

APPENDIX B – 1998 PUBLIC AND AGENCY SCOPING

NOTICE OF PREPARATION

To: _____

From: El Dorado County Water Agency
330 Fair Lane, Building A
Placerville, CA 95667

This Notice of Preparation for an Environmental Impact Report/Statement (EIR/EIS) is prepared pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The EIR/EIS will address the potential environmental consequences of the proposed Central Valley Project (CVP) Water Services Contract between the U.S. Bureau of Reclamation (Reclamation) and the El Dorado County Water Agency (EDCWA).

Project Description

In 1990 Congress passed Public Law 101-514 which directed Reclamation and EDCWA to enter into a long-term water service contract. The proposed project consists of a water supply contract for EDCWA under which Reclamation would provide up to 15,000 acre-feet/year (afa) from Folsom Reservoir. EDCWA provisional plans, subject to review and potential revision through the EIR/EIS process, are to divide this supply equally between El Dorado Irrigation District (EID) and Georgetown Divide Public Utility District (GDPUD). EID proposes to take its supply from Folsom Reservoir and treat it at the existing El Dorado Treatment Plant or a new plant at Bass Lake. GDPUD proposes to take its supply either from Folsom Reservoir or upstream by way of a water exchange with Placer County Water Agency (PCWA). The GDPUD diversion facility will either be co-located with a PCWA site or located adjacent to the Auburn Dam diversion tunnel, or located at the mouth of Knickerbocker Canyon, or located about 3000 feet upstream of the Auburn Dam diversion tunnel near Tamaroo Bar.

Reclamation and EDCWA are jointly preparing an EIR/EIS for execution of the contract. The documentation will include analysis of the "no project alternative", alternative diversion points including one near the confluence of the American and Sacramento Rivers and several upstream locations on both the South and Middle Forks of the American River, and alternative transmission and treatment facilities. It will include analysis of potential significant direct, indirect, and cumulative environmental impacts related to the construction and operation of those facilities with particular emphasis on aquatic, wetland, and riparian communities including any effect on special status species, recreation resource values, and related socio-economic values. The cumulative impact analysis will include analyses of project impacts on recreation, fisheries, and related biological and socio-economic impacts. It also will include the cumulative impacts of an additional 17,000 afa of diversion for the pending EDCWA/EID El Dorado Project.

Related Project Documentation

It is anticipated that the EIR/EIS will make full use (including incorporation by reference as appropriate pursuant to CEQA and NEPA) of the following project documents copies of which are available for inspection at EDCWA and Reclamation:

Draft EIS [for] American River Water Resources Investigation (ARWRI) Draft EIS [U.S. Bureau of Reclamation, January 1996];

Final EIS [for] American River Water Resources Investigation (ARWRI) [U.S. Bureau of Reclamation, September 1997];

Recommendations for the Water Forum Agreement (Draft and Final), Draft: January 1997; Final when available;

Draft EIS/EIR [for] Central Valley Project Water Supply Contracts Under Public Law 101-514 (Section 206) [U.S. Bureau of Reclamation and Sacramento County, Sept. 1997];

Draft Programmatic Environmental Impact Statement [for] Central Valley Project Improvement Act [U.S. Bureau of Reclamation, September 1997]; and

East Bay Municipal Utility District Supplemental Water Supply Project Draft EIR/EIS [East Bay Municipal Utility District and U.S. Bureau of Reclamation, October 1997];

Previous Notices

A Notice of Preparation (NOP) for the EIR/EIS was previously prepared for this project and circulated in April 1993 (SCH # 93052016). A Notice of Intent (NOI) was also prepared for the project and published in the Federal Register (Vol. 58, No. 90, May 12, 1993). Since publication of the original notices, receipt of comments thereon, conduct of a series of pre-scoping interviews, and receipt of additional comments on the project based on those interviews, EDCWA and Reclamation have developed revised project alternatives in response to the comments received which will be the subject of the present EIR/EIS. The revised "project description", a comparison between the present project alternatives and those defined in the previous documentation, and a summary of all comments received thereon will be available in a report entitled "Preliminary Project Scoping Report" which can be obtained from EDCWA.

Public and Agency Scoping

Public and Agency Scoping meetings will be held on the revised project description on the dates and at the locations listed below:

Date: August 6, 1998
Time: 6:30 p.m.
Place: Board of Supervisors Chambers
330 Fair Lane, Building A
Placerville, CA 95667

Date: August 7, 1998
Time: 1:30 p.m.
Place: Board of Supervisors Chambers
330 Fair Lane, Building A
Placerville, CA 95667

Responses to Notice


Responses to this notice must be received not later than August 21, 1998. EDCWA requests that you identify a contact person in your organization in the body of your response. Your responses to this Notice of Preparation should be addressed to:

