Chapter 19

Public Hearing Comments on the 2000 REIR/SEIS

Public Meeting Comments–Sacramento, California (October 17, 2000)

Response to Comments of Keith Devore, County of Sacramento

RPHS 1-1 (Keith Devore, County of Sacramento)
Comment: *The 2000 REIR/SEIS would not withstand judicial scrutiny because there are significant errors and omissions within the technical analysis of water quality, hydrology, and fisheries.*

Response: Hydrology, water quality, and fisheries have been fully analyzed in Chapters 3, 4, and 5, respectively, of the *2000 REIR/SEIS.*

RPHS 1-2 (Keith Devore, County of Sacramento)
Comment: *The modified proposal is defective because it does not include groundwater storage, an essential element of the alternative.*

Response: Alternative 4 is a stand-alone project that would meet EBMUD's project objectives. While this alternative would provide additional benefits if a groundwater storage project were developed, no feasible groundwater storage project has been identified despite over a decade of effort by EBMUD. See Chapter 18 of the 2000 REIR/SEIS.

RPHS 1-3 (Keith Devore, County of Sacramento)
Comment: *The American River alternatives do not meet the identified need of the Bureau of Reclamation because they are wet-year direct diversion projects, whereas the need is in dry years.*

Response: As noted on page 2-1 of the 2000 REIR/SEIS, EBMUD's project objective is to make use of its existing contract with Reclamation for delivery of American River water consistent with the Hodge Decision.

RPHS 1-4 (Keith Devore, County of Sacramento)
Comment: *The threshold of significance is unfounded and does not comport with the standard of significance required under NEPA and CEQA.*

Response: The thresholds of significance used in the analyses in the 2000 REIR/SEIS fully comply with NEPA and CEQA.

RPHS 1-5 (Keith Devore, County of Sacramento)
Comment: *Given the direct inline filtration of EBMUD's existing treatment plants, why is not an alternative restricted to only the Mokelumne River water considered.*

Response: As noted on page 2-1 of both the 1997 Draft EIR/EIS and the 2000 REIR/SEIS, EBMUD's objective for the Supplemental Water Supply Project is, in part, to "allow EBMUD to make use of its water service contract with Reclamation for delivery of American River water, consistent with the conditions set forth in the Hodge Decision". Therefore, maximizing use of EBMUD's Mokelumne River system would not achieve EBMUD's basic project objective.

RPHS 1-6 (Keith Devore, County of Sacramento)
Comment: *None of the alternatives make water supply available during dry years, which is necessary to meet the identified need.*

Response: See response to Comment RPHS 1-3 above.

RPHS 1-7 (Keith Devore, County of Sacramento)
Comment: *The alternative for the modified proposal does not include a groundwater storage element, without which the alternative does not make sense.*

Response: See response to Comment RPHS 1-2 above.

RPHS 1-8 (Keith Devore, County of Sacramento)
Comment: *Factors including the impacts of construction, operational flexibility, and the impacts to the American River fisheries argue against*

an American River Alternative. Alternative 7 is the proper preferred alternative.

Response: The speaker's preference for Alternative 7 is noted.

Response to Comments of Jim Jones, Save the American River Association

RPHS 2-1 (Jim Jones, Save the American River Association)
Comment: *The alternatives considering diversions from the American River do not meet the needs of EBMUD.*

Response: As noted on page 2-1 of the 2000 REIR/SEIS, EBMUD's project objective is to make use of its existing contract with Reclamation for delivery of American River water consistent with the Hodge Decision.

RPHS 2-2 (Jim Jones, Save the American River Association)
Comment: *Because EBMUD does not need the water from the American River in wet years when it can take water, there will be significant impacts that are not being dealt with.*

Response: Because deliveries to EBMUD would be consistent with the Hodge Decision, no impacts in addition to those identified in the 1997 Draft EIR/EIS and the 2000 REIR/SEIS are anticipated.

Response to Comments of Bill Berry, Carmichael Resident

RPHS 3-1 (Bill Berry, Carmichael Resident)
Comment: *From an engineering, environmental, and cost standpoint, the logical point of diversion for EBMUD is the Delta or the lower Sacramento.*

Response: Speaker's preference for a diversion in the Delta or lower Sacramento River is noted.

RPHS 3-2 (Bill Berry, Carmichael Resident)
Comment: *The public health argument for diverting water at Nimbus is fallacious. EBMUD's argument comes down to aesthetics.*

Response: See responses to the "Alternatives Considered" and "Sacramento River and Delta Alternatives" major issues in Chapter 3 of this document.

