Tom Whitney, Sierra Club, Sacramento Valley Group
The sentence refers to Figure 2-3 in Appendix B to the 1997 Draft EIR/EIS, "Alternatives Screening Report." See Chapter 12 of this document, "Errata."

Sp12-11, Tom Whitney, Sierra Club, Sacramento Valley Group
See response to Comment SP12-9.

Sp12-12, Tom Whitney, Sierra Club, Sacramento Valley Group
Page 2-21 of the 1997 Draft EIR/EIS does indicate that when EBMUD is not using the capacity of joint project facilities, it may be used by other entities. For informational purposes, the potential effects of using the total capacity of the joint project facilities were evaluated under the full-use scenario. As indicated on page 2-21 of the 1997 Draft EIR/EIS, additional use of the joint project facilities would be subject to additional environmental documentation and compliance.

Sp12-13, Tom Whitney, Sierra Club, Sacramento Valley Group
The hydrologic modeling for the 1997 Draft EIR/EIS did not assume that EBMUD would have additional storage capacity. Water deliveries under Alternative 2 would provide substantial benefit to EBMUD without the need for additional storage facilities.

Sp12-14, Tom Whitney, Sierra Club, Sacramento Valley Group
The 1997 Draft EIR/EIS fully evaluates impacts on recreation on the lower American River. Flow thresholds developed by Reclamation and the SWRCB, in addition to the Hodge Decision summer recreation flows, were evaluated in the 1997 Draft EIR/EIS in Chapter 5 (pages 5-15 through 5-20).

Table C-5 of Appendix C to the 1997 Draft EIR/EIS, "Results of PROSIM and EBMUDSIM Modeling," provides information on the amount and timing of deliveries to EBMUD that would be made under Alternative 2. As shown in Table C-5, most deliveries under Alternative 2 would be made during winter and spring.

Sp12-15, Tom Whitney, Sierra Club, Sacramento Valley Group
The 1997 Draft EIR/EIS correctly evaluates project and cumulative effects on Folsom Reservoir and the lower American River. The 1997 Draft EIR/EIS evaluates the cumulative effect of numerous diversions from the lower American River. The demands assumed for the American River for the cumulative analysis are shown in Table 3-3 (pages 3-6 to 3-7 of the 1997 Draft EIR/EIS).

Sp12-16, Tom Whitney, Sierra Club, Sacramento Valley Group
The demand information shown in Table 3-3 of the 1997 Draft EIR/EIS was closely coordinated with the Water Forum to the extent the Water Forum was willing to share information. The 1997 Draft EIR/EIS used the best available information when it was prepared.

Sp12-17, Tom Whitney, Sierra Club, Sacramento Valley Group
The 10% significance criteria was applied to changes in hydrologic conditions that are applicable to fisheries, not a 10% change in fish abundance. Chapter 5 of the 1997 Draft EIR/EIS, "Fisheries," identifies significant adverse cumulative impacts under Alternatives 2 and 3 on lower American River fisheries as a result of changes in river flows and temperature. The 1997 Draft EIR/EIS also provides mitigation measures to address these impacts (pages 5-24 to 5-25). These measures include EBMUD participation in regional fishery management efforts.

Sp12-18, Tom Whitney, Sierra Club, Sacramento Valley Group
The 1997 Draft EIR/EIS fully addresses the impacts associated with the five intake sites, the impacts on fisheries, and the impacts on traffic (See Chapters 4, 5, 6, 10, 12, and 16 of the 1997 Draft EIR/EIS). See response to "Construction-Related Environmental

Commitments and Mitigation" major issue in Chapter 3 of this document.

Sp12-19, Tom Whitney, Sierra Club, Sacramento Valley Group
Responses to the comments of the Save the American River Association are included in this document. See letter SP10 above.

Ione Band of Miwok Indians

Sp 13

March 17, 1998

Kurt Ladensack
EBMUD, MS #305
Post Office Box 24055
Oakland, California 94623-1055

RE: PIPELINE PROJECT

Dear Mr. Ladensack:

The Ione Band of Miwok Indians appreciates the chance to comment and inquire into the current Pipeline Project of EBMUD. The Tribe was only recently detailed of the activities taking place regarding this project.

During the process in open areas, the Tribe would like to request that if any cultural resources or otherwise significant sites are found that the pipeline avoid such areas by going around them instead of through them or causing need for excavation. In addition, the Tribe would like to request information regarding how cultural resources, if any found, would be handled. Also, if cultural resources have already been excavated the Tribe requests information regarding the intended process EBMUD has for such items. Lastly, if the project finds need for excavation in the city of Sacramento and outlying areas, the Tribe reserves the right to request jurisdiction pending an initial consultation session. Sp13-1

Please forward all information regarding this project to the Tribal Office. As necessary, the Tribe requests the right to consultation prior and during project progress by utilizing tribal recommended monitors or staff. Thank you in advance for your immediate attention to this matter.

Respectfully,

Kathryn Ramey//sni
Kathryn Ramey
Interim Chairperson

encl.

15 Preston Avenue • PO Box 1190 • Ione, CA 95640
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Treasurer
Karen Green

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Gil Jamerson

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Bill Franklin

Response to Comment of Ione Band of Miwok Indians

Sp13-1, Kathryn Ramey, Ione Band of Miwok Indians
Chapter 17 of the 1997 Draft EIR/EIS outlines the project's impacts on cultural resources. Page 17-13 presents mitigation measures for impacts to known and unknown cultural resources. Mitigation Measures 17-1, 17-2, and 17-3 are designed to reduce these impacts to less-than-significant levels. Mitigation Measure 17-2 requires EBMUD to "consult with Native Americans as identified by the California Native American Heritage Commission to identify cultural resources of importance to the Native American community." In addition, the measure requires cultural resources surveys to be conducted over the entire project area (Area of Potential Effect). Known cultural resources will be avoided if feasible, and, if not feasible, mitigated with measures developed in consultation with the State Office of Historic Preservation and the Advisory Council on Historic Preservation.

Sp 14

ENVIRONMENTAL DEFENSE FUND

California Office
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Comments of the Environmental Defense Fund on the Joint Environmental Impact Report/Statement Prepared by East Bay Municipal Utility District and the Bureau of Reclamation

March 18, 1997

The Environmental Defense Fund has reviewed the East Bay Municipal Utility District's Supplemental Water Supply Project Environmental Impact Report/Environmental Impact Statement, as well as other related documents and computer files.[1] We find that the rationale provided by EBMUD does not justify implementation of either the Folsom South Canal Connection upstream on the American River or the Joint Water Supply Project downstream on the American River.

Indeed, it is not clear that EBMUD's needs warrant any development of additional supplies from California's streams. EBMUD's own projections indicate that additional water would be needed only under conditions which are drier than those which have occurred in the historical record. Even if such as-yet unencountered conditions do occur, EBMUD has not fully implemented identified programs for conservation or reclamation, and has not considered comprehensive use of pricing mechanisms to manage customer demand.

EBMUD's proposed alternatives must be viewed in the context of the ever-increasing pressure to develop water which is otherwise needed to sustain and restore the beleaguered fisheries in California's Central Valley streams and in the San Francisco Bay-Delta estuary. The existence and operation of California's massive statewide plumbing system have devastated our natural aquatic ecosystems. Populations of salmon, steelhead and other anadromous fish have dwindled to a fraction of their numbers a century ago and have entirely vanished from some streams. In the San Francisco Bay-Delta Estuary, the resident Delta smelt, longfin smelt, Sacramento splittail and other species struggle to survive.

[1] Urban Water Management Plan, EBMUD, 1996; Updated Water Supply Management Program FEIR, EBMUD, 1993, EBMUD PROSIM studies EB_EC2, EB_JP1b, EB_JP2d, EB_JP16c, EB_CUM2, EB_CUM5, EBMUD Excel file CustomerDel.xls.

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The public has demonstrated support for restoration of California's aquatic ecosystems through the democratic process, including the Central Valley Project Improvement Act in 1992 and Proposition 204 in 1996. In addition, the Bay-Delta Accord, signed in 1994 by government agencies, urban and agricultural water users and environmental groups, established both an interim set of rules for operating the State's biggest water projects while protecting the Bay-Delta Estuary, and the ongoing CALFED Process, in which the planning for the needs of cities, farms and aquatic ecosystems are incorporated into a single, integrated process.

These efforts cannot succeed unless instream flows are maintained at levels adequate for fishery restoration . Yet EBMUD, like many of California's water agencies, continues to engage in traditional projects to develop new sources of water at the expense of fisheries and the natural environment.

If it is the case that future hydrologic conditions are drier than ever experienced, and that, in order to meet an increasing number of customers, EBMUD has exhausted all plausible means to use conservation, reclamation, price, and purchases to balance supply and demand, it is possible that EBMUD will "require" new supplies. Under these conditions, EDF recommends that any additional water be diverted from the Delta, and only in wet years, so that the water can stay in the natural ecosystem as long as possible to provide the greatest possible benefit to fish and the harm caused by diversions can be minimized.

Comments on specific sections of the EIS are provided below. In addition, EDF asks several questions which are largely unanswered in the document and provides suggestions for components which should be included in EBMUD's alternatives.

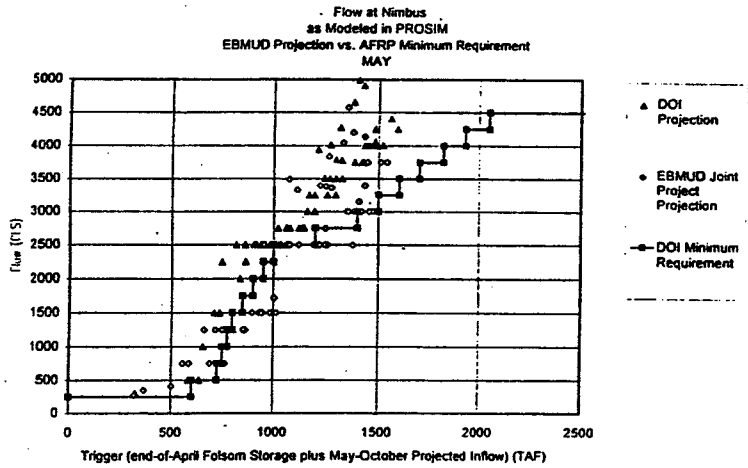
Environmental Impacts

The decline of fisheries over the past several decades in both Central Valley streams, including the American River, and the San Francisco Bay-Delta estuary has been well documented. On November 20, 1997, the Department of the Interior adopted criteria, pursuant to the 1992 Central Valley Project Improvement Act and in accordance with the United States Fish and Wildlife Service's Anadromous Fish Restoration Program (AFRP), to provide additional water to fish when they need it most. EBMUD's projections of American River flows show that the AFRP targets are met significantly less often than the Interior projections.[2] The impacts of increased diversions would also affect the San Francisco Bay-Delta, but the analysis presented in these comments is limited to American River flows. Sp14-1

[2] Analysis is based on PROSIM modeling by EBMUD and DOI. Separate concerns regarding the accuracy of this modeling are presented below.

Figure 1 shows projected American River outflow during May, a critical month for outmigration of salmon, steelhead and other anadromous fish, for both EBMUD's Joint Project alternative and for Interior's November 20 decision. EBMUD's projections for American River flows meet AFRP targets far less often the DOI's projections and are often as much as 1000 cubic feet per second less during many dry years. While it is true that EBMUD's "No Action" alternative is based on a future level of development in which assumed diversions by Placer County and others leave less water in the river to meet AFRP flows, EBMUD does not appear to make a concerted effort to address the AFRP's goal of meeting target flows all the way to the river's mouth, especially in the Joint Project alternative.

Figure 1



The difference in level of development may explain why the overall projected difference in American River flow into the Sacramento River in all of EBMUD's alternatives is less than that in the studies produced by the Department of the Interior in cooperation with U.S. Fish & Wildlife Service biologists. However, EBMUD provides no explanation for the difference in the timing of these American River flows, which are disproportionately less than those recommended by the Service during spring months, when naturally high flows are critical to the survival of outmigrating fall-run Chinook salmon. A summary of these differences is shown below in Table 1.

Indeed, the PROSIM studies show that water is generally diverted from the American water under the driest of conditions. While the average increase (above the No Action Sp14-2

projections) in diversions under the joint project alternative is 122 TAF, the assumed increase in a repeat of the driest ever year of 1977, would be 155 TAF. As a rule, environmentally sensitive projects should divert less, not more, water during dry years.

