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April 21, 2005

VIA FACSIMILE AND REGULAR MAIL

David Lewis
Bureau of Reclamation
2800 Cottage Way, MP 730
Sacramento, CA 95825

Re: Central Valley Project (CVP) Municipal and Industrial (M&I) Water Shortage Policy (Shortage Policy) Environmental Assessment (EA)

Dear Mr. Lewis:

This letter is written on behalf of the Sacramento County Water Agency (SCWA) regarding the draft EA for the CVP Shortage Policy. The primary concern of SCWA regarding the draft EA pertains to the decision made by Reclamation to exclude from the evaluation any increased allocations under the Shortage Policy to the American River Division water service contractors.

According to the draft EA at page 3-2,¹ increased allocations were not analyzed for the American River Division contractors because: (1) the American River Division is not projected to include any Agricultural CVP water service contractors from which increased allocations may be offset; and (2) there are no conveyance facilities on the Sacramento River that would enable American River Division water service contractors to have access to an alternative source of supply.

SCWA does not accept the underlying premise of the draft EA that water shortages within the American River can be made up only by reducing the water allocations to agricultural water users. Water allocations to the water service contractors are a result of a complex series of decisions made by Reclamation regarding its operation to meet competing demands for water. Due to its proximity to the Sacramento-San Joaquin Rivers Delta, Reclamation generally increases reservoir releases from Folsom Reservoir prior to releasing water from other CVP storage facilities for purposes of meeting Delta water quality objectives. As noted in Reclamation's 2004 Long-Term CVP Operations Criteria and Plan, Folsom Reservoir has a relatively small amount of useable conservation storage, particularly given Folsom Reservoir's critical role in providing flood control to the urban Sacramento area. Consequently, Folsom Reservoir is disproportionately burdened with meeting

¹ SCWA comments are applicable to each identical statements made throughout the draft EA but not specifically identified.

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Reclamation's overall project purposes to the detriment of the water supply needs in the American River basin. By shifting a portion of the water quality obligations to other project facilities, Reclamation could mitigate water shortages within the American River Division.

SCWA's concern holds especially true with regard to Reclamation's conclusion on page 4-47 that public health and safety water quantities cannot be provided to the M&I water service contractors in the American River Division. Again, Reclamation's operational decision to utilize water from Folsom Reservoir to meet water quality obligations should be reassessed to ensure that American River Division contractors received, at a minimum, the water needed to protect the public's health and safety. (See page 4-47 of the draft EA.)

The EA states that if new conveyance facilities on the Sacramento River are eventually approved, Reclamation could increase CVP water allocations to American River Division M&I CVP water service contractors. On January 4, 2005, Reclamation approved its Record of Decision for the Freeport Regional Water Project, which includes a new intake structure in the Sacramento River that will be used to serve water to both SCWA and the East Bay Municipal Utility District (EBMUD) under their respective water service contracts with Reclamation. The Freeport Regional Water Authority will be operational by 2010, clearly within the study period defined in the draft EA for M&I only contracts, i.e., 2044. According to Reclamation's own statements in the EA, increased allocations of water pursuant to the water shortage policy should have been analyzed for SCWA.

On page 3-4, a footnote should be included in Table 3-2 for SCWA to indicate that SCWA's CVP existing Contract Total includes 7,000 acre-feet of CVP water that is subcontracted to the City of Folsom, as well as 30,000 acre-feet assigned to SCWA from the Sacramento Municipal Utility District (SMUD).

Page 4-23 describes the calculation Reclamation used to determine the quantity of water assumed to be necessary for SCWA to meet its public health and safety demands. While the calculation was prepared based upon SCWA's total CVP contract amount, 52,000 acre-feet, which include 30,000 acre-feet of CVP water assigned by SMUD, the legend of the table only references SCWA's contract total under its Fazio water service contract, 22,000 acre-feet.

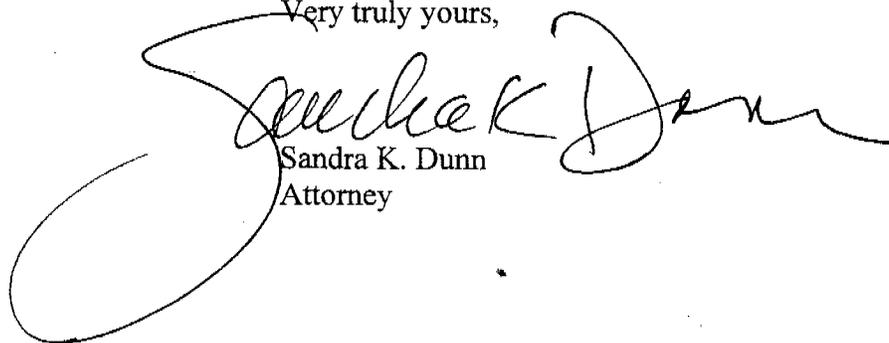
Page 4-45, third paragraph: In addition to the documents cited, the EA should also reference the EIR/EIS approved by Reclamation, as well as SCWA and EBMUD, for the Freeport Regional Water Project.

Page 5-6, Table 5-1, Notes: The Notes indicate that the American River Division values are not included because there are no physical facilities to convey alternative water supplies. Accordingly, no American River Division water service contractor is allocated water for public health and safety, despite the determined need for such water as identified in Chapter 4. The Freeport Regional Water Project has been approved and will be operational

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during the study period of the draft EA. Accordingly, alternative water supplies from the Sacramento River will be available for use by SCWA. This comment applies to Table 5-2, Table 5-3, Table 5-4, Table 5-5, Table 5-6, Table 5-7 and Table 5-8. Moreover, the environmental consequences for the various resources evaluated may change as a result of including an alternative water supply for SCWA. The Affected Environment and Environmental Consequences described in Chapter 5 should be reviewed and modified as necessary to take into account additional alternative water supplies for SCWA.

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read "Sandra K. Dunn". The signature is written over the typed name and title.

Sandra K. Dunn
Attorney

SKD:sb