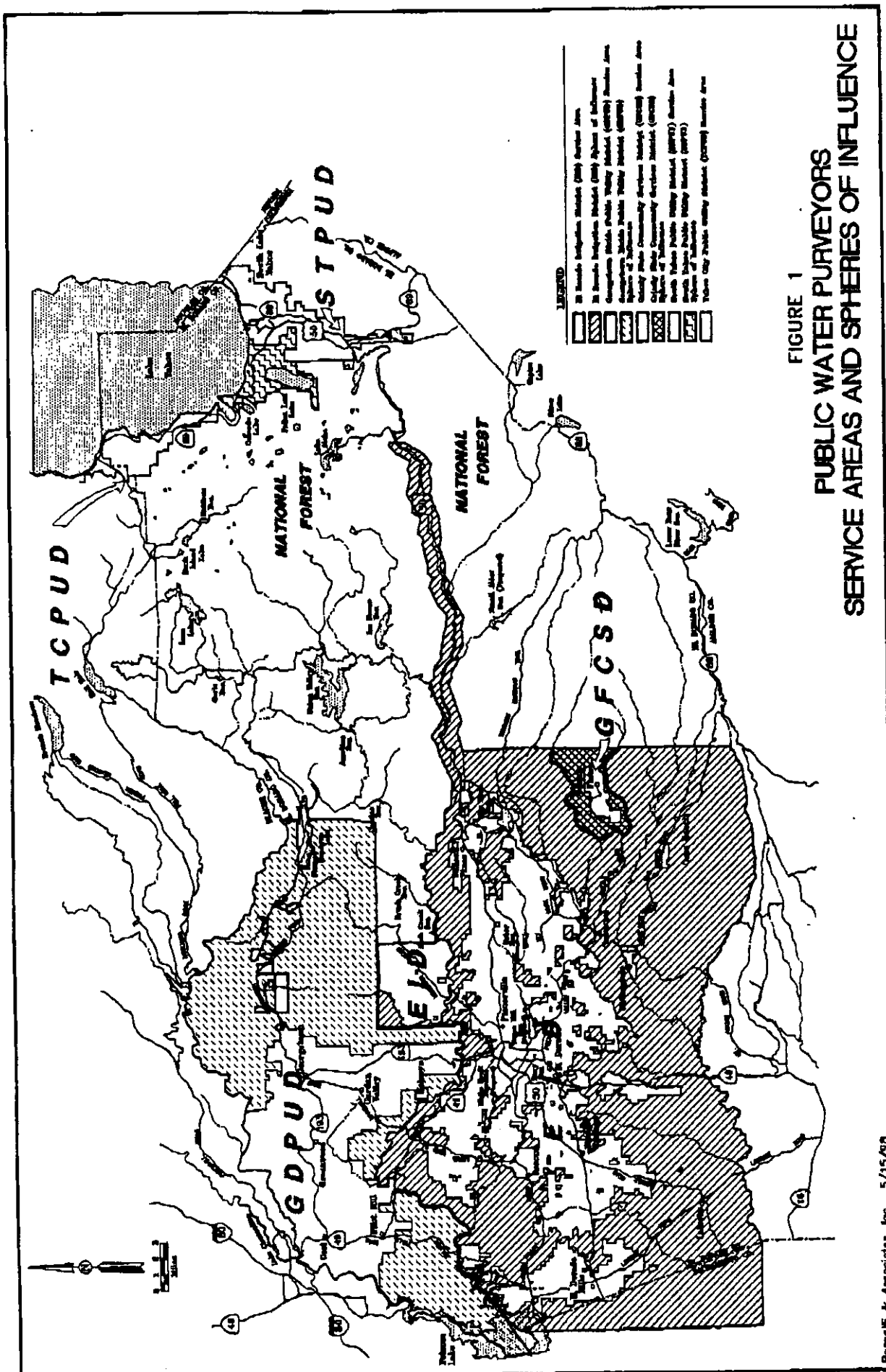
Dr. James A. Roberts
El Dorado County Water Agency
330 Fair Lane, Building A
Placerville, CA 95667
Tel: 530-621-5392