Table 1
American River Basin Outflow
Average Monthly Difference between EBMUD No Action and DOI AFRP Scenarios
Values in Thousands of Acre-feet

Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Ann
3	23	30	20	29	-34	-23	-33	-22	-51	-47	-8	-113

In addition, EBMUD does not address the effects of its proposed diversions, especially in the Joint Project alternative, on other species, such as spring- and winter-run chinook salmon, and Delta smelt which occasionally swim upstream into the American River. Sp14-3

Need for Additional Water

Design Drought Sequence

EBMUD's projected "demand" for the planning year 2020 is 228 million gallons per day (MGD). To its credit, it plans to implement a rationing policy during dry periods which would reduce overall average consumption by 25% to 171 MGD. **EBMUD's own analysis shows it can meet this level of delivery under historical conditions without developing additional water.**

To justify the need to develop water on the American River, EBMUD uses a "design drought sequence". In its planning under this hypothetical situation, the actual dry years 1976 and 1977 would be followed by a 1978 which is also very dry. (1978 was a wet year.) Figure 2 shows EBMUD's assumed deliveries under the No Action alternative. Sp14-4

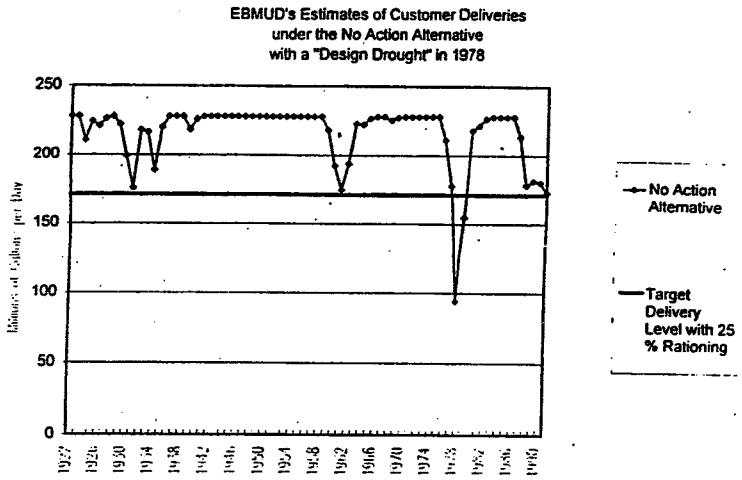
Adjusting Demand Projections

EBMUD's uses its "demand" in 1995 and assumed population growth, to project a "normal year" demand for 2020, after limited conservation and reclamation, of 228 MGD. EBMUD's actual customer use in 1995, however was only 196 MGD, more than 10% lower than its "projection" of 222 MGD. This 26 MGD gap between demand projection and actual use, if projected to forecast levels in 2020, would increase to 34 MGD.

Despite this large discrepancy, EBMUD contends that its demand projections (made in 1995) for 2020 are still accurate. It argues that consumption during 1995 was due to

customer conservation practices developed during the 1987-1992 drought and that a "drought rebound" will occur.

Figure 2



Some drought rebound may indeed take place, but EBMUD has clearly not shown that demand will ever return to previously projected levels. After more than five years, EBMUD argues that it has already seen increasing trends, especially in the use of water for residential landscaping. Customer use, however, still falls well short of the level of demand EBMUD uses as its basis for planning. EBMUD has the opportunity, through a combination of voluntary and mandatory conservation measures, to formulate an insightful and achievable conservation-oriented policy which would serve to proactively guide the future of water use in the District.

EBMUD's explanations do not satisfactorily account for the major discrepancy between actual and projected demand. It is EDF's view that the planning level of demand is overestimated and should therefore be recalculated in accordance with current use.

Demand Management

Additional conservation and reclamation measures, identified by EBMUD but not included as part of its Supplemental Water Supply alternatives, could save up to 53 MGD in 2020.

EBMUD's current planning includes adoption of programs which conserve an additional 13 MGD above current levels.[3] However, the more ambitious conservation plan formulated in its 1993 Water Supply Management Program Final EIR conserves an estimated 35 MGD above current savings.[4] Additionally the California Urban Water Agencies, in its 1996 Best Management Practices (BMP) Performance Evaluation Final Report, found EBMUD to be only partially implementing several key BMPs, including residential water audits (BMP 1), plumbing retrofit (BMP 2), and ultra low flush toilet (ULFT) replacement (BMP 16).[5] The following examples illustrate cost-effective conservation measures that extend well beyond those in EBMUD plans. Sp14-5

Ultra Low-flush Toilets

EDF analysis estimates the possible water savings if EBMUD undertakes an ULFT rebate/replacement program targeting single-family residences comparable to the one initiated by the Los Angeles Department of Water and Power in 1990. In seven and a half years, the LADWP's ULFT rebate/replacement program has replaced 32% (330,390 of 1,022,254) of the single-family residential toilets in its service area, not including natural replacement.[6]

EBMUD has currently replaced 0.6% (3,800 of 598,000) of the single family residential toilets in its service area through a rebate program.[7] If EBMUD undertakes a ULFT replacement program over the next twenty years that can achieve the results of the LADWP program in the last seven, the replacement of 31.4% of the toilets in single family households that exist in 1995 alone will yield an additional water savings of 2.86 MGD. EBMUD estimates saving of only 0.27 MGD in total single-family ULFT replacements by 2020,[8] a difference of 2.59 MGD.[9]

Using guidelines provided by the California Urban Water Conservation Council, EDF calculated the range of unit costs needed for this conservation program to save an acre-

[3] EBMUD Supplemental Water Supply Project (SWSP) Draft EIR/EIS (October 1997). 1-7.
[4] EBMUD WSMP FEIR (September 1993). Exhibit 7-4.
[5] CUWA Best Management Practice (BMP) Performance Evaluation Final Report (1996). 67.
[6] LADWP Ultra Low Flush Toilet Monthly Log (February 1998)
[7] CUWA BMP Performance Evaluation Final Report (1997): 79.
[8] EBMUD Urban Water Management Plan (UWMP) (February 1996). VII-52.
[9] See attached spreadsheet #1 (Good EBMUD Toilet).

foot (AF) of water, including direct customer costs, to vary from $590 to $1037.[10] For the supply augmentation alternatives suggested in the 1993 Project EIR/EIS (not including the groundwater only alternative), the unit cost of water, including direct customer costs, by comparison ranges from $2600 to $5000.[11] The dramatic difference in these unit costs suggests that it may be in EBMUD's best interest to undertake a ULFT rebate/replacement program even more ambitious than LADWP's.

Similar ULFT rebate/replacement programs could be initiated to target multi-family dwellings, as well commercial and industrial sites. These locations have a greater potential for water savings per toilet replaced because of the increased number of people who use each toilet compared to the use of a toilet in a single-family home.[12]

Landscape Conservation

In 1991, the Irvine Ranch Water District (IRWD) developed an ascending block rate structure (ABS) to facilitate an integrated and equitable approach to pricing water for outdoor use conservation. The rate structure rewards customers for maintaining their use of water below a defined level. This level is not especially stringent, since it is based upon evapotranspiration (ET) rates of the most water-intensive plants. As a result of its pricing initiatives, landscape water use in IRWD decreased by 45% between 1990 and 1995.[13]

Taking into consideration that EBMUD has a colder climate than IRWD and may thus have less opportunities for landscape conservation, EDF estimated the water savings that would result in existing single-family households if EBMUD adopted a program over the next twenty years that is half as successful as that of IRWD over the last five. Under this scenario, EBMUD would save 6.30 MGD on the amount of water used in single family households in 1995 alone. Through its application of landscape conservation measures to

[10] EDF applied the principles stated in the *Guidelines for Preparing Cost-Effective Analyses of Urban Water Conservation BMPs* to analyze the costs and benefits of ULFT replacement. The total replacement cost of ULFTs ranged from $165 (a District purchasing toilets in bulk at wholesale prices and then installing them) to $290 (most expensive toilet purchased at retail price and commercially installed). Both of these prices include all other costs, such as processing, advertising, and toilet recycling. Water savings were calculated over a twenty year period, because CUWCC research shows that the savings from ULFTs did not decrease over the 20 year life of the toilet. EDF also assumed, as EBMUD does in 1996 Updated Water Management Plan, that 3.5 and 5.5 gallon per flush toilets are replaced at an even rate. Under this formula, the unit cost of water, including direct customer costs, is between $590 and $1037 per AF.
[11] EBMUD WSMP FEIR (September 1993). 1:23.
[12] LADWP estimates a water savings of 21.6 GPD for a toilet replaced in a single family dwelling and a savings of 40.3 GPD for multifamily replacements, (written communication with Peggy Pollyea, LADWP) while ULFT replacements at retail/wholesale and restaurant sites have between 36 and 57 GPD of water savings. (CUWCC's CII ULFT Savings Study, 1997, S-2)
[13] Irvine Ranch Water District "Development & Implementation of the IRWD Ascending Block Rate Structure (ABS)," prepared for the January 1998 BMP Landscaping (BMP 5) Seminar.

all existing and projected urban customers, EBMUD only predicts 4.4 MGD of savings by 2020.[14]

Reclamation

EBMUD's identified potential future reclamation savings[15] range from 8 to 39 MGD but it is planning to adopt a reclamation plan providing only the minimum 8 MGD of savings. This position is not adequately justified in its EIR.

Pricing

EBMUD's EIR relies on standard procedures for developing water. Though the incremental cost of these additional supplies may greatly exceed the average cost to EBMUD, it would be sold in accordance with EBMUD's (albeit slightly tiered) rate structure. Before proceeding with a project to increase supply, EBMUD should examine the relationship between the willingness-to-pay associated with the incremental demand and the cost of the project to determine which is the more cost-effective solution.

Modeling Anomalies

It is unclear whether EBMUD's proposed operations of American River facilities are reasonably projected by its PROSIM simulations. In addition to the environmental impacts associated with the American River operations noted above, some aspects of the simulations are either difficult to explain or would be unlikely to occur.

While EBMUD's modeling of its own system uses an artificially dry year (in 1978) to create a drought worse than has been historically experienced, its PROSIM modeling includes no such drought. Therefore, not only does EBMUD not even project the environmental impacts which would occur as a result of its proposed American River diversion, it does not even show that the water would be available. Sp14-6

In addition, the studies show significant differences in end-of-year storage at Oroville, the State Water Project's principal reservoir, which should not be affected by EBMUD operations on the American River. Under the No Action alternative in the driest 20% of years, end-of-year storage at Oroville averages 1167 TAF. In those same years under the Joint Project alternative, however, end-of-year storage at Oroville averages only 1064 TAF, a decrease of 103 TAF. This difference is not explained, and it is hard to imagine that State Water Contractors would permit this operational scenario to occur.

[14] EBMUD UWMP (February 1996). Figure VII-5.
[15] EBMUD WSMP FEIR (September 1993). 1:9.

The PROSIM modeling also assumes that 70 TAF of the 80 TAF diverted under the Joint Project alternative for the City and County of Sacramento would be returned to the Sacramento River. If this abnormally high rate of return does not actually take place, the simulation for the Joint Project alternative must be underestimating the impact to Delta outflow, Delta exports or both. Sp14-7

Finally, under water quality, EBMUD states that Delta salinity impacts which occasionally exceed 30 mg/L Cl^- are "less than significant" and that "no mitigation is required". Yet EBMUD rejects Sacramento River water (~10 mg/L Cl^-) in favor of American River water (~7 mg/L Cl^-) allegedly to due to its inferior quality, even though this difference is only 10% of what is deemed insignificant for Delta water. Sp14-8

Other Project Alternatives

EBMUD rejects a number of alternatives, including the delivery of water from the San Francisco Bay-Delta, due to the high cost of its treatment, even though Delta water is treated throughout the state. Even if EBMUD does not invest in facilities to treat Delta water, a cooperative agreement with other districts, such as Contra Costa Water District, might be arranged in the event that EBMUD needs additional supply. EBMUD might provide CCWD with high quality water in wet years, and be provided with treated water (from CCWD's facilities) in dry years. Sp14-9

It is EDF's view that EBMUD should still pursue consider an alternative involving groundwater storage and conjunctive use with San Joaquin County. This alternative, which was rated as the Preferred Alternative in EBMUD's 1993 WSMP FEIR,[16] would store excess wet-year Mokelumne flows in the Eastern San Joaquin groundwater basin. EBMUD would withdraw 50 TAF during dry years to meet its additional needs.[17] This agreement would be beneficial to both parties by providing supplemental water to EBMUD and by helping reverse groundwater overdraft of the Eastern San Joaquin groundwater basin. In spite of the current poor relationship between EBMUD and parties in San Joaquin County, it is EDF's view that this alternative shows significant promise and should be pursued in preference to alternatives to divert water from the American River. Sp14-10

[16] EBMUD WSMP FEIR (September 1993). 12:1.
[17] EBMUD Board of Directors Planning Committee (January 1996). 1.