RPHS 3-3 (Bill Berry, Carmichael Resident)
Comment: *An upstream diversion could have severe consequences. The Nimbus diversion project would subtract a great deal of flow from the Delta.*

Response: Potential environmental impacts associated with a diversion at Nimbus (Alternative 2) were fully evaluated in the 1997 Draft EIR/EIS.

RPHS 3-4 (Bill Berry, Carmichael Resident)
Comment: *As recently as January of 1999, the U.S. Fish and Wildlife Service notified the Bureau of Reclamation that the modeling for the Nimbus diversion project would result in adverse effects on the Delta baseline that cannot be compensated for by operational adjustments with existing environmental commitments.*

Response: Reclamation has been in formal consultation with the U.S. Fish and Wildlife Service. Reclamation has been meeting regularly with this agency and has provided substantial information over the past several months.

See also responses to Mr. Berry's written comments (Letter RInd 9).

Response to Comments of Sandy Kozlen, Board of Directors for Carmichael Water District

RPHS 4-1 (Sandy Kozlen, Board of Directors for Carmichael Water District)
Comment: *Has the hydrology effort looked at preventing the migration of contaminated groundwater at various superfund sites (Mather, Aerojet, McDonald Douglas)?*

Response: The volume of water diverted under the American River alternatives would not have a significant effect on the regional groundwater gradient and therefore would not significantly affect migration of groundwater at the sites mentioned in the speaker's comment.

RPHS 4-2 (Sandy Kozlen, Board of Directors for Carmichael Water District)
Comment: *The speaker would like to see surplus water sales that would accompany infrastructure addressed.*

Response: No such water sales are anticipated as part of the Supplemental Water Supply Project.

RPHS 4-3 (Sandy Kozlen, Board of Directors for Carmichael Water District)
Comment: *The speaker strongly endorsed Alternatives 7 and 8.*

Response: The speaker's support of Alternatives 7 and 8 is noted.

Response to Comments of Timothy Reinarts, President of a Small Homeowners Association near the Folsom Street Canal

RPHS 4-1 (Timothy Reinarts)
Comment: *Traffic impacts caused by construction would not be inconsequential.*

Response: As described in Chapter 12, Transportation and Circulation, of the 1997 Draft EIR/EIS, a traffic control plan would be prepared before construction began. The traffic control plan would be consistent with all applicable jurisdictional requirements and would be designed to reduce potential impacts to less than significant levels. See also the response to "Construction-Related Environmental Commitments and Mitigation" major issue in Chapter 3 of this document.

RPHS 4-2 (Timothy Reinarts)
Comment: *The speaker could not tell if a 7-million gallon storage facility would be constructed at the end of the Folsom South Canal or at the Mokelumne Aqueducts.*

Response: The storage facility would be located at the pumping plants adjacent to the Mokelumne Aqueducts.

Response to Comment of Ronald Stork, Friends of the River

RPHS 5-1 (Ronald Stork, Friends of the River)
Comment: *Considering the environmental constraints, the American River diversions do not work for EBMUD. EBMUD can only take water in wet years, while the identified need is in dry years.*

Response: As noted on page 2-1 of the 2000 REIR/SEIS, EBMUD's project objective is to make use of its existing contract with Reclamation for delivery of American River water consistent with the Hodge Decision.

Response to Comment of Jan Stevens, California Attorney General's Office

RPHS 6-1 (Jan Stevens, California Attorney General's Office)
Comment: *The State Lands Commission and the Department of Fish and Game have a continuing concern for the health of the lower American River for riparian values and fisheries.*

Response: Potential impacts on fisheries and riparian values are addressed in Chapters 6 and 7, respectively, of the 1997 Draft EIR/EIS and the 2000 REIR/EIS. See also responses to comments from these agencies in Chapter 16 of this document (Letters RS 6 and RS 3).

Response to Comments of Peter Smurr, Save the American River Association

RPHS 7-1 (Peter Smurr, Save the American River Association)
Comment: *There are many issues that have not been addressed by the EIR.*

Response: Potential environmental impacts related to Alternatives 4 through 8 have been fully analyzed in the 2000 REIR/SEIS. Please see responses to written comments of the Save the American River Association (Letters RSp3 and RSp4).

RPHS 7-2 (Peter Smurr, Save the American River Association)
Comment: *The recirculated 2000 Draft EIR/EIS must include the benefits gained by EBMUD from taking American River water over Sacramento River Water.*

Response: See response to "Alternatives Considered" major issue in Chapter 3 of this document. Appendix B to the 2000 REIR/SEIS describes the issues associated with source water quality.