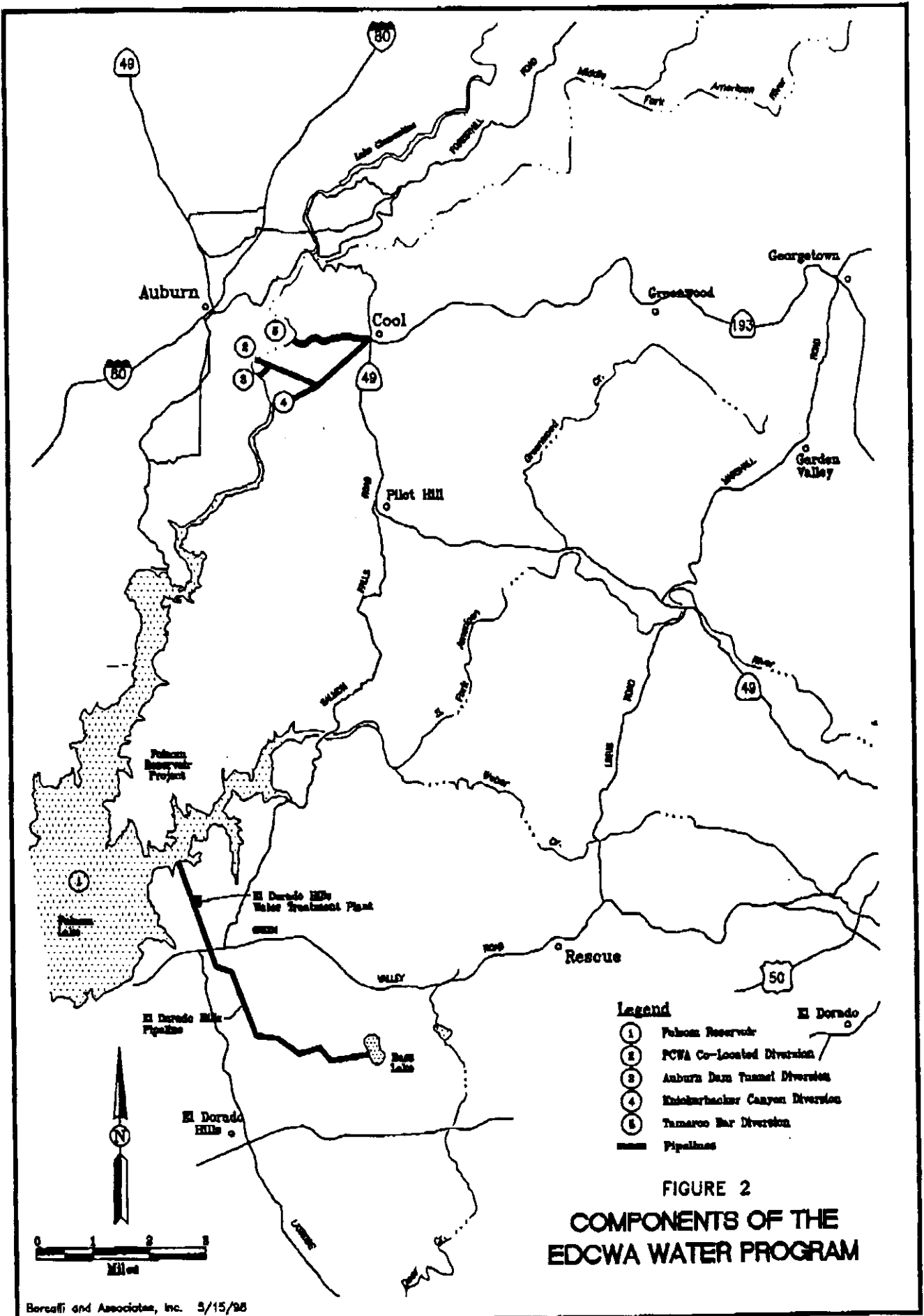
May 22, 1998

Signature:

Title:


Mery de Haas
General Manager





4310-94-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Proposed Water Service Contract, El Dorado County Water Agency, El Dorado County,
California

AGENCY: Bureau of Reclamation, Interior.

ACTION: Supplemental notice of intent to prepare a draft environmental impact statement/environmental impact report and notice of scoping meetings.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, and Section 21061 of the California Environmental Quality Act (CEQA), the Bureau of Reclamation (Reclamation) and El Dorado County Water Agency (Agency) intend to prepare a joint environmental impact statement/environmental impact report (EIS/EIR) for a water service contract from the Central Valley Project, California.

The proposed project consists of a water supply contract for the Agency under which Reclamation would provide up to 15,000 acre-feet/year from Folsom Reservoir. The Agency's provisional plans, subject to review and potential revision during the EIS/EIR process, are to divide this water equally between El Dorado Irrigation District (EID) and Georgetown Divide Public Utility District (GDPUD). EID proposes to take its supply from Folsom Reservoir. GDPUD proposes to take its supply either from Folsom Reservoir or upstream by way of a water exchange with Placer County Water Agency (PCWA). The GDPUD diversion facility is proposed to either be co-located with a PCWA site or located adjacent to the Auburn Dam diversion tunnel, at the mouth of Knickerbocker Canyon, or

about 3,000 feet upstream of the Auburn Dam diversion tunnel near Tamaroo Bar.

DATES: Two public scoping meetings for this project will be held, at 6:30 p.m. on August 6, 1998, and at 1:30 p.m. on August 7, 1998, to help identify alternatives and significant issues to be addressed in the draft EIS/EIR. Arrangements for special services at the meeting must be requested no later than July 31, 1998 (see Supplementary Information section for more details).

Written comments on the scope of the EIS/EIR may be sent to the Agency at the address below by August 21, 1998.

ADDRESSES: The scoping meetings will be held at the El Dorado County Board of Supervisors Chambers, 330 Fair Lane, Building A, Placerville, California.

Please send written comments on the scope of the EIS/EIR to Merv de Haas, General Manager, El Dorado County Water Agency, 330 Fair Lane, Placerville, CA 95667, Telephone (530) 621-5392.

FOR FURTHER INFORMATION CONTACT: Mr. Rod Hall, Environmental Specialist, Bureau of Reclamation, 7794 Folsom Dam Road, Folsom, CA 95630, Telephone: (916) 989-7279, or Mr. Merv de Haas at the above address and telephone number.