Response to Comments of Environmental Defense Fund

Sp14-1, Environmental Defense Fund
An evaluation of the frequency that flows in the lower American River would fall below AFRP targets is presented in Chapter 5 of the 1997 Draft EIR/EIS, "Fisheries." As shown in Table 5-11, during March through June over the 70-year hydrologic modeling period, flows in the lower American River between the I-5 bridge and the mouth of the American River would fall below that AFRP target two additional months when compared to conditions expected under Alternative 1: No Action. Additionally, a review of the PROSIM data for the joint project indicates that flows during May over the 70-year hydrologic period would occasionally be higher than shown in Figure 1 of the comment letter. The PROSIM output used in the analysis of Alternatives 2 and 3 accurately estimates hydrologic changes in reservoir storage and river flows.

Sp14-2, Environmental Defense Fund
Figure 3-3 of the 1997 Draft EIR/EIS shows the amount of water that would be delivered under the joint project. Deliveries to EBMUD and the County of Sacramento during 1977 would total 112 TAF and 45 TAF, respectively. As described on page 3-15 of the 1997 Draft EIR/EIS, 122 TAF is an annual average of deliveries to the City, County, and EBMUD over the 70-year hydrologic period. During a repeat of a hydrologic year similar to 1977, EBMUD would be fully implementing stringent conservation and reclamation measures along with a 25% customer deficiency. This level of demand reduction is well beyond what is typically achieved by urban water purveyors.

Sp14-3, Environmental Defense Fund
The evaluation of project-level and cumulative impacts on fisheries is provided in Chapter 5 of the 1997 Draft EIR/EIS. Chapter 5 includes an evaluation of flow- and temperature-related impacts on fish species found in the lower American River. An evaluation of Chinook salmon and delta smelt was included in the 1997 Draft EIR/EIS (pages 5-17, 5-18, 5-20, 5-21, 5-22, 5-23, and 5-24).

Sp14-4, Environmental Defense Fund
The planning basis for the project is sound. EBMUD conducted a significant integrated resource planning effort as part of the Updated WSMP process and determined that the district has a substantial need for supplemental water supplies during extended drought periods. Also as part of the Updated WSMP process, EBMUD established significant water conservation, water reclamation, and dry-year rationing programs that go well beyond the efforts of most other water purveyors in the state. Additionally, because EBMUD currently relies exclusively on the Mokelumne River for its customers supplies, it is not necessary that the EBMUD drought planning sequence occur statewide, but only that it occur in the Mokelumne River watershed.

Sp14-5, Environmental Defense Fund
As described extensively in Chapter 1 of the 1997 Draft EIR/EIS, EBMUD has aggressively pursued urban water conservation practices. The Updated WSMP EIR, completed in 1993 and incorporated by reference, describes these practices, different alternatives, and EBMUD's long-term conservation strategies. Detailed analysis of urban water conservation is outside the scope of the environmental analysis required for the Supplemental Water Supply Project.

Sp14-6, Environmental Defense Fund
The PROSIM output used in the analysis reasonably simulates the hydrologic characteristics of Alternatives 2 and 3. The analyses contained in the 1997 Draft EIR/EIS reasonably discloses the potential environmental impacts of Alternatives 2 and 3 based on

this output. If an artificial 1978 were incorporated into the hydrology, the project impacts in comparison to the base case (also including an artificial 1978) would be expected to be similar to those shown in the 1997 Draft EIR/EIS. See response to "Coordinated Operations Agreement Modeling" major issue in Chapter 3 of this document.

Sp14-7, Environmental Defense Fund
The PROSIM modeling conducted for the Supplemental Water Supply Project, as for other projects, uses standardized assumptions relating to numerous aspects of the hydrology, including return flows.

Sp14-8, Environmental Defense Fund
See response to "Delta and Sacramento River Alternatives" major issue in Chapter 3 of this document. See also the REIR/SEIS.

Sp14-9, Environmental Defense Fund
See the response to the "Alternatives Considered" major issue in Chapter 3 of this document. See also the REIR/SEIS.

Sp14-10, Environmental Defense Fund
See the response to the "San Joaquin County Conjunctive Storage" major issue in Chapter 3 of this document. See also the REIR/SEIS.

Sp 15

BOULEVARD PARK NEIGHBORHOOD ASSOCIATION
P.O. BOX 1196
SACRAMENTO CA 95812-1196

March 19, 1998

Mr. Kurt Ladensack
EBMUD
MS #305,
P.O. Box 24055
Oakland, CA 94623-1055

Dear Mr. Ladensack,

I am writing to provide comments from the Boulevard Park Neighborhood Association on the draft environmental impact report/environmental impact statement ("DEIR/EIS") for the Supplemental Water Supply Project.

The majority of our areas of concern deal with Alternative #3 from the intake structure to the area where it crosses under the Capital City Freeway (CCF).

Of the five intake pipeline alternatives presented in the report we support Intake Alternative # 5 combined with the "C Street Bypass Option." We support this configuration because it has the least disruption of our city streets. Although not discussed in the report as project alternatives, we would also support other project alternatives that would draw water from the Sacramento River Delta area. We do not support any project that would draw water from the American River near Folsom Dam. Sp15-1

Should another alternative be chosen that involves the placement of underground pipeline in C Street, we need assurances that this work will not harm our mature street trees. The loss of these trees is a significant impact our the neighborhood. Furthermore, the loss of any of the traffic control devices must be replaced to meet or exceed the quality of the work that has already been done. Any of our old sidewalks that are removed as a result of the work shall also be replaced in accordance with the patterns and designs of what already exists. Sp15-2

We are concerned about the potential for disruption and the impacts on the adjacent residential areas as a result of the construction activities. Primary concerns in this regard would be noise generated from the truck traffic, dust from the construction work, effects on traffic patterns and the damage to our mature street trees as a result of installing pipelines underground. Sp15-3

Mitigations for this could include sound and dust control methods. Furthermore, in the spirit of environmental justice, and the level of median income of the area, we suggest that a potential mitigation could be for much needed improvements to the neighborhood. For example, we are in need for street lighting and would welcome all assistance in helping us establish a streetlighting fund.

As we are concerned about the future of the property bounded by CCF, and the Rail embankment northeast of the Central City (currently owned by Lenane), we ask that the project proponents consider helping to make the land use a certain and stable one that will not create land use and traffic impacts on this area of the city. Sp15-4

Should Alternative # 5 be chosen, we have some specific concerns:
The amount of detail described in the EIR on page 5-15 regarding the chemical conditioning facility does not quantify the quantities of chemicals that are to be stored. We are not yet convinced that the hazards--especially when considering the transportation of these materials--are "less than significant." Sp15-5

Illustrations in the report indicate that the intake structure will cross over the top of the levee and southward to the pumping plant. How will this affect the plans for a future trail that is planned along the south bank of the American River? We would want to see that the project proponents combine their plans with the city bikeway master plan so that the two projects can take place. Sp15-6

What kinds of noise will be generated by the pumping plant? Will this noise be significant impacts to the residential neighborhoods to the south? Sp15-7

Thank you for the opportunity to comments, please feel free to contact me if you have any questions.

Sincerely,

EDWARD J. COX, Chair
Boulevard Park Neighborhood Association

Cc: Councilman Steve Cohn
Supervisor Roger Dickinson

Response to Comments of Boulevard Park Neighborhood Association

Sp15-1, Edward J. Cox, Boulevard Park Neighborhood Association
The preference for Alternative 3, intake Site 5 combined with the C Street Bypass Option, is noted. Opposition to Alternative 2 is noted.

Sp15-2, Edward J. Cox, Boulevard Park Neighborhood Association
Displaced traffic control lights would be repaired as part of the construction plan (see page 10-17 of the 1997 Draft EIR/EIS). The impacted streets in Sacramento wouldbe returned to their original condition as part of the construction plan. See the response to the "C Street Pipeline Routing" major issue in Chapter 3 of this document for impacts on C Street trees. Also see the response to the "Construction-Related Environmental Commitments and Mitigation" major issue in Chapter 3 of this document for measures planned to reduce the construction impacts.

Sp15-3, Edward J. Cox, Boulevard Park Neighborhood Association
See the response to the "C Street Pipeline Routing" major issue in Chapter 3 of this document for impacts on C Street trees. Also see the response to the "Construction-Related Environmental Commitments and Mitigation" major issue in Chapter 3 of this document for measures planned to reduce the construction impacts on noise levels, air quality, and traffic. EBMUD will continue to work with the community and the City and County of Sacramento to develop appropriate measures to address temporary construction impacts if Alternative 3 is implemented.

Sp15-4, Edward J. Cox, Boulevard Park Neighborhood Association
Construction design and implementation would comply with local plans and policies to avoid land use impacts. Chapter 10 of the 1997 Draft EIR/EIS describes proposed development projects within the City and County of Sacramento.

Sp15-5, Edward J. Cox, Boulevard Park Neighborhood Association
Impacts on public safety from the conditioning facilities are discussed on page 15-5 of Chapter 15 of the 1997 Draft EIR/EIS. Page 2-16 notes that the chemical feed facility would include small pumps and four tanks with between 6,000 and 7,000-gallon capacities. The stored chemicals would likely consist of sodium hyperchlorite and a lime slurry. The tanks would be contained within a building with secondary containment, in compliance with California aboveground storage tank regulations and hazardous materials storage and communication regulations.

Sp15-6, Edward J. Cox, Boulevard Park Neighborhood Association
EBMUD would coordinate with the City and County of Sacramento to comply with the City of Sacramento General Plan, including the Bikeway Master Plan.

Sp15-7, Edward J. Cox, Boulevard Park Neighborhood Association
Noise impacts resulting from the operation of the intake pump are discussed in Chapter 14 of the 1997 Draft EIR/EIS. Noise ordinances for the City of Sacramento, Sacramento County, and San Joaquin County specify allowable noise levels to ensure that long-term noise generated by a specific source is compatible with adjacent land uses. The 1997 Draft EIR/EIS uses these ordinances to assign a maximum acceptable exterior noise level of 60 dBA Ldn (day-night average sound level) for noise-sensitive land use areas.

Noise level studies referenced in the 1997 Draft EIR/EIS indicate an anticipated noise level of 45 dBA for the operations-related noise generated by the pumping plant when noise-reduction enclosures were employed. This level is adequately below local ordinance standards to be a less-than-significant impact.

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SOCA

SACRAMENTO OLD CITY ASSOCIATION
Post Office Box 1022, Sacramento, California 95812

Sp 16

March 19, 1998

Mr. Kurt Ladensack
EBMUD
MS #305,
P.O. Box 24055
Oakland, CA 94623-1055

Dear Mr. Ladensack,

I am writing to provide comments from the Sacramento Old City Association on the draft environmental impact report/environmental impact statement ("DEIR/EIS") for the Supplemental Water Supply Project.

The majority of our areas of concern deal with Alternative #3 from the intake structure to the area where it crosses under the Capital City Freeway (CCF).

Intake alternatives 1 through 4 would require digging up many of the streets in the Richards Boulevard area in a way that would be disruptive to an area slated for development in the near future. We would not want the pipeline if it will pose a problem with the future street improvements in this part of town. An example would be having the pipeline located where a future over/underpass structure would be built, thus causing a structural problem in the future. Sp16-1

If it is true that the intake structure cannot be combined with the planned LRT crossing, so that they function as one structure, we are concerned that there would be too much visual clutter in the area. We are also concerned about the visual impact of the intake structure which would have to be two third across the river so that it can draw from the deep channel. Sp16-2

Therefore, of the five intake pipeline alternatives presented in the report we support Intake Alternative # 5 combined with the "C Street Bypass Option." We support this configuration because it has the least disruption of Central City streets. We do not support any project that would draw water from the American River near Folsom Dam. Sp16-3

Thank you for the opportunity to comments, please feel free to contact me if you have any questions.
Sincerely,

Edward J. Cox

Response to Comments of Sacramento Old City Association

Sp16-1, Edward J. Cox, Sacramento Old City Association
Page 10-11 of the 1997 Draft EIR/EIS includes a discussion on the Richards Boulevard Area Plan. The construction schedule and design would be consistent with the Richards Boulevard Area Plan. See the response to the "Construction-Related Environmental Commitments and Mitigation" major issue in Chapter 3 of this document for measures planned to reduce construction impacts.

Sp16-2, Edward J. Cox, Sacramento Old City Association
The evaluation of impacts on visual resources is described in Chapter 16 of the 1997 Draft EIR/EIS. The evaluation concluded that significant impacts would occur as a result of construction and operation of intake Sites 1, 2, and 3. No mitigations are available to reduce this impact to less than significant levels. This conclusion was based on the relative visibility of the intake structures from the I-5 bridge, the levee along the south bank of the river, and boats. The analysis recognizes that boating and shoreline uses occur more frequently in the lower reach of the river and decrease upstream. Although the analysis concluded that significant impacts on visual resources are not expected to occur at intake Sites 4 and 5, it did conclude that effects on visual resources would be greater at intake Site 4 than Site 5.