RPHS 7-3 (Peter Smurr, Save the American River Association)
Comment: *The REIR/SEIS does not describe the procedures EBMUD uses to gather, store, and elevate American River water and the benefits it would have to EBMUD and the quality of the water.*

Response: Chapter 2 describes the physical facilities and operational scenarios for each of the alternatives. Each of the alternatives would provide benefits to EBMUD in terms of providing a supplemental water supply. Appendix B to the 2000 REIR/SEIS describes the issues associated with source water quality.

Response to Comment of Jack Sohl

RPHS 8-1 (Jack Sohl)
Comment: *The speaker requested an extension of the public comment period.*

Response: Comment noted.

Public Meeting Comments–Oakland, California (October 19, 2000)

Response to Comment of John Gioia, Board of Supervisors, Contra Costa County

RPHO 1-1 (John Gioia, Board of Supervisors, Contra Costa County)
Comment: *Speaker supports one of the alternatives on the lower American River (Alternative 3 or 4), based on water quality, water costs, and equity.*

Response: Speaker's preference for Alternative 3 or 4 is noted.

Response to Comment of Charles Abrams, Mayor of the City of Walnut Creek

RPHO 2-1 (Charles Abrams, Mayor of the City of Walnut Creek)
Comment: *The speaker supports the use of the American River water rights (Alternative 3 or 4).*

Response: The speaker's preference for Alternative 3 or 4 is noted.

Response to Comment of Ralph Appezzato, Mayor of the City of Alameda

RPHO 3-1 (Ralph Appezzato, Mayor of the City of Alameda)
Comment: *The speaker urges that a decision be made in the near future and supports any alternative chosen by the EBMUD Board of Directors and Reclamation.*

Response: The speaker's support is noted.

Response to Comment of Reed Edwards, Berkeley Chamber of Commerce

RPHO 4-1 (Reed Edwards, Berkeley Chamber of Commerce)
Comment: *The speaker urges that a decision be made in the near future and supports any alternative chosen by the EBMUD Board of Directors.*

Response: The speaker's support is noted.

Response to Comment of Paul Ward, Oakland Metropolitan Chamber of Commerce

RPHO 5-1 (Paul Ward, Oakland Metropolitan Chamber of Commerce)
Comment: *The speaker strongly supports an American River alternative.*

Response: The speaker's preference is noted.

Response to Comment of Mary Warren, Alameda County Taxpayers Association

RPHO 6-1 (Mary Warren, Alameda County Taxpayers Association)
Comment: *The speaker strongly supports an American River alternative.*

Response: The speaker's preference is noted.

Response to Comments of Marguerite Young, Clean Water Action

RPHO 7-1 (Marguerite Young, Clean Water Action)
Comment: *EBMUD's chloride treatment process limits its ability to service customers, and water quality varies in the EBMUD service area. Speaker would like the 2000 REIR/SEIS to explain what the high standard of quality means and its importance.*

Response: Please see response to "Alternatives Considered" major issue in Chapter 3 of this document.

RPHO 7-2 (Marguerite Young, Clean Water Action)
Comment: *All the costs for the American River diversion are not included in the REIR/SEIS. For example, there is no cost for storage, which would be a necessary component of the American River supply.*

Response: Costs for the American River alternatives have been provided. These are stand-alone projects, as described in the 1997 Draft EIR/EIS and 2000 REIR/SEIS.

Response to Comment of John Wolfe, Contra Costa Taxpayers Association

RPHO 8-1 (John Wolfe, Contra Costa Taxpayers Association)
Comment: *The speaker urges that a decision be made soon to provide a reliable and high-quality water supply during a drought. The speaker supports an American River alternative.*

Response: Comment noted.

Response to Comment of Artois Dawson

RPHO 9-1 (Artois Dawson, Individual)
Comment: *The speaker urges that a decision be made soon to provide a reliable and high-quality water supply during a drought.*

Response: Comment noted.

Response to Comment of Bruce Kearn, Economic Development Alliance for Business

RPHO 10-1 (Bruce Kearn, Economic Development Alliance for Business)
Comment: *The speaker urges EBMUD to finalize a decision by January 11th.*

Response: Comment noted.

Response to Comment of Neal Gersner, Walnut Creek Chamber of Commerce

RPHO 11-1 (Neal Gersner, Walnut Creek Chamber of Commerce)
Comment: *The speaker requests that EBMUD make a decision with all deliberate speed.*

Response: Comment noted.