SUPPLEMENTARY INFORMATION: The contract to be negotiated has been authorized and directed by the United States Congress as part of Public Law 101-514. This contract has been excluded from the prohibition on new contract funding found in Public Law 102-575.

Public law 101-514 directs the Secretary of the Interior (Secretary) to enter into long-term municipal and industrial water supply contracts to meet the immediate water needs of El Dorado County. The law directs the Secretary to enter into a contract for up to 15,000 acre-

feet/year with the Agency.

The EIS/EIR will include evaluation of the "no project" alternative, alternative diversion points, and alternative treatment and delivery facilities. Alternative diversion points include from a point near the confluence of the American and Sacramento Rivers and several upstream locations on the Middle Fork of the American River. Alternative EID treatment facilities include the existing El Dorado Hills Treatment Plant and a new treatment plant at Bass Lake. GDPUD proposes to treat the water at a new facility located near the town of Cool, the specific location depending on which diversion point is selected. The EIS/EIR will also address impacts to the physical environment from diversion, distribution, and use of the contract water. The documentation will include analysis of the potential impacts to the natural environment, particularly aquatic, wetland, and riparian communities including any effect on special status species, recreation resource values, and related socio-economic values. Secondary growth impacts associated with the water delivery and secondary impacts associated with construction of water delivery facilities used to divert, treat, and distribute Folsom Reservoir water will be investigated.

The proposed project has been the subject of previous scoping meetings that were published in the Federal Register, (58 FR 28034, May 12, 1993). However, because of changes in proposed alternatives as a result of those meetings and related correspondence, additional scoping activities are being initiated at this time.

Special Services

A headphone device for the hearing impaired will be available at the meetings. Persons requiring other special services should contact Debby Holcomb of the Agency at (530) 621-

5392. Please notify this office as far in advance of the meetings as possible, and not later than July 31, 1998, to enable the Agency to secure the needed services. If a request cannot be honored, the requester will be notified.

Dated: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Rod Hall
Bureau of Reclamation
Folsom Office
7794 Folsom Dam Road
Folsom, CA. 95630

AUG 20 1998

Merv De Haas
General Manager
El Dorado County Water Agency
330 Fair Lane
Placerville, CA. 95667

Dear Mr. Hall and Mr. Haas:

The Environmental Protection Agency (EPA) has reviewed the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the project entitled **Proposed Water Service Contract, El Dorado County Water Agency, El Dorado County, CA.** Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

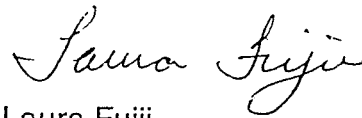
The proposed project consists of a water supply contract for the El Dorado County Water Agency (Agency) under which the Bureau of Reclamation (Reclamation) would provide up to 15,000 acre-feet/year from Folsom Reservoir. The Agency's provisional plans are to divide this water equally between El Dorado Irrigation District (EID) and Georgetown Divide Public Utility District (GDPUD). EID proposes to take its supply from Folsom Reservoir. GDPUD proposes to take its supply either from Folsom Reservoir or upstream by way of a water exchange with Placer County Water Agency (PCWA). Public Law 101-514 directs the Secretary of the Interior to enter into long term municipal and industrial water supply contracts with El Dorado County to meet its immediate water needs and has excluded the contract from the prohibition on new contract funding found in Public Law 102-575. The EIS will include evaluation of the no project alternative, alternative diversion points, and alternative treatment and delivery facilities. The proposed project was the subject of previous scoping in May 1993.

EPA provided scoping comments in response to the original May 1993 Notice of Intent. These comments are still relevant and are incorporated by reference and are enclosed. In addition, we recommend the EIS include a description of the historical context of water supply issues in El Dorado County and the American River Basin. For instance, briefly describe other on-going water supply and flood control activities (e.g.,

water supply contracts with Sacramento County Water Agency, San Juan Water District and EMBUD), policy development (e.g., Water Forum, Bay Delta Accord and EIS), and pertinent legislation (e.g., CVPIA, Folsom Dam and Auburn Dam legislation). The EIS should also describe changes made in the project proposal since 1993, their possible linkage to other pending water supply projects, and the potential effects of the proposed project on the American River Canyons.

We appreciate the opportunity to review this Supplemental NOI. Please send two copies of the DEIS to this office at the same time it is officially filed with our Washington D.C. Office. If you have any questions, please call me at (415) 744-1601.

Sincerely,

A handwritten signature in cursive script, reading "Laura Fujii".