Sp16-3, Edward J. Cox, Sacramento Old City Association
The preference for Alternative 3, intake Site 5 combined with the C Street Bypass Option, is noted. Opposition to Alternative 2 is noted.

McKinley Elvas Neighborhood Alliance

Preserving The Valuable Qualities Of Our Neighborhood

Sp 17

March 19, 1998

Kurt Ladensack
East Bay Municipal Utility District
MS # 305
P.O. Box 24055
Oakland, CA 94623-1055

Dear Mr. Ladensack:

I am writing to provide comments from the McKinley-Elvas Neighborhood Alliance ("MENA") on the draft environmental impact report/environmental impact statement ("DEIR/EIS") for the Supplemental Water Supply Project. I want to take this opportunity to thank you, the EBMUD and U.S. Bureau of Reclamation staff, the consultants and other participants for the January 7, 1998 presentation and professional discussion of the history and proposed alternatives which would help EBMUD, and potentially Sacramento, achieve certain water supply needs. However, I am also writing to complain about the DEIR/EIS's callous treatment of neighborhood impacts.

So you can more fully understand our concerns about the Project, I would like to share with you MENA's goals, issues and recommendations relative to the Project. The views expressed in this letter represent the consensus of the MENA Board of Directors. Individual MENA members and Board Members may have differing views.

MENA Goals

MENA's goals are to identify a project which maintains adequate summer and fall flows in the lower American River between Nimbus Dam and the confluence of the American and Sacramento Rivers, while eliminating, or at least minimizing, environmental and community disturbance.

MENA Issues

A. Alternatives to be Analyzed

The DEIR/EIS analyzes two alternatives, along with the "no action" alternative. Under the first alternative, water would be diverted at the Nimbus Dam to the Folsom South Canal, which would have the obvious effect of reducing flows below Nimbus Dam along the lower American River (consistent with the Hodge decision).

Under the second alternative, the point of diversion would be downstream, offering greater instream flow protection below Nimbus Dam. The intake alternative proposed by Frank Ciril appears to have promise for reducing environmental and visual impacts, as well as reducing disturbance to roads, businesses and residences.

Due to the impacts of these two alternatives (more fully discussed below), MENA believes additional alternatives need thorough analysis:

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(1) An alternative which fully avoids neighborhood impacts, by being located riverward of the Southern Pacific (now Union Pacific R.R.) main line, near the southern edge of the former City landfill site, and only entering neighborhood streets at Lannatt Avenue. However, even this alternative needs to be further refined in a way that avoids, or at east minimizes, impacts to residents and businesses. Sp17-1

(2) An alternative which keeps the pipeline within the lower American River floodway needs to be fully examined. While we would agree this alternative raises a new array of environmental, regulatory and technical issues, we are confident that such an alternative could be constructed and fully mitigated without significant unmitigated impacts to the resources of the American River Parkway, while entirely avoiding neighborhood impacts. There are potential economic advantages of this alternative, since there could be substantial savings is using existing public rights-of-way and reduced liability for damage to private property both during construction and over the life of the Project.

B. Proposed Project Schedule

The construction schedule is estimated to take 24 months if various components are constructed concurrently. Some of the components are dependent on weather conditions and it seems likely this schedule will slip. In addition, a significant number of permits will have to be obtained and real estate right-of-way acquired. Sp17-2

The DEIR/EIS needs a more detailed schedule, particularly since some of the options involve major street disruptions in residential areas. The DEIR/EIS needs to discuss strategies to mitigate these impacts both during the planned construction phase and during any hiatus that might reasonably be expected to occur due to weather or other causes.

C. Impacts to the Human Environment

Transportation and Circulation

The DEIR/EIS only summarily addresses the potential for traffic and other transportation impacts. The document estimates that millions of cubic yards of spoil material will need to be excavated and transported out of the project area. This represents many thousands of truck loads. These tractor trailer trips would result in significant additional congestion to intersections and roads which are already grossly beyond rated capacity. Under the "road impact" formula used by the American Public Works Association, each truck load (18-wheeler) represents 3,000 to 6,000 additional automobile trips. Adding the equivalent of millions of new trips, even temporarily, to already significantly impacted streets and intersections represents an unacceptable impact level. Sp17-3

These additional truck trips would impact a number of sensitive receptors: elementary school children, health care facilities and neighborhood recreationists (walkers, runners, in-line skaters and bicyclists).

A north of the Southern Pacific RR alternative would reduce these traffic impacts by having the construction occur out of the neighborhoods and business areas. This alternative prevents many of these impacts by eliminating most of the hauling of spoil material on City streets. In addition, the pipeline could be constructed above ground. The spoil could be placed along or near the pipeline right-of-way.

The DEIR/EIS inadequately deals with the issue of road surface deterioration associated with pipeline construction and spoil removal.

Recreation Impacts

Constructing a pipeline through neighborhoods, such as Midtown and McKinley-Elvas, poses a serious risk of harm to recreationists (including walkers, runners, in-line skaters and bicyclists), by constricting or eliminating available space on streets and sidewalks. These recreational users include children, adults, babies in strollers, handicapped people, and seniors out to the market, school and church. This group of recreationists needs to be protected; they have the right to be protected. For example, Elvas Avenue is a favorite area and corridor for these people to pursue their recreational and related pursuits. Elvas Avenue will be seriously impacted by construction activities. Adequate mitigation is necessary to eliminate or reduce these impacts to a less than significant level. Sadly, these impacts are not even acknowledged in the DEIR/EIS. Sp17-4

Vegetation Impacts

Constructing a pipeline on City streets would inevitably lead to a significant loss of large, old trees along the route, as well as resulting in the loss of important shade and the aesthetic ambiance that the trees provide. These trees represent an important resource in terms of coping with air quality, noise and summer temperature burdens of neighborhood residents. The north of the Southern Pacific RR alternative avoids most of these impacts. At a minimum, tree replacement with near mature trees is essential. The DEIR/EIS is deficient due to the lack of any discussion and analysis of either the short term impacts during construction or the decades-long impact on the urban forest and consequent impacts on energy consumption, property values and aesthetics. Sp17-5

Growth-Related Effects

At the January 7, 1998 presentation, County of Sacramento representatives discussed their need to provide a supplemental water supply for new communities in unincorporated Sacramento County. The DEIR/EIS needs to fully analyze the growth-inducing and cumulative impacts of providing this supplemental water supply to these growth areas. Sp17-6

Public Safety

Let's face it, pipelines can fail. What is the guaranty that the pipeline constructed in our neighborhood would never fail? The effects of a pressure pipeline failure would be severe and likely result in the death or serious injury to residents. The MENA alternatives are intended to: reduce: (alt. 1) or eliminate (alt. 2) these potential impacts. The DEIR/EIS discloses no contingency plan to deal with pipeline failure. Sp17-7

Noise

Building a pipeline though the neighborhoods would result in significant noise pollution and exceed acceptable community noise levels. As stated above, there a number of sensitive receptors which would be uniquely and adversely impacted by construction noise. The DEIR/EIS does not adequately document these impacts or address their mitigation. Sp17-8

D. Significant and Unavoidable Impacts

The DEIR/EIS fails to adequately analyze the significant and unavoidable impacts. Impacts to neighborhoods can be eliminated or reduced by the MENA alternatives. The Project poses significant impacts to the human environment due to construction which would not be fully or adequately mitigated, including, but not necessarily limited to, noise, dust, equipment emissions (in a nonattainment area) and traffic. The DEIR/EIS grossly underestimates these impacts. Sp17-9

Conclusion

The MENA Board stands ready to discuss these issues with you and your colleagues. We look forward to further analysis of the MENA alternatives to meet EBMUD's needs, while avoiding impacts to our neighborhoods, our "human environment."

Sincerely,

Ward A. Tabor

President

cc. Cecil Lesley, USBR

Steve Cohn, Councilman

WAT\ebmud.eir

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Response to Comments of McKinley Elvas Neighborhood Alliance

Sp17-1, Ward A. Tabor, McKinley Elvas Neighborhood Alliance
The suggested alternative 1 in the comment corresponds to the C Street Bypass Option. The suggested alternative 3 in the comment was considered as an alternative in the planning process but was rejected due to the anticipated significant impacts on biological resources, geologic stability, and access during high- flow periods.

Sp17-2, Ward A. Tabor, McKinley Elvas Neighborhood Alliance
A definite schedule for implementing the construction phase has not yet been determined. Page 2-23 in Chapter 2 of the 1997 Draft EIR/EIS indicates that weather and river flow conditions would impact the ultimate schedule. EBMUD would coordinate extensively with the City and County of Sacramento to provide a definite construction schedule as soon as it is feasible. Coordination with planned developments and improvements would be managed through the Project Planning, Coordination, and Communication Plan. This plan would be prepared jointly with the City and County of Sacramento if Alternative 3 is implemented.

Sp17-3, Ward A. Tabor, McKinley Elvas Neighborhood Alliance
Threshold levels for impacts associated with increased truck traffic during construction were acquired from the Institute of Transportation Engineers (ITE) as referenced on page 12-4 of the 1997 Draft EIR/EIS. The estimated number of truck trips per day for each stage of construction is not expected to exceed these thresholds (see Table 12-7 on page 12-8 of the 1997 Draft EIR/EIS). However, the Traffic Control Plan would address truck traffic in congested urban and residential areas. A discussion on road deterioration is included on page 12-7 of the 1997 Draft EIR/EIS. EBMUD would implement a Roadway Surface Repair Plan following construction activities to reduce the impact of road deterioration from truck traffic. The plan would include repairing truck routes and automobile detour routes where necessary.

Sp17-4, Ward A. Tabor, McKinley Elvas Neighborhood Alliance
Impacts on pedestrian recreation along city streets would be addressed in the Traffic Control Plan as outlined on page 2-4 of the 1997 Draft EIR/EIS. See response to "Construction-Related Environmental Commitments and Mitigation" major issue in Chapter 3 of this document.

Sp17-5, Ward A. Tabor, McKinley Elvas Neighborhood Alliance
See response to "C Street Pipeline Routing" major issue in Chapter 3 of this document.

Sp17-6, Ward A. Tabor, McKinley Elvas Neighborhood Alliance
Chapter 18 of the 1997 Draft EIR/EIS fully analyzes the growth-inducing and cumulative impacts of Alternatives 2 and 3.

Sp17-7, Ward A. Tabor, McKinley Elvas Neighborhood Alliance
The pipeline design would be reviewed and approved by the City and County of Sacramento Utilities Departments as well as Caltrans. In addition, the pipeline would be designed to meet stringent seismic standards. Safety measures for pressure release in the advent of a rupture would be included in the design.

Sp17-8, Ward A. Tabor, McKinley Elvas Neighborhood Alliance
Page 14-4 of the 1997 Draft EIR/EIS discusses impacts on sensitive receptors from construction-related noise. The project would comply with local noise ordinances to avoid significant increases in noise levels. The construction is planned to proceed at 100 to 150 feet per day, creating short-term noise increases at individual locations. See response to the "Construction-Related Environmental Commitments and Mitigation" major issue in Chapter 3 of this document.

Sp17-9, Ward A. Tabor, McKinley Elvas Neighborhood Alliance
See responses above.

Sacramento
Area
Bicycle
Advocates

Making Sacramento a cycling capital

P.O. Box 1295, Sacramento, CA 95812 (916) 452-1604

Sp 18

March 19, 1998

Mr. Kurt Ladensack
EBMUD
MS #305,
P.O. Box 24055
Oakland, CA 94623-1055

Dear Mr. Ladensack,

I am writing to provide comments from the Sacramento Area Bicycle Advocates on the draft environmental impact report/environmental impact statement ("DEIR/EIS") for the Supplemental Water Supply Project.

The majority of our areas of concern deal with Alternative #3. and the manner in which they affect existing and future bikeways. We would want to see that the project proponents combine their plans with the City/County Bikeway Master Plan so that the two projects can take place. Specific details should be brought to the City/County Bicycle Advisory Committee (SacBAC) for review.

Page 10-3 says:
"The alignment turns south at 14th Street where it crosses under the SPRR through and abandoned walkway tunnel..."

While the 14th Street Tunnel was closed for its original purpose as a bike and pedestrian tunnel, it doesn't mean that the conditions in the area would preclude being re-established as one sometime in the future. We request that any work in this area be done so that the pipeline will not block the tunnel. Sp18-1

Page 10-5 describes Intake 5 as aligning with 24th Street. Should this read as 23rd Street? Sp18-2

Page 12-2, Table 12-3, indicates 14th Avenue. This should read as 14th Street. Sp18-3

How will this project affect any existing bike trails near or along the American River? As mitigation for any disruptions to existing bikeways, especially where the existing levee are not paved, we request that adjacent levee tops be paved so that bicyclists will not be forced to take extensive detours. Sp18-4

Illustrations in the report indicate that the intake structure will cross over the top of the levee and southward to the pumping plant. This area is planned for a bike trail. We request that any plans for the building of the intake structure have a bike trail planned so that bicylists would not be diverted away from the planned route along the river.