Response to Comment of Steven Vanni, Fleischman's Yeast

RPHO 12-1 (Steven Vanni, Fleischman's Yeast)
Comment: *The speaker supports the Nimbus Dam alternative.*

Response: Support for Alternative 2 is noted.

Response to Comment of Jim Cannon, West Contra County Council of Industries

RPHO 13-1 (Jim Cannon, West Contra County Council of Industries)
Comment: *The speaker urges that a decision be made immediately and supports an American River alternative.*

Response: Comment noted.

Response to Comment of Alice Atkinson, Svenhardt Bakery

RPHO 14-1 (Alice Atkinson, Svenhardt Bakery)
Comment: *The speaker requests that EBMUD finalize a decision by January 11th and supports an American River alternative.*

Response: Comment noted.

Response to Comment of Richmond Garabedian, Zaroni Total Food Ingredients

RPHO 15-1 (Richmond Garabedian, Zaroni Total Food Ingredients)
Comment: *The speaker supports the most cost effective alternative and requests that EBMUD finalize a decision soon.*

Response: Comment noted.

Response to Comment of Linda Brown, California Alliance for Jobs

RPHO 16-1 (Linda Brown, California Alliance for Jobs)
Comment: *The speaker urges the selection of the best action alternative and proceeding as soon as possible.*

Response: Comment noted.

Response to Comment of Roxanne Lindsay, San Ramon Valley Fire Protection District Board

RPHO 17-1 (Roxanne Lindsay, San Ramon Valley Fire Protection District Board)
Comment: *The speaker supports any improvement that ensures water supplies for the present and future to deal with emergency situations.*

Response: Comment noted.

Response to Comment of Rene Mendieta, Hispanic Chamber of Commerce

RPHO 18-1 (Rene Mendieta, Hispanic Chamber of Commerce)
Comment: *If a decision is made, make sure that further studies are done to make sure that the decision does not have negative environmental impacts.*

Response: The 1997 Draft EIR/EIS and the 2000 REIR/SEIS have evaluated potential environmental impacts associated with all the alternatives and have proposed mitigation for significant impacts, if feasible.

Response to Comment of Edward Walchessen, Quaker Oats

RPHO 19-1 (Edward Walchessen, Quaker Oats)
Comment: *The speaker urges that EBMUD make a decision by January 11th and supports an American River alternative.*

Response: Comment noted.

Response to Comment of Charles Brydon, Water

RPHO 20-1 (Charles Brydon, Water)
Comment: *Diversions off the Sacramento River or Bixler would have a very negative impact on water quality.*

Response: Comment noted.

Response to Comments of Richard Denton, Contra Costa Water District

RPHO 21-1 (Richard Denton, Contra Costa Water District)
Comment: *The document does not describe the need for the project.*

Response: The project need is fully described in the 1997 Draft EIR/EIS and is reasonable. See response to Comment RL 11-4 in this document.

RPHO 21-2 (Richard Denton, Contra Costa Water District)
Comment: *The REIR/SEIS does not include delivery data within the service area, only deliveries out of the American River. The information does not allow the evaluation of the alternative that includes ground water storage, for example, so that the need and whether it's being met cannot be determined.*

Response: See response to Comment RL 11-5 in this document.

RPHO 21-3 (Richard Denton, Contra Costa Water District)
Comment: *Alternatives related to the Mokelumne River should have been considered.*

Response: As stated on page 2-1 of both the 1997 Draft EIR/EIS and the 2000 REIR/SEIS, EBMUD's project objective is, in part, to "allow EBMUD to make use of its water service contract with Reclamation for delivery of American River water, consistent with the conditions set forth in the Hodge Decision." Alternatives related to EBMUD's Mokelumne River system would not achieve this basic project purpose.

RPHO 21-4 (Richard Denton, Contra Costa Water District)
Comment: *EBMUD and Reclamation need to look beyond alternatives that take American River water in dry years when the impact on the environment and other water uses would be the highest.*

Response: See response to Comment RPHO 21-3 above and response to "Alternatives Considered" in Chapter 3 of this document.

Response to Comment of Lena Tam, Alameda League of Women Voters

RPHO 22-1 (Lena Tam, Alameda League of Women Voters)
Comment: *The speaker believes access to storage at Folsom Reservoir (Alternative 2) is critical for drought protection. The speaker also urges that a decision be made in the near future.*

Response: Comment noted.