Laura Fujii
Federal Activities Office

Enclosures: (9 pages)
MI001911
Filename: doradnoi.wpd

cc: Frank Michny, Division of Environmental Affairs, Bureau of Reclamation
Kirk Rodgers, Water Policy and Allocation Office, Bureau of Reclamation
US Fish and Wildlife Service, Sacramento
National Marine Fisheries Service, Santa Rosa



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3801

Roger K. Patterson
Bureau of Reclamation
Mid-Pacific Region
2800 Cottage Way
Sacramento, CA 95825-1898

Robert J. Reeb
General Manager
El Dorado County Water Agency
330 Fair Lane
Placerville, CA 95667

Dear Mr. Patterson and Mr. Reeb:

The Environmental Protection Agency (EPA) has reviewed the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the project entitled Proposed Water Service Contract, El Dorado County, California. Our review is provided pursuant to the National Environmental Policy Act (NEPA) [42 USC 4231 et seq.], Council on Environmental Quality (CEQ) regulations [40 CFR Parts 1500-1508] and Section 309 of the Clean Air Act.

The proposed project consists of a water supply contract for El Dorado County Water Agency (Agency) which has entered into discussions with the U.S. Bureau of Reclamation to negotiate long-term water supply contracts from the American River Division, Central Valley Project. Public Law 101-514 directs the Secretary of the Interior to enter into long term municipal and industrial water supply contracts with El Dorado County for up to 15,000 acre feet annually. It is proposed that the contract water would be diverted at the Folsom Reservoir or upstream from the American River or its tributaries.

In defining the project purpose, we recommend that the EIS include options to meet future water supply demands by analyzing alternatives to acquiring contract rights to additional water. The EIS should take into account those limitations on the availability of diversions from the American River given passage of the Central Valley Project Improvement Act and the existence of the Public Trust resources in the American River and the San Francisco Bay-Sacramento San Joaquin Delta Estuary. Given these limitations the EIS should discuss and assess the alternatives

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W.R. ENGR. 

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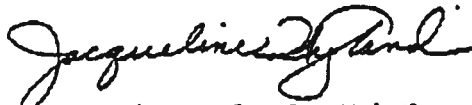
JUN 11 1993

EL DORADO COUNTY
WATER AGENCY

regarding points of diversion and in-stream flow requirements of the American and Sacramento Rivers. The EIS should also set out in extensive detail the required water conservation plans for the District, water pricing strategies, and water reclamation opportunities.

We look forward to working with the Bureau of Reclamation and the El Dorado County Water Agency and appreciate the opportunity to review and provide comments on this scoping for the preparation of an environmental impact statement. Please send three copies of the Draft Environmental Impact Statement to this office at the same time it is officially filed with our Washington, DC office. If you have any questions, please feel free to contact me at (415) 744-1584, or have your staff contact Edward Yates at (415) 744-1571.

Sincerely,



Jacqueline Wyland, Chief
Office of Federal Activities

Enclosures: 3
MI #: 1911 ELDO.NOI

cc: Kirk Rodgers, USBR, Water Policy and Allocation Office

GENERAL COMMENTS

Statutory Background

Authorization for this project is set out in Section 206(b)(1)(B) of Public Law 101-514 which directs the Secretary of the Interior to enter into long term municipal and industrial water supply contracts with El Dorado County. These water contracts are for up to 15,000 acre feet annually "considering reasonable efforts to ensure water conservation programs within areas to be served by the contracts." This project must take into account the consultation requirements set out in the Endangered Species Act [16 USC 1531 et seq.] (ESA). This project must also conform to the requirements of the Central Valley Improvement Act (Public Law 102-545) (hereinafter Improvement Act) and the Reclamation Reform Act (Public Law 97-293) which set out standards and criteria for water quality, metering, and conservation, environmental review. These requirements are detailed below. [All code citations refer to sections of the Improvement Act, unless otherwise noted.]

The Bureau of Reclamation is also required to draft a Programmatic Environmental Impact Statement (EIS) for the entire Central Valley Project [§3409]. This process will probably not be completed until well after the El Dorado Water Service Contract EIS has been completed. The Bureau of Reclamation should, therefore, reserve the option of reopening certain contract terms of the El Dorado project in order to meet its statutory mandates under the Improvement Act.

Purpose and Need for the Project

When specifying the purpose and need of the proposed action [40 C.F.R. § 1502.13], we recommend that the project purpose specify the current water supplies and the projected demand for additional water sources. These projections should set out the various projections given different levels of water conservation and pricing described below. This section should also point out the environmental purposes for American River water that have been established by the Improvement Act. Section 3406(b)(2) of the Improvement Act requires the Secretary of the Interior to dedicate annually 800,000 acre-feet of Central Valley Project (CVP) yield for the restoration of fish, wildlife and habitat and to protect the waters of the San Francisco Bay-Sacramento/San Joaquin Delta Estuary (Bay-Delta).

Further, the Environmental Impact Statement (EIS) should recognize both the specific project purpose and the broader environmental purposes set out in the Improvement Act and other

laws such as the Endangered Species Act. Any quantity of water for the project should be explicitly conditioned on availability of water after meeting environmental purposes. The EIS should identify these purposes/requirements and demonstrate how they will be implemented. In assessing alternatives, the EIS should present a range of actions that are directed toward satisfying project purposes and objectives.