We are currently exploring the possibilities of a new bicycle and pedestrain access between CSUS and the neighborhood to the south (approximately between 62nd and 65th Streets along Elvas). This involves penetrating the rail embankment. We would want to be sure that this project will not put the pipeline in the way of this much needed link. If there is some problem with interfering with a future bike/ped underpass, we would request that the project proponents find suitable mitigations so that future construction of a bicycle and pedestrian link in this area can be established.

Thank you for the opportunity to comments, please feel free to contact me if you have any questions.

Sincerely,

EDWARD J. COX
Sacramento Area Bicycle Advocates

Response to Comments of Sacramento Area Bicycle Advocates

Sp18-1, Edward J. Cox, Sacramento Area Bicycle Advocates
EBMUD would coordinate with the City and County of Sacramento to comply with the City of Sacramento General Plan, including the Bikeway Master Plan.

Sp18-2, Edward J. Cox, Sacramento Area Bicycle Advocates
Comment noted. See Chapter 12 of this document, "Errata." This should read ". . . aligning with the SPRR and 23rd Street. . . ."

Sp18-3, Edward J. Cox, Sacramento Area Bicycle Advocates
Comment noted regarding 14th Street instead of Avenue.

Sp18-4, Edward J. Cox, Sacramento Area Bicycle Advocates
EBMUD would coordinate with the City and County of Sacramento to comply with the City of Sacramento General Plan, including the Bikeway Master Plan.

California Native Plant Society

Sp 19

Ramona Robison
1901 45th Street
Sacramento, California 95819

March 19, 1998

Kurt Ladensack
East Bay Municipal Utility District
Water Supply Improvements Division, MS 305
P.O. Box 24055
Oakland, California 99623-1055
Sent to Fax Number: 510-287-1295

SUBJECT: Comments on the EBMUD Supplemental Water Supply Project DEIR/EIS

Dear Mr. Ladensack:

This letter is to transmit our comments on the EBMUD Supplemental Water Supply Project DEIR/EIS. In general, the document lacks the level of detail necessary for completing a project-level analysis. This letter presents both general and specific comments on the document.

Summary

Page S-2 -- the "increased opportunities for protection and enhancement of Mokelumne River resources" should also include protection and enhancement for the resources of the Sacramento and American rivers. Sp19-1

Page S-2 -- EBMUD Planning Objectives: 3) "Protect and improved biological resources that could be affected by existing EBMUD facilities or by the Updated WSMP." What are the biological resources to be affected? Where are they located in relation to these EBMUD facilities? 4) "Minimize total direct cost to EBMUD customers." This is a worthy point, but what are the direct and indirect costs to the inhabitants or areas outside the EBMUD service area? Sp19-2

Page S-3: "Most of EBMUD's increased water needs projection over the next 20 years are for increased flows for senior water rights holders and for resource protection in the Mokelumne River and the San Francisco Bay Sacramento-San Joaquin River Delta. Needs of new residential, business, and industrial customers would be almost entirely offset in normal years by conservation and water reclamation projects." This statement seems to question some of EBMUD's actual water needs for customer services. EBMUD should not be allowed to protect resources in the Mokelumne River and San Francisco Bay Sacramento-San Joaquin River Delta by potentially threatening the biological resources of the Sacramento and American rivers. Sp19-3

Page S-4: Alternative 3: This involves water for EBMUD and the City and County of Sacramento. What kind of expansion would occur at the Sacramento Water Treatment Plant and what might its impacts on native vegetation communities be? Sp19-4

Page S-6: Areas of Controversy: We would appreciate the addition of two additional bullet items to this section. The first would read: Potential effects to special status plant species and habitats along the American and Sacramento rivers and pipeline alignments. The second addition would be: Potential growth effects within Sacramento County. We recommend that the final report address growth inducement which may be facilitated by the expansion of the Fairburn Water Treatment Plant. Sp19-5

Page S-12: Vegetation and Wetland Resources: Annual grassland habitat is an important component of the uplands associated with vernal pool complexes. Loss of these habitats can be a significant impact and should be addressed in the DEIR/EIS. Details are also needed on the locations and species composition of potentially impacted riparian and woodland communities before the significance of the impacts to them can be adequately assessed. This information is not included in the DEIR/EIS. Sp19-6

S-18: Table S-4: Vegetation and Wetland Resources. The DEIR/EIS does not include sufficient data and analysis to indicate that there will be no cumulative effects. Sp19-7

Chapter 1 -- Purpose of and Need For the Project

The CNPS Sacramento Valley Chapter is concerned with the effect decreasing the flows in the American River will impact riparian vegetation. The following comments, which concern water allocation serve to question the presumption of need for American River water.

The demand projections and water conservation assumptions in the DEIR/EIS need to be clarified. The No-Action alternative confirms the fact that current water supplies can cover the water needs for ultimate build out, even with the 25% deficiencies during dry years, and so casts doubt on the real need for American River Water. Sp19-8

Page 1-3: The report states that one of the intended functions of EBMUD's terminal reservoirs is for drought reserves. Given the restrictions on the FSC Alternative and terminal reservoir use during drought conditions, more information is needed to justify the taking of American River water. Sp19-9

Page 1-8: The reference to the Updated WSMP should be more detailed. What are the actions that would be taken and the non-significant environmental impacts? These non-significant impacts should be included in the FEIR/EIS. Sp19-10

Chapter 2 -- Project Objectives and Alternatives Under Consideration
The Alternatives Screening for Environmental and Biological Protection and Enhancement concentrates on the Mokelumne River. The American River will be directly affected by this proposed project, so the level of analysis on American River impacts should be increased. Sp19-11

Page 2-3: Summary of Environmental Commitments: The DEIR/EIS says that since "these commitments are part of the project, they have not been specifically described as mitigation measures in subsequent chapters." Please disclose the specific environmental commitments which have been made between the City and County of Sacramento and EBMUD. The description of commitments should include information on what will be done to "restore soils and vegetation in areas affected by construction activities." Sp19-12

Page 2-4, bullet 4: "Apply non-toxic binders to exposed areas after cut and fill operations and hydroseed areas where appropriate." The possible effects of hydroseeding and soil binders on sensitive plant communities should be addressed. Hydroseeding, where appropriate, should be done with native seed sources appropriate to the vegetation communities in the area. Where native seeds are not available sterile seeds should be used. Sp19-13

Page 2-5: Channel and Levee Restoration Plan: "Restored to preconstruction conditions." The restoration of the structural integrity of channels and levees should also include revegetation with native plants. Sp19-14

Page 2-5: Hydrologic Simulation Modeling and Scour Analysis: This analysis should also include the possibility for adverse effects on riparian and wetland vegetation. Sp19-15

Figure 2-4: We are concerned that the space provided for the stockpile of excavated material is inadequate. The stockpiles will need different sized depending on the soil type, so allowances should be made for this possibility during project design. Roads and other activities should not be allowed in project buffers, they should be true set-asides. Sp19-16

Figure 2-4: The FEIR/EIS should show the final pipeline right-of-way alignment. We are concerned that there may not be sufficient buffers provided between the alignment and sensitive plant populations. Sufficient buffers should also be provided for future pipeline maintenance. Sp19-17

Page 2-11: How were the specific pipeline alignments determined? Were the locations of sensitive plant species and vegetation communities taken into account? Sp19-18

Chapter 7 - Vegetation and Wetland Resources
In order to assess the impacts on sensitive plants, wetlands and natural plant communities, we would like to have more detail on:

1) Sensitive plant survey dates, locations and personnel Sp19-19

2) Potentially impacted natural plant communities, including plant species and locations Sp19-20

3) Maps for each alternative showing where the sensitive plant resources occur in relation to project components. The maps should include the proposed extension of Kiefer Boulevard shown in Figure 10-1c. Project areas in the vicinity of the Kiefer Expansion are rich in vernal pools and special status invertebrates. Sp19-21

4) How were the target lists for sensitive plant species determined? Several species from the CNPS Inventory list for Sacramento County were omitted, i.e. *Eryngium pinnatisectum*, *Fritillaria agrestis*, *Navarretia ericocephala*, and *Pogogyne dougasii* ssp. *parviflora*. Sp19-22

5) Will there be potential impacts to the Sacramento River and Sacramento Delta below its confluence with the American River as a result of the project alternatives? Sp19-23

Page 7-1. Please define how habitat quality is assessed for purposes of impact assessment in the DEIR/EIS. The last sentence of the Summary for this chapter states that "most of the areas potentially affected are within areas already proposed for development." According to the Sacramento County General Plan, much of the area potentially impacted is outside the Urban Services Boundary and so is not planned for urban development. Please define the meaning of development in this context. The quotation above is also contradicted on page 7-14 where it states " [the] Oak Tree Ordinance is not in effect in many areas outside the USB because this is not a development area." Sp19-24

Page 7-2. Specific amounts of potentially impacted wetland acreage are noted in Table 7-1. Are these numbers based on a wetland delineation verified by the U.S. Army Corps of Engineers (ACOE)? If not, please indicate when the delineation will be done. Sp19-25

Page 7-2. Under Common Plant Communities you note that the "communities also include agricultural lands that have been repeatedly plowed, planted, seeded and harvested and therefore no longer support native or naturalized vegetation." Southern Sacramento County still contains significant grazed lands which support native plant communities. These areas should be included in the impacts analysis. Sp19-26

Annual grasslands, which are lumped under "Common Plant Communities" contain many of the "Sensitive Wetland Plant Communities" which are noted on page 7-5. Sp19-27

Page 7-5. Please change the table reference in the first paragraph under "Special Status Plant Species in the Study Area" from 7-2 to 7-3. Sp19-28

Page 7-8. Please include the South Sacramento County Habitat Conservation Plan in the list of regulations and policies considered in determining the significance of project impacts and developing the project mitigation. Sacramento County's consultant for the South Sacramento County Habitat Conservation Plan is Niall McCarten of Jones and Stokes Associates. Sp19-29

Page 7-9. An assumption is made in column 2, bullet three that "willow scrub riparian vegetation can survive partial inundation for up to 2 months during the growing season." Please provide documentation for this assumption. Sp19-30

Page 7-13. We would like to have more details included from the testimonies of Michael Swanson and Drs Dean Taylor and Robert Holland. This information could be included in the Appendices. Sp19-31

Page 7-15. A change in the mitigation language from "can" to "shall" or "must" would indicate that the measures were binding, instead of discretionary. Sp19-32

Page 7-15. Mitigation Measure 7-2a: "Fencing can encompass the tree dripline and a buffer to be determined in consultation with the local planning department." Please include an additional requirement for consultation with an arborist specializing in native tree preservation. Sp19-33

Page 7-15. Mitigation Measure 7-3a: If riparian communities are adjacent to any construction activities, buffers must be established -- not "just when feasible." Sp19-34

Summary of Comments
The EBMUD Supplemental Water Supply Project DEIR/EIS does not provide adequate biological data or analysis to determine the potential impacts of the proposed water development projects on the vegetation communities within the proposed project area. We are also concerned that the plant communities along the Sacramento and American rivers may be adversely impacted by actions taken to fulfill EBMUD's obligations to protect resources along the Mokelumne River. Sp19-35

Thank you for considering our comments and please feel free to contact me if you have any questions at 916-451-9820.

Sincerely,

Ramona Robison
Sacramento Valley Chapter President

Response to Comments of California Native Plant Society

Sp19-1, Romona Robison, California Native Plant Society
The project is committed to protecting natural resources through compliance with federal, state, and local regulations.

Sp19-2, Romona Robison, California Native Plant Society
Chapters 5, 7, and 8 of the 1997 Draft EIR/EIS describe the biological resources potentially impacted by the project. The Updated WSMP EIR, incorporated by reference, describes the biological resources affected by EBMUD operations as a whole.

Table 2-4 of the 1997 Draft EIR/EIS lists the project costs for Alternative 2. Table 2-5 lists the project costs of Alternative 3 shared between the joint project partners. Impacts on project area residents are analyzed throughout the 1997 Draft EIR/EIS, and mitigations have been developed to minimize potential impacts. As stated on page 10-17, utility easements would be acquired in coordination with the City and County of Sacramento if Alternative 3 is implemented.

Sp19-3, Romona Robison, California Native Plant Society
As analyzed in the 1997 Draft EIR/EIS, the project would not result in significant impacts on resources in the Sacramento and American Rivers. The analysis contained in the 1997 Draft EIR/EIS concludes that Alternatives 2 and 3 would not significantly impact aquatic resources. (See Chapters 3, 4, and 5 of the 1997 Draft EIR/EIS.)