Alternatives Analysis

When evaluating all reasonable alternatives and discussing reasons for eliminating other alternatives [40 C.F.R. § 1502.14], we recommend that project sponsors consider a combination of alternatives in addition to those stated in the Notice of Preparation for this EIS. A combination alternative could include water conservation, water reclamation, water transfers and water pricing. The EIS should also include the "No Action" alternative as required by the CEQ regulations [40 CFR 1502.14(d)]. A no action alternative could describe the above mentioned combinations without any additional water contracting.

Water Conservation. Section 210(b) of the Reclamation Reform Act requires each water district that has entered a water service contract to develop a water conservation plan which shall contain "definite goals, appropriate water conservation measures, and a time schedule for meeting the water conservation objectives." Section 3405 of the Improvement Act directs the Bureau of Reclamation to establish criteria for evaluating the adequacy of these water conservation plans. The Bureau has issued such criteria (April 30, 1993) and has recently finalized this criteria in a Guidebook issued June 1, 1993. The EIS should demonstrate how El Dorado County is complying with the requirements in these guidance documents that are applicable to El Dorado.

The EIS should also use the enclosed guidelines for water conservation, "Best Management Practices," (BMPs) issued by the California Urban Water Conservation Council [Memorandum of Understanding Regarding Urban Water Conservation in California, September, 1991]. The EIS should also expand on these BMPs where appropriate, e.g. design requirements for new development, water reclamation, use of conserved water.

Section 3405(b) requires that any new water contract for CVP water must include a requirement that all water delivery systems within the recipient district must be equipped with water measuring "devices or methods" within 5 years of the contract or amendment. The EIS should address this requirement by describing El Dorado's plans to institute metering.

Water Transfers. Section 3405(a) provides the authority for California water agencies to use water transfers as alternatives to new contracts or supplies. The EIS should examine the opportunities for water transfers especially those in the same or adjacent watersheds such as Placer County.

Water Price Tiering. Section 3405(d) sets out a system of tiered pricing whereby prices shall increase in relation to water use. These price tiering standards are minimum requirements. The EIS should discuss in detail how more extensive price tiering (i.e. that which goes beyond the minimal requirements of the Improvement Act) can be used to further encourage water conservation and reduce dependence on contracted water.

Point of Diversion. Section 206(b)(1)(B) of Public Law 101-514 states that the water supply contract may come from Folsom Lake or for exchange upstream on the American River or its tributaries. The EIS should describe the reasonable range of alternatives regarding possible points of diversion given this statute and given downstream flow requirements in the American River. Such instream flow requirements were established in Environmental Defense Fund v. East Bay Municipal Utility District, Civ. No. 425955 (Alameda Sup. Ct., Jan. 2, 1990) (EBMUD). The court stated in EBMUD that, "The court intends that instream flow requirements be an absolute limit on EBMUD's ability to divert water from the Folsom South Canal. When the instream flow requirements cannot be met, EBMUD may not divert any part of its appropriation." [Id. at 109-110.] The El Dorado EIS should address these limitations and those imposed by the Improvement Act and ESA and demonstrate how those limitations will be complied with.

Other Comments

The DEIS should cite specific documents and page numbers for documents incorporated by reference, and briefly describe the contents of the referenced material. The project sponsor should ensure that referenced materials are reasonably available for inspection. [40 C.F.R. § 1502.21]

DESCRIPTION OF THE ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES

Direct, Indirect and Cumulative Impacts

The DEIS should discuss direct, indirect and cumulative effects of the proposed action. Indirect impacts [40 CFR 1502.16] include growth inducement. Discussion of growth inducing effects [40 CFR 1508.8] should include discussion of 1) the increases in air and water pollution, soil-related problems

(e.g. soil erosion or groundwater contamination), and habitat loss resulting from possible commercial and residential development induced by new water supplies and 2) the additional fiscal resources that will be required to protect air and water quality, reduce water demand, avoid significant impacts on wildlife habitat and wetlands, etc.

Cumulative impacts result from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions, regardless of what agency undertakes the action [40 C.F.R. § 1508.7]. Cumulative impacts include both temporal impacts - those impacts of related or nearby development that will reasonably occur in the future and "spatial" impacts - those impacts that will combine with other unrelated or geographically removed actions that will be expected if the individual impacts are allowed to accumulate. For instance, energy facilities established to distribute water may combine with both urban development spurred by additional water supplies and increased recreational use of the El Dorado National Forest to degrade air quality. Or, where project impacts combine with other water resource projects to increase water quality, such impacts must be assessed cumulatively. [U.S. v. 227 Acres of Land, 760 F2d 345 (S. Dist. NY 1991)].

Water Quality and Water Dependent Resources

Water Quality. CEQ regulations require that EISs include discussion of the "Natural and depletable resource requirements and conservation potential of various alternatives and mitigation measures." [40 CFR 1502.17(f)]. The EIS should, therefore, identify existing and potential designated uses¹ and the applicable water quality standards for the American River drainage. This section should also describe requirements for providing higher freshwater flows in the American River to enhance water quality for support of designated uses propagation of anadromous fisheries, and increased wildlife refuge water supplies. The EIS should include a detailed description of existing and baseline conditions and deficiencies in these conditions in regard to any impacts affecting the Bay-Delta. Guidelines issued by the EPA, Department of Commerce and Department of Interior for determining such baseline conditions are enclosed [Guidelines for Determining Sacramento-San Joaquin Delta Baseline Conditions].