Sp19-4, Romona Robison, California Native Plant Society
Under Alternatives 2 and 3, expansion of the Sacramento WTP would generally occur within the footprint of the current facility as noted on page 2-22 of the 1997 Draft EIR/EIS. Figure 2-9shows a schematic design of the future expansion. Chapter 7 presents mitigation measures, including pre-construction surveys, sensitive habitat avoidance, and compensation measures to minimize impacts on sensitive plant communities encountered during construction.

Sp19-5, Romona Robison, California Native Plant Society
The primary areas of controversy were determined during the initial scoping period in the spring of 1997. Although not identified as primary areas of controversy, impacts on special-status plant species and growth-related effects were evaluated in the 1997 Draft EIR/EIS. Chapter 7, "Vegetation and Wetland Resources," and Chapter 8, "Wildlife," identify potential impacts on special-status species. Chapter 18 of the 1997 Draft EIR/EIS contains a discussion on the growth-related effects of the water supply system expansion for the City and County of Sacramento. See Chapter 12 of this document, "Errata."

Sp19-6, Romona Robison, California Native Plant Society
Chapter 7 of the 1997 Draft EIR/EIS discusses impacts on upland annual grasslands on page 7-12. Tables 7-1, 7-2, and 7-3 list habitats and plant species potentially affected by Alternatives 2 and 3. Impacts on sensitive wetland and vernal pool habitats are also discussed. Affected areas are categorized for analysis by plant community types, rather than by specific location, since the pipeline corridor traverses nearly the length of southern Sacramento County into San Joaquin County and because the final pipeline alignment has not been selected.

Sp19-7, Romona Robison, California Native Plant Society
Page 7-19 of the 1997 Draft EIR/EIS provides analysis results for evaluating cumulative impacts on riparian plant communities. Page 18-4 states that Alternatives 2 and 3 would add to the cumulative impacts on vegetation in the project area. Mitigation

measures outlined in Chapter 7 and 8 of the 1997 Draft EIR/EIS are designed to reduce the contribution of Alternatives 2 and 3 to the overall impacts to less-than-significant levels.

Sp19-8, Romona Robison, California Native Plant Society
Table 1-2 in the 1997 Draft EIR/EIS summarizes EBMUD's demand and supply projections through the year 2030. Customer demand, adjusted for reclamation and conservation, is project to be 228 million gallons per day (MGD) by the year 2030. The available supply is projected to be 228 MGD for normal years but much less in dry years, particularly multi-year droughts. Alternatives 2 and 3 are designed to meet dry-year and planned outage deficiencies. In order to meet demand during dry years without a supplemental supply, conservation measures would be increased to 35%, including up to 50% for residential customers (see page 1-8 of the 1997 Draft EIR/EIS). The Updated WSMP EIR analyzed potential alternatives for meeting projected water demand in the EBMUD service area.

Sp19-9, Romona Robison, California Native Plant Society
See response to Comment Sp19-8. The dry-year deficiencies listed in Table 1-2 in the 1997 Draft EIR/EIS incorporate water available from Lafayette and Chabot reservoirs. The 1997 Draft EIR/EIS analyzes the potential effects on the current water storage system in detail in Chapter 3.

Sp19-10, Romona Robison, California Native Plant Society
As stated on page 1-2 of the 1997 Draft EIR/EIS, the Updated WSMP EIR is incorporated by reference and is available for review at EBMUD headquarters in Oakland, California. Actions being taken as part of the Updated WSMP include substantial conservation and reclamation programs, as described in Chapter 1 of the 1997 Draft EIR/EIS. Because the impacts of these programs are not directly additive to the impacts of the Supplemental Water Supply Project, it is not appropriate to include a detailed discussion of the less-than-significant potential effects of these actions in this document.

Sp19-11, Romona Robison, California Native Plant Society
The focus of the impact analysis was on the American River, not the Mokelumne River. This included the analysis of specific changes in water supply, hydropower, water quality, fisheries, recreation, and visual resources on the lower American River.

Sp19-12, Romona Robison, California Native Plant Society
The Erosion and Sediment Control Plan would be prepared following the designation of a preferred alternative. The level of detail required for the Erosion and Sediment Control Plan can only be obtained once the preferred alternative has been chosen and final design is underway. The Plan would be developed and approved by both the City and County of Sacramento prior to implementation for Alternative 3.

Sp19-13, Romona Robison, California Native Plant Society
As described in Mitigation Measure 7-1c presented on page 7-14 of the 1997 Draft EIR/EIS, construction areas would be restored to pre-construction conditions. The hydroseeding activities would utilize native or sterile seeds. Soil binders would be utilized in a fashion that minimizes impacts on sensitive habitats.

Sp19-14, Romona Robison, California Native Plant Society
As described in Mitigation Measure 7-1c presented on page 7-14 of the 1997 Draft EIR/EIS, construction areas would be restored to pre-construction conditions.

Sp19-15, Romona Robison, California Native Plant Society
The Hydrologic Simulation Modeling and Scour Analysis will identify conditions with the potential to impact riparian habitats. Mitigation Measures 7-3a and 7-3b presented on page 7-15 would minimize loss and disturbance of riparian communities.

Sp19-16, Romona Robison, California Native Plant Society
Staging areas may be identified offsite from the construction corridor. The Access Point/Staging Area Plan would select these locations, as described on page 2-6 of the 1997 Draft EIR/EIS.

Sp19-17, Romona Robison, California Native Plant Society
The final pipeline alignment will be determined following the designation of a preferred alternative. Mitigation Measures 7-1a, 7-1b, and 7-3a presented on pages 7-14 and 7-15 of the 1997 Draft EIR/EIS provide for buffers to protect sensitive habitats near the construction zone.

Sp19-18, Romona Robison, California Native Plant Society
Prior to the preparation of the 1997 Draft EIR/EIS, several pipeline alignments were evaluated for both action alternatives. Impacts on sensitive habitats, including the American River Parkway, vernal pools, and riparian woodlands, were considered along with several other factors, including impacts on local communities, traffic, engineering considerations, and costs. The final pipeline alignment will be designed following the designation of a preferred alternative. Mitigation Measures 7-1b, 7-2a, 7-4a, and 7-5b provide the means to adjust the pipeline alignment to avoid specific sensitive habitats.

Sp19-19, Romona Robison, California Native Plant Society
The sensitive plant surveys incorporated in the 1997 Draft EIR/EIS were conducted in the project area by personnel listed in Chapter 22: List of Preparers during 1996 and 1997, as noted on page 7-1.

Sp19-20, Romona Robison, California Native Plant Society
Table 7-2 in the 1997 Draft EIR/EIS provides plant species typically found in habitats known to exist within the proposed pipeline corridor. Affected habitats are categorized for analysis by plant community types, rather than by specific location, since the pipeline corridor traverses nearly the length of Sacramento County into San Joaquin County. The final pipeline alignment will be determined following the designation of the preferred alternative. Mitigation Measures 7-5a provides for pre-construction surveys in areas not previously surveyed.

Sp19-21, Romona Robison, California Native Plant Society
The 1997 Draft EIR/EIS is in compliance with CEQA and NEPA requirements to characterize vegetation and wetland resources within the project area. Survey maps of identified sensitive plant communities along the length of the pipeline corridor are not included, since the final pipeline alignment and preferred alternative have not yet been determined. Potential impacts on plant community types and individual species during construction are evaluated in Chapter 7 of the 1997 Draft EIR/EIS.

Sp19-22, Romona Robison, California Native Plant Society
Species lists were obtained from the USFWS and the CDFG Natural Diversity Data Base for areas impacted by the pipeline corridor. Species lists were obtained for each USGS quadrangle map traversed by the proposed pipeline. Species that only occur in habitats not present in the pipeline corridor were omitted from the species list. Information regarding the proximity of the project area to potential habitats of sensitive species was also gathered through literature reviews, field surveys, aerial photograph interpretation, and consultation with knowledgeable individuals. A Biological Assessment (BA) for terrestrial species was submitted to the USFWS for ESA Section 7 consultation. The BA contains

detailed analyses of endangered or threatened species within the area potentially affected by Alternatives 2 and 3.

Sp19-23, Romona Robison, California Native Plant Society
Chapters 3, 4, and 5 of the 1997 Draft EIR/EIS provide substantial details regarding potential effects on the lower Sacramento River and the Delta. These impacts were determined to be less than significant.

Sp19-24, Romona Robison, California Native Plant Society
The sentence referenced in the comment is referring to the intake sites and bypass options within urbanized areas under Alternative 3. The relatively poor quality of these urban, undeveloped areas was noted due to the general presence of stressed plant communities.

Sp19-25, Romona Robison, California Native Plant Society
Wetland delineation following U.S. Army Corps of Engineers guidelines has not yet been completed for the proposed pipeline corridor. Wetland delineation would occur following the designation of the preferred alternative, prior to submitting a permit application to the Corps under Section 404 of the Clean Water Act.

Sp19-26, Romona Robison, California Native Plant Society
Table 7-1 of the 1997 Draft EIR/EIS lists acreages of annual grasslands under the common plant communities category.

Sp19-27, Romona Robison, California Native Plant Society
The estimated acreage of grasslands under the common plant communities category in Table 7-1 of the 1997 Draft EIR/EIS excludes sensitive wetland plant communities within the grassland areas.

Sp19-28, Romona Robison, California Native Plant Society
See Chapter 12 of this document, "Errata." EBMUD agrees that the citation for Table 7-2 should be changed to 7-3.

Sp19-29, Romona Robison, California Native Plant Society
Regulations and policies from the South Sacramento County Habitat Conservation Plan have not been included in the 1997 Draft EIR/EIS because the HCP has not been completed or approved.

Sp19-30, Romona Robison, California Native Plant Society
The willow scrub partial inundation survival assumption was noted in the SAFCA/Bureau of Reclamation Interim Operations EIR/EIS (Sacramento Area Flood Control Agency et al. 1990) and the American River Watershed Project (U.S. Army Corps of Engineers 1995), as referenced on page 7-1 of the 1997 Draft EIR/EIS.

Sp19-31, Romona Robison, California Native Plant Society
The testimonies of Michael Swanson, Dr. Dean Taylor, and Dr. Robert Holland presented in the SWRCB proceedings in EDF v. EBMUD are part of the public record.

Sp19-32, Romona Robison, California Native Plant Society
The EBMUD Board of Directors will ultimately choose the mitigation measures to be implemented for the certified project. In certifying the project, the Board may implement all mitigation measures presented in the 1997 Draft EIR/EIS, add mitigation measures, or selectively choose from those suggested. For this reason, the verb "can" was used rather than "will."

Sp19-33, Romona Robison, California Native Plant Society
An arborist specializing in native tree preservation will be consulted at the discretion of the local planning department.

Sp19-34, Romona Robison, California Native Plant Society
Buffers would be established as described in Mitigation Measure 7-3a. In some areas, such as river crossings, buffers may not be effective, and impacts on riparian communities may be unavoidable. Mitigation Measure 7-3b provides for compensation of riparian woodland loss at a 2:1 ratio.

Sp19-35, Romona Robison, California Native Plant Society
As described in responses to Comments Sp19-1 through Sp19-34, vegetation within the area potentially affected by Alternatives 2 and 3, including along the American and Sacramento Rivers, has been evaluated in compliance with NEPA and CEQA regulations. Impacts associated with the project construction and operation have been identified, and measures to reduce those impacts to less-than-significant levels have been proposed as part of the environmental commitments and mitigation.

State Water Contractors
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Sp 20

Directors
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March 17, 1998

Kurt Ladensack
East Bay Municipal Utility District
P.O. Box 24055, MS 305
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Cecil Lesley
United States Bureau of Reclamation
7794 Folsom Dam Road
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EBMUD's Supplemental Water Supply Project
Joint Environmental Impact Report/Environmental Impact Statement

We have reviewed the Draft Joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for East Bay Municipal Utility District's (EBMUD) Supplemental Water Supply Project. EBMUD is proposing to develop facilities that will enable them to receive delivery of American River water under its Central Valley Project (CVP) contract with the United States Bureau of Reclamation (USBR).

The State Water Contractors (SWC) is an organization representing 27 public water agencies operating within California who contract with the California Department of Water Resources (DWR) for water supplies from the State Water Project (SWP). This SWP supply constitutes a significant portion of the supplies available to SWC members. As a result, the SWC is very interested in matters affecting the SWP, the Sacramento-San Joaquin Delta (Delta), and the tributaries to the Delta. The comments contained herein constitute the SWC's comments on the Draft EIR/EIS on behalf of our members as potentially affected public agencies.