¹ To avoid confusion with the phrase "beneficial uses" in Reclamation law, water uses protected pursuant to federal (e.g. Clean Water Act, §303) and state water quality laws are here called "designated uses."

The EIS should acknowledge that standards for the Bay/Delta are being reassessed and may be revised because designated uses are not adequately protected by existing standards. We recommend that the EIS: 1) discuss requirements pursuant to the Clean Water Act to meet revised water quality standards and protect designated uses; and 2) explain any current legal or policy constraints to complying with these standards.

Federal agencies must comply with the federal consistency requirements of the State's Nonpoint Source Management Program [Clean Water Act, §§ 319(b)(2)(F), 319(k)]. The EIS should identify potential sources of nonpoint pollution from building and operating the proposed action. Such sources may include, but not be limited to, sediment, heavy metals and herbicides.

Department of Interior antidegradation policy has been incorporated into water quality standards issued by EPA [40 CFR 131.12]. EPA's antidegradation policy, reinforced by the 1987 Water Quality Act, requires that once designated uses of a water segment have been achieved, the uses must be maintained and fully protected. The revised DEIS should disclose whether each alternative is consistent with the antidegradation policy established by the State and approved by EPA as a provision of the State's water quality standards.

Wetlands/Fisheries/Biological Resources. The EIS should identify the requirements of the ESA and the plans for complying with those requirements. The EIS should address specific needs of Delta fisheries and we suggest that the Agency and the Bureau of Reclamation work closely with the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS) and the California Department of Fish and Game (CDFG) in assessing these needs, avoiding impacts to those fisheries and mitigating any possible impacts. In particular, the EIS should evaluate potential impacts to threatened and endangered species (e.g. Delta Smelt, Winter Run Chinook Salmon) rare or sensitive endemic communities and candidate species.

The EIS should thoroughly describe and map drainage patterns and riparian areas in the proposed project area. The EIS should identify the resources at risk such as wetlands, and fisheries habitat, especially spawning and rearing areas. For instance, springtime increases in water temperature in the Bay/Delta exist. Any exacerbation of this warming should be examined.² The EIS

² For background information please see CDFG [WRINT DFG-8] and USFWS [WRINT-USFWS-8] testimony in the State Water Resources Control Board Bay-Delta Proceedings, 1992; CDFG 1986 Instream Flow Requirements for the Lower American River, Sacramento County

should include copies of correspondence with NMFS and FWS and listings of species that could occur in the project area or be affected by the project.

The Central Valley Project has caused severe detrimental impacts on fisheries in the American River watershed. Construction and operation of water storage and delivery facilities has contributed to the loss of over 90% of the historical spawning habitat of anadromous fishes [DFG's California Fish and Wildlife Plan, 1965]. The EIS should identify the relevant mitigation measures set out in §3406(b) of the Improvement Act and assess how the project will not conflict with these measures.

Dredge and Fill. In regard to any fill activities that may occur the EIS should: identify whether the project will cause or contribute to significant degradation of the waters of the United States and should demonstrate how the proposed action will comply with the guidelines promulgated pursuant to Section 404(b)(1) of the Clean Water Act [40 C.F.R. Part 230]. In particular, the EIS should:

a. demonstrate that the project sponsors have selected the least damaging practicable alternative based on costs, logistics and existing technology with respect to waters of the United States. [40 C.F.R. § 230.10(a)].

b. describe how the project sponsors will avoid, minimize and mitigate the potential impacts of implementing each of the alternatives. (See MoA between EPA and the Army concerning the determination of mitigation under the Clean Water Act Section 404(b)(1) Guidelines from which pertinent information may be drawn.) For impacts that are unavoidable, the EIS should include detailed mitigation, including specific site plans and propose a mitigation ratio. It should not propose use of offsite waters or wetlands for mitigation.

c. demonstrate that implementing the action will not jeopardize the existence of species listed as endangered or threatened under the Endangered Species Act of 1973 or result in the destruction or adverse modification of a habitat which is "critical habitat" under said law.

d. discuss how the impacts of the proposed action may contribute to cumulative losses of waters of the United States in the area.

Stream Evaluation, NO. 86-1.

Hazardous Substances

The EIS should specify whether any hazardous substances, such as petroleum products and pesticides, will be used/generated as a result of implementing the proposed action. If the project sponsors expect to use hazardous substances (40 C.F.R. § 302.4) in conjunction with the proposed action, the EIS should discuss how the project sponsors will protect against spills in compliance with the requirements of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the methods that will be used to clean-up and dispose of spills/wastes in compliance with the Resource Conservation and Recovery Act (RCRA) regulations found at 40 C.F.R. § 260 to 268.