SWP Water Supply Impact Analysis and Assumptions

The SWC believes that the water supply analysis for some alternatives presented in the Draft EIR/EIS incorrectly represents CVP obligations under the Coordinated Operations Agreement Sp20-1

(COA) between the Department of Water Resources (DWR) and USBR. The COA considers any diversions into and from the Folsom South Canal to be an export from the Central Valley Basin equal in priority to exports at the Tracy and Contra Costa Canal pumping plants. Based on information presented in the Draft EIR/EIS, the analysis of Alternative 2, which diverts American River water to EBMUD via the Folsom South Canal, appears to correctly treat the EBMUD delivery as a CVP export under the COA. The CVP is responsible for meeting this CVP water service contractor's water supply demand. The only SWP water supply impact under this alternative is due to the increase in CVP delivery capability due to the EBMUD diversion that allows the CVP to use increased amounts of surplus flows to the detriment of the SWP water supply. That impact is allowable under the terms of the COA.

Based on information presented in the Draft EIR/EIS it appears that the analysis of Alternative 3, which diverts CVP water to EBMUD from the American River near Interstate 5, does not consider that diversion a CVP export and is, therefore, incorrect. Operation studies used to analyze this alternative should be done in exactly the same way as the Folsom South Canal diversion alternative with one important exception. The I-5 diversion would be considered under the COA as a "new" CVP export diversion. For that reason, the diversion at the I-5 site has a lower priority to surplus Delta flows than does the SWP. This alternative can not, under the terms of the COA, impact the SWP water supply in any way. Since the EIR shows impacts to the SWP for Alternative 3, the analysis of this alternative is flawed. By incorrectly showing impacts to the SWP, the EIR likely understates the potential water supply impacts on existing CVP water supply contractors and incorrectly analyzes the impacts of this EBMUD diversion on the lower American River and upper Sacramento River fishery habitat.

In addition to the erroneous assumption described above, the draft EIR/EIS describes impacts to SWP supplies and many other hydrologic factors only in terms of average impacts for the 1922-1991 analysis period, which is not adequate to determine significance. The average impact, over the 70-year analysis period, could mask larger impacts during drought periods, when EBMUD generally intends to divert its supply. The impacts on other water users could be greater in these drought years. More detailed information on water supply should be presented that identifies yearly impacts during the periods when EBMUD is diverting from the American River. Sp20-2

Elimination of Alternatives in Alternatives Screening Process

The SWC is concerned that EBMUD inappropriately eliminated several alternatives from being evaluated in more detail in the Draft EIR/EIS through the screening process, which is briefly described in the Draft EIR/EIS and more completely described in the Alternative Screening Report contained in Appendix B. The Draft EIR/EIS and the Alternative Screening Report state that if an alternative is incapable of meeting one of EBMUD's screening criteria, it would be eliminated from further consideration without evaluating the ability to meet the remaining criteria. This screening procedure appears inconsistent with CEQA, which requires a reasonable range of alternatives be included in an EIR that would "feasibly attain most of the basic objectives of the project but would avoid or Sp20-3

substantially lessen any of the significant effects of the project" [CEQA Guidelines 15126 (emphasis added)]. It appears that the Draft EIR/EIS and the Alternative Screening Report fail to recognize that the point of an EIR alternatives analysis is not to find ways to eliminate alternatives, but instead to find ways to reduce significant impacts.

For example, failure to meet the water quality criterion was a factor in eliminating several alternatives with intakes on the Sacramento River. However, in the process of eliminating these alternatives, the Screening Report appears to misrepresent the water quality limitations of diversions from the Sacramento River. The Draft EIR/EIS concludes that use of Sacramento River water would degrade EBMUD's existing water supply and would not minimize health risks. However, the Screening Report fails to recognize that, from a water treatment viewpoint, there are only minor differences between American River water and Sacramento River water. As a result, there would be no significant difference in the water treatment processes that would be used to treat water from these two sources or in the costs for that treatment. The SWC recognizes that there is some uncertainty regarding potential contamination from the much larger Sacramento River watershed. However, the SWC and its members agencies are working, through implementation of the SWP Sanitary Survey Action Plan, to identify and address potential contaminant sources that pose health risks. Therefore, the SWC believe that both the American River and Sacramento River diversion point locations would satisfy the water quality screening criteria. It should be noted that in other recent environmental documents (e.g., USBR environmental documentation for the Central Valley Project under Public Law 101-514), alternatives with similar Sacramento River diversion locations not only were considered in the detailed alternatives evaluations, but were identified as being environmentally preferred to an American River diversion point.

Another example of a criterion which results in alternatives being inappropriately eliminated is the "implementation by year 2001" criterion. This criterion eliminates all alternatives that cannot be implemented by the year 2001. The reason for such a stringent criterion is unclear, particularly since there are a number of options and programs, such as the drought water bank, that could assist EBMUD in meeting water supply objectives in the near-term.

EBMUD should broaden it alternatives analysis to consider alternatives that meet <u>most</u> of EBMUD's objectives, particularly those alternatives that could significantly reduce environmental impacts or that could provide overall ecosystem benefits. A joint-project alternative that would include coordinated diversions from the Sacramento River should, at least, be one of the alternatives addressed in detail.

<u>Conclusion</u>

As described above, the SWC believes that the analysis used to prepare the draft EIR/EIS contains fundamental flaws that need to be corrected. The COA assumptions used in the operations studies need correction, more detailed yearly information should be presented on water supply and storage impacts, and the alternatives analysis should be broadened to consider alternatives meeting <u>most</u> of EBMUD's objectives. To correct these fundamental flaws in the water Sp20-4

supply and alternatives screening analysis, the SWC believes that EBMUD should prepare a revised draft EIR/EIS. The revised EIR/EIS should be made public as a draft to provide the SWC and others with an opportunity to comment on a revised analysis. If you have any questions about our comments, please feel free to call me at (916) 447-7357.

Sincerely,

Steve Macaulay
General Manager

Cc: Member Agencies

David N. Kennedy, Director
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236-0001

Response to Comments of State Water Contractors

Sp20-1, Steve Macaulay, State Water Contractors
See the response to the "Coordinated Operations Agreement Modeling" major issue in Chapter 3 of this document.

Sp20-2, Steve Macaulay, State Water Contractors
Detailed analyses of hydrologic modeling results are presented in the 1997 Draft EIR/EIS where such effects were identified as having at least the potential for an environmental effect. Where no potential effect was identified, no additional analyses were completed. For example, although Appendix C to the 1997 Draft EIR/EIS displays only the average annual effects on State Water Project deliveries, the information was reviewed in detail to determine the potential for effect. As noted in the 1997 Draft EIR/EIS, average annual State Water Project deliveries were not affected by Alternative 2 or 3. In examining the 1928–1934 historical drought period, slight effects were identified. Under Alternatives 2 and 3, State Water Project exports were projected to decrease by approximately 4,000 AF per year. However, during this same period, State Water Project exports averaged approximately 2,500,000 AF. Therefore, average decreases during the historical drought period average less than 0.2% of total State Water Project exports. This change was not considered to have the potential for environmental effects. Similar judgments were made with regard to other hydrologic modeling changes.

Sp20-3, Steve Macaulay, State Water Contractors
See the responses to the "Alternatives Considered" and "Delta and Sacramento River Alternatives" major issues in Chapter 3 of this document.

Sp20-4, Steve Macaulay, State Water Contractors
The 1997 Draft EIR/EIS is adequate and contains appropriate information to assess the potential environmental effects of Alternatives 2 and 3. See the response to the "Coordinated Operations Agreement Modeling" major issue in Chapter 3 of this document.

Lodi DISTRICT CHAMBER OF COMMERCE

Sp 21

December 12, 1997

Mr. Kurt Ladensack
Water Supply Improvements Division
EBMUD
PO Box 24055
Oakland, CA 94623

Mr. Cecil Lesley, Contract Specialist
United States Bureau of Reclamation
Central California Area Office
7794 Folsom Dam Road
Folsom, CA 95630

Re: Comments of the Lodi Chamber of Commerce on the Draft EIR/EIS;
East Bay Municipal Utility District - Supplemental Water Supply Project

Dear Sirs:

The Lodi Chamber of Commerce appreciates the opportunity to be able to comment on the Draft East Bay Municipal Utility District -Supplemental Water Supply Project Environmental impact Report/ Environmental Impact Statement(Draft EIR/EIS). The Lodi Chamber of Commerce Board of Directors and its Government Relations Committee are actively involved in the affairs of the community including our region's interest to stabilize the eastern San Joaquin County ground water basin and secure surface water supplies for the area. Sp21-1

After the presentations and review of the Draft EIR/EIS, we find that it is incomplete and deficient in that it does not consider a joint project with San Joaquin County such as the "Joint Project" outlined in the "Final Report, Mokelumne Aquifer Recharge and Storage Project, Joint Project Between the Eastern San Joaquin Parties and East Bay Municipal Utility District(EBMUD). The Joint project study showed it was viable to use eastern San Joaquin County's overdrafted ground water basin for storage and recovery of water needed to restore the basin and to meet the needs of EBMUD. Very little detail or mention was given the report in the DEIR/EIS. Our county has moved forward by constructioin of a test project for a groundwater injection and recovery system. The water is being purchased from the East Bay Aqueduct and initial technical information regarding the formation show it to be an excellent recharge site.

Even if a joint project with Eastern San Joaquin County could not be realized, the report should have considered utilizing the basin for storage as an alternative which did not get considered. Such a project, could have provided benefit to this area in terms of recharge. A San Joaquin County alternative proposal should have been analyzed since the work done in the MARS Joint Project study showed that the size the facility could have reduced and would have positively addressed the overdraft condition in our eastern San Joaquin County. For the DEIR/EIS to be considered adequate, this proposal should be included.

35 S. School Street • P.O. Box 386 • Lodi, CA 95241 • PHONE (209) 367-7840 • FAX (209) 334-0528

ACCREDITED

We also understand, that under the California Water Code 11460 that the operation of the Central Valley Project(CVP) that the areas where water originates(area of origin) and it's water needs shall have a right to benefit to from the water shed. This is American water that should be used to benefit our area in addition to the needs of EBMUD. At a minimum, the Bureau should consider the needs of our area as has been pointed out in the American River Water Resources Investigation which was prepared by the BOR and in part paid for by the tax payers of Lodi and eastern San Joaquin County. The DEIS/EIR ignores our areas need for water and would allow our areas overdraft to be exacerbated even further. Sp21-2

The DEIR/EIS did not consider the cumulative effects of not considering San Joaquin County's eastern basin within the project or the study alternatives and thus does not meet CEQA. Further study needs to be included on meeting the needs of Eastern San Joaquin County and EBMUD with a joint program/project from the American River. Sp21-1

The Lodi Chamber of Commerce realizes the importance of solving the eastern San Joaquin areas overdraft by utilizing water from the American river. EBMUD should take steps to complete the additional environmental study needed to allow this area opportunities to participate and partner with EBMUD in a future project.

Very Truly Yours,

Tony Trassare, Chairman
Government Relations Committee,
Lodi Chamber of Commerce

cc: Board of Directors

Response to Comments of Lodi Chamber of Commerce

Sp21-1, Tony Trassare, Lodi Chamber of Commerce
See the response to the "San Joaquin County Conjunctive Storage" major issue in Chapter 3 of this document.

Sp21-2, Tony Trassare, Lodi Chamber of Commerce
See the response to the "Area of Origin" major issue in Chapter 3 of this document.

Sp 22

Sheryl Sweeney Stuckey
Chairperson
Cosumnes Community Planning Advisory Council
12041 Stuckey Lane
Wilton, CA 95693

February 13, 1998

Mr. Kurt Landensack
Water Supply Improvements
EBMUD
MS #305
P. O. Box 24055
Oakland, CA 94623-1055

Mr. Cecil Lesley
Contract Specialist
USBR
Central California Area Office
7794 Folsom Dam Road
Folsom, CA 95630

Re: EBMUD Supplemental Water Supply Project
Draft EIR/EIS

Dear Gentlemen:

This letter serves as the formal recommendation of the Cosumnes Community Planning Advisory Council regarding the above-referenced project. According to EBMUD, the purpose of this project is to provide EBMUD with a supplemental water supply and an alternative water supply. EBMUD has provided three alternatives to accomplish this goal.

BACKGROUND

The purpose of this Council is to inform this Community of proposed projects and to relate this Community's feelings back to the project proponent. Therefore, the key component to this Council's decision regarding the above-referenced project is what proposed alternative will have the least impact on the Cosumnes Community.

We are asked to make a recommendation based on the Draft EIR/EIS which is incomplete. We are asked to make a recommendation on a preferred alternative yet the agencies themselves have not yet identified a preferred alternative. We are asked to make a recommendation on a preferred alternative when EBMUD does not even have an amended contract with the United States Bureau of Reclamation. We are asked to make a recommendation even though "a preferred alternative will not likely be identified before the Final EIR/EIS is published" (EBMUD Fact Sheet, November 1997).

In an idealistic world, the preferred alternative in the eyes of this Community is Alternative No. One. This Community would Sp22-1

like to conserve what resources it has and the way of life it has enjoyed. In the realistic world, this Community recognizes that the most reasonable alternative presented is the Joint Water Supply Project.

When the Folsom South Canal was built, the Cosumnes Community carried a great burden. The Community's land was utilized for the development of the Canal, the Cosumnes River was diverted and construction took several years, damaging the integrity of our life style, ecosystem and road system. This Community will not tolerate another similar burden. We object vehemently to a parallel pipeline as proposed by EBMUD in Alternative No. Two, all alignments.

Utilizing the Folsom South Canal through this Community is the most viable and feasible source for EBMUD to move the contracted water through this Community. We are hard pressed to believe that EBMUD would willingly want to spend an obscene amount of taxpayers' money on a newly constructed pipeline when they already have the existing Folsom South Canal available. Unfortunately, this reverts back to paragraph three above: An amended contract with the Bureau of Reclamation has yet to be approved.

According to EBMUD, "based on analysis conducted to date, neither alternative (EBMUD/FSCC Project and EBMUD-Sacramento Joint Project) is clearly environmentally superior" (EBMUD Fact Sheet, November 1997). (Also stated in the Draft EIR/EIS on page S-6.) So, which is the lesser of the two proposed evils? Clearly, Alternative No. Three, is the least damaging, however, it is not without faults.

PREFERRED ALTERNATIVE

The Draft EIR/EIS at page S-1 states, "A joint Sacramento project proposal would guarantee water even in the driest years and still maintain high-quality water from an American River delivery point farther downstream." This "guarantee" has yet to be approved by Sacramento County and most likely will not be approved. How can Sacramento County "guarantee" a specific acre feet supply of water in any given year? Albeit modern technology in meteorology has improved, but technology has not advanced beyond The Almighty. Sp22-2

Page S-5 of the Draft EIR/EIS states, "...Alternative 3 would

contribute to meeting the objectives of the City and County in providing a safe reliable water supply for the City and the County." This is misleading. EBMUD needs a supplemental water source and an alternative water source (Draft EIR/EIS, pages S-2 and S-3). Sacramento City and County do not get an additional water supply, merely the use of a new pumping facility. Sacramento City and County will merely be the conveyor of water for EBMUD through the County to the Mokelumne River Aqueducts. Sp22-3

The Draft EIR/EIS identifies "AREAS OF CONTROVERSY". There are four areas listed on page S-6. A concern is "disruption in urban areas during construction of the project, particularly under Alternative 3." If Alternative No. Three is not selected, no where does this Draft address disruption in rural areas during construction in "AREAS OF CONTROVERSY". Sp22-4

Pursuant to the Draft EIR/EIS, page S-6, EBMUD and the Bureau of Reclamation have "incorporated certain mitigation measures into the project description as environmental commitments." Agricultural land restoration is listed as a commitment. In reviewing page S-13, there are three categories in the agriculture section: 1) Conversion and loss of prime farmland; 2) loss of agricultural production; and 3) nonrenewal or termination of Williamson Act contracts. The applicable alternatives listed for each item are Alternatives No. 2 and 3. Mitigation measures are not required for either of the three items. If Alternative No. Three is selected by the agencies, then this statement concerning mitigation measures might be true for this Community. If Alternative No. Two is selected, primarily Alignment No. Four, this will have devastating impacts on this Community's landowners. How can mitigation not be required if Alternative Two, Alignment No. Four is selected? Sp22-5

1. Conversion and Loss of Prime Farmland

If no mitigation measures are required for conversion and loss of prime farmland, then EBMUD has misrepresented their intentions to the Council. Although EBMUD has eminent domain, this Council was led to believe that eminent domain would be exercised as a last resort (November 19, 1997 Cosumnes CPAC minutes). At this same meeting, EBMUD represented that it would pay fair market value for the property affected. It was also stated that property value estimates were included in the proposed construction costs for each

alignment.

2. Loss of Agricultural Production

Page 11-6 of the Draft EIR/EIS states that "acreage of prime farmland in the study area totaled 557,530 acres in 1995". This apparently equates to "less than 0.01% of the total acreage of prime farmland in Sacramento and San Joaquin counties" that will be converted. Over one-half of one million prime farmland acres will be converted and no mitigation is required? If Alternative No. Two, Alignment No. Four is chosen, this conversion will have a severe impact on this Community's landowners.

If a minimum 80 foot swath of prime farmland will be utilized as the "permanent operation corridor", how much more acreage will be utilized during the construction of this minimum 80 foot corridor? To a landowner in this Community, this will destroy consistent farming techniques, not to mention the aesthetics of the landowners' properties. What access to this corridor will these landowners be given in order to continue using their land? Clearly, to avoid this situation, Alternative No. Three must be selected, not Alternative No. Two, Alignment No. Four.

If Alternative No. Three is not chosen, members of this Community suffer irreparable damage of loss of agricultural production. Alternative No. Two, Alignment No. Four will literally divide Community members' property in half. Although the overall picture may allow one to think that "production and associated loss of production value would be small compared with the total farmland" (page 11-6 of the Draft EIR/EIS), this, however, is only relative to one's definition of "small". To an individual landowner, this "small" loss may have a significant impact. How can mitigation not be required for loss of agricultural production?

3. Nonrenewal or Termination of Williamson Act Contracts

Page 11-5 and the table on page S-13 of the Draft EIR/EIS state that no mitigation measures are required regarding nonrenewal or termination of Williamson Act contracts. If Alternative No. Three is chosen, then this table might be accurate. If Alternative No. Two, Alignment No. Four is chosen, then the impact will be significant to this Community. Sp22-6

California Government Code Section 51290(a) states:

> It is the policy of the State to avoid, whenever practicable, the location of any State or local public improvements and any improvements of public utilities, and the acquisitions of land therefor, in agricultural preserves.

It is "practicable" to avoid removing this Community's land from the Williamson Act by choosing Alternative No. Three. Of the four alignments contained within Alternative No. Two, the fewest impacts are clearly contained in Alignment No. Two.

RECOMMENDATIONS

This Council feels that the alignments contained in Alternative No. Two are not adequately developed. If Alternative No. Three fails to meet approval, this Council recommends that all four alignments proposed in Alternative No. Two be located on the landowners' property boundaries. This recommendation would cause the least amount of interference to the agriculture industry and minimize the impacts to the landowners.

To build a pipeline through the City of Sacramento will cause a temporary discomfort to the City's residents. But once this pipeline is built, the streets are repaved and life goes on as usual. Building a pipeline through an agricultural environment will disturb the life style of these landowners and the ecosystem for evermore.

In summary, this Council makes the following recommendations:

1. Alternative No. Three, Joint Water Project, is the preferred, proposed alternative.
2. Alignments 1-4 of Alternative No. Two are not adequately developed.
3. If Alternative No. Two, either Alignments 1-4, is chosen, that all four alignments be located on the landowners' property boundaries.
4. If Alternative No. Two is selected, Alignment Two is the preferred alignment.
5. We incorporate the comments and recommendations made by Carol Manning and John Gledhill.

Mr. Kurt Landensack
Mr. Cecil Lesley
Re: EBMUD Supplemental Water Supply Project
February 13, 1998

Thank you for considering this Council's comments and recommendations. If you have any questions, please feel free to call me at 916-321-4444.

Very truly yours,

Sheryl Sweeney Stuckey

Sheryl Sweeney Stuckey
Chairperson
Cosumnes Community Planning Advisory Council

sss
cc: Supervisor Don Nottoli
Supervisor Illa Collin
Supervisor Dave Cox
Supervisor Roger Dickinson
Supervisor Muriel Johnson
Mr. Rob Burness
Mr. Mark Manoff
Mr. Darrell Eck
Mr. Richard Bauer
Mr. Tad Berkebile
Ms. Michele McCormick
Mr. Keith DeVore
Ms. Donna Dean
Cosumnes CPAC Members

Response to Comments of Cosumnes Community Planning Advisory Council

Sp22-1, Sheryl Sweeney Stuckey, Cosumnes Community Planning Advisory Council
Chapter 1 of the 1997 Draft EIR/EIS explains the need for a supplemental water supply for the EBMUD service area. EBMUD's water contract with USBR stipulates the use of a turn-out near Grant Line Road as the diversion point on the Folsom South Canal. Therefore, the 1997 Draft EIR/EIS analyzes Alignments 1 and 4 using this diversion point. EBMUD is reviewing the possibility of modifying their contract to preclude the necessity of this turn-out point, in which case Alignment 2 or 3 could be employed.

Sp22-2, Sheryl Sweeney Stuckey, Cosumnes Community Planning Advisory Council
Comment noted regarding guarantees. Because EBMUD is a CVP contractor, water diversions in dry years would be subject to potential system-wide rationing.

Sp22-3, Sheryl Sweeney Stuckey, Cosumnes Community Planning Advisory Council
Comment noted regarding City and County water quality objectives. Alternatives 2 and 3 would contribute to City and County water quality objectives through the upgrade of the Fairbairn and Sacramento River WTPs.

Sp22-4, Sheryl Sweeney Stuckey, Cosumnes Community Planning Advisory Council
Based on the extensive scoping efforts conducted by EBMUD in early 1997, impacts on rural areas appear to be less controversial than on urban residential areas. Exclusion of rural areas from the Areas of Controversy section in the Summary Chapter does not preclude analysis. Impacts on rural areas have been analyzed throughout the 1997 Draft EIR/EIS.

Sp22-5, Sheryl Sweeney Stuckey, Cosumnes Community Planning Advisory Council
The text states on page 11-6 of the 1997 Draft EIR/EIS that 0.01% of the 557,530 acres of prime farmland under production in 1995 would be impacted by the project. The relatively small amount of land needed for the operation corridor constitutes a less-than-significant impact on prime farmland in the study area. The construction corridor would be 50 feet wider than the 80-foot operation corridor. Access to property would be restored to pre-construction status.

Sp22-6, Sheryl Sweeney Stuckey, Cosumnes Community Planning Advisory Council
Impacts on lands subject to Williamson Act contracts would involve promoting development. As noted on page 11-5 of the 1997 Draft EIR/EIS, the project would not promote development on Williamson Act property. The Act specifically allows for utility easements. Impacts on private property through acquisition of the necessary easement would be compensated, as described in Chapter 10 of the 1997 Draft EIR/EIS.

Sp 23

March 5, 1998

Mr. Kurt Ladensack
East Bay Municipal Utilities District (E.B.M.U.D.)
Water Supply Improvement Division
MS #305
P.O. Box 24055
Oakland, CA 94623

RE: EBMUD-Sacramento Joint Water Supply Project
and Folsom South Canal Connection Project - DEIR/EIS

Dear Mr. Ladensack,

As Chairperson of the Natomas Community Planning Advisory Council (NATCPAC) in Sacramento County, I want to thank you for allowing us this oportunity to comment on the above reference project. Several months ago, Rob Alcott representing EBMUD, Randy Fiorucci with Black and Veath, Gary Gosse representing the City of Sacramento, and Darrell Eck representing the County of Sacramento made presentations before this Advisory Council at the November 13, 1997 regularly scheduled public hearing. At that meeting, representatives presented information relating to the history of the project, proposed overall implementation, as well as information on the five areas under consideration as a possible site for the location of the Pumping Facility.

After having listened to all the pros and cons relating to each of the five areas, the NATCPAC recommended Area #5 as the best possible site for construction of the Pumping Facility. The Councilmembers felt that this location would be less intrusive into the established way of life that citizens of South Natomas currently enjoy along the American River near Discovery Park, and that it would create less than significant impacts on adjacent wetland vegetation, and riparian habitat. Councilmembers in attendance also felt that impacts aesthetically would be less than significant given its location far removed from the immediate view of the general public.

Sp23-1

An innovative building design that could possibly incorporate a functional use to complement both Area #5, and the adjacent land area (which may be developed as a park in the future) was also of interest to the Councilmembers. The NATCPAC hopes that these comments and the above recommendation will go a long way in assisting in the selection of the least intrusive, and most cost efficient location for construction of the proposed Pumping Facility. We thank you.

Very truly yours,

Kevin Hunter, Chair
Natomas Community Planning Advisory Council (NATCPAC)
P.O.Box 2831
Sacramento, CA 95812-2831

Response to Comment of Natomas Community Planning Advisory Council

Sp23-1, Kevin Hunter, Natomas Community Planning Advisory Council

The preference for intake Site 5 is noted. Comment regarding building design is noted. EBMUD would cooperatively work with the community and City and County of Sacramento to develop an appropriate design for the intake facility if Alternative 3 is implemented.