Air Quality

As mentioned above in the Direct, Indirect and Cumulative impacts section above the EIS should assess any growth inducing impacts, including residential, commercial and industrial development which may result in degradation of air quality. The EIS should:

1. Discuss whether the project area is designated a nonattainment area and if so then it should identify the particular pollutant(s), the degree of nonattainment and the levels of violations of state and federal standards.
2. Include relative state and federal statutory requirements for air quality plans and discuss current planning efforts to revise any of those plans.
3. Identify PSD Class I Areas (i.e., wilderness areas, National Parks, e.g. Desolation Wilderness Area), which receive special protection for particulates, SO₂, NO_x.
4. Identify areas with special visibility value or protection.

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COUNTY COUNSEL
EL DORADO COUNTY

RESPONSE TO

NOTICE OF PREPARATION
EIR/EIS ON PROPOSED CVP WATER SERVICES CONTRACT
US BUREAU OF RECLAMATION AND
EL DORADO COUNTY WATER AGENCY

21 August 1998

Submitted on behalf of: El Dorado County Taxpayers for Quality Growth
Maidu Group, Mother Lode Chapter, Sierra Club

1 - James Roberts - Consultant
1 - Brian Boxer ELLP

GEN. MGR. *[Signature]*
W. R. ENGR. *[Signature]*
CO. COUNSEL *[Signature]*
Tom C

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EL DORADO COUNTY
WATER AGENCY

Introduction

These comments are submitted on behalf of the Maidu Group, Mother Lode Chapter, Sierra Club; and the El Dorado County Taxpayers for Quality Growth. Any response or other communications should be sent to 1487 Crooked Mile Court, Placerville, CA 95667.

TERMS OF P.L. 101-514:

The EIR/EIS should begin by setting forth the exact applicable wording of P.L. 101-514 relative to this proposed contract.

The document should state what conditions and/or constraints pertain to *all* CVP contractors in addition to any such conditions and/or constraints that might pertain just to this proposed contract. Such matters should include, but not necessarily be limited to, pricing, cutbacks during periods of drought, reporting as to amounts of water used, billing to customers, utilization for specific purposes such as agriculture or municipal and industrial and any conditions or preferences pertaining to such purposes.

For example, El Dorado Irrigation District (EID) has at various times expressed concerns deriving from federal ownership, including relative to constraints on serving small agricultural parcels on less favorable soils ("non-classified lands"). It has also expressed concerns relative to tiered pricing, preservation of species listed under the Endangered Species Act, mandatory conservation programs, etc., all required of it by USBR under various federal laws or regulations. Are there requirements that agriculture be favored in pricing structure? Or that pricing must reflect true costs so that no particular class of customers would be favored over other classes of customers? Or that no class or classes of customers subsidize the costs associated with another class of customer? Or that only certain Natural Resource Conservation Service (Soil Conservation Service) classes of soils be served water for agricultural purposes or at special rates? What about payments to the Restoration Fund? Please discuss all these issues thoroughly in the EIR/EIS.

Is the proposed 50:50 split between the El Dorado Irrigation District and the Georgetown Divide Public Utilities District (GDPUD) dictated by P.L. 101-514?

PROJECT DESCRIPTION AND IMPACTS:

The Project Description as set forth in the NOP is somewhat confusing. It is important that the Project Description be clearly stated.

Comments on NOP, Draft EIR/EIS, Proposed Contract: USBR & EDCWA

Please commence by explaining how a diversion point "near the confluence of the American and Sacramento Rivers" would function as a diversion point for either EID or GDPUD. If not already provided in discussion of P.L. 101-514, explain the basis of the proposed 50:50 split of this water between EID and GDPUD.

EID: As we understand the NOP, EID proposes to take the subject water at its existing facility at Folsom Lake.* Will the pumping capacity there have to be increased? What about the capacity of the treatment plant? What is EID's ability to pay for any required expansion? (There are questions about EID's current bonded indebtedness and reputed inability to meet payments or to refinance before paying off current bond-holders.) Site-specific physical effects of any needed expansion must be assessed in the EIR/EIS.

How will fisheries considerations such as the "cool pool" (more cool water in the fall for salmon) and greater volume in dry years affect EID's taking water from Folsom?

An alternative place to treat the new water is said to be at EID's Bass Lake facility. Is infrastructure in place to transport water to that site? What are present uses of that site and surrounding lands? How might a treatment plant conflict with present uses, including Bass Lake's importance to wildlife (e.g., bald eagles have been said to utilize it). Did EID not recently grant use of a portion of its property for school purposes? Would this be affected? What is EID's ability to fund constructing a new treatment plant there?

Is infrastructure in place to distribute treated water from Bass Lake if the site were utilized for treatment? If not, what would be required and what would be the site-specific physical effects of installation? How would it be funded?

What effect would the State Water Resources Control Board's decision as to seasonal fully-appropriated status of the South Fork of the American River have on availability of this so-called "Fazio" water? Would there be need for seasonal storage, either in Folsom or off-stream? If so, fully discuss requirements for and provisions of both short-term and long-term storage contracts and the process whereby these are entered into. If a Warren Contract would be involved, is a finding required that such a contract will not affect USBR's ability to serve its existing contractors and to meet other operational requirements? Can USBR make such a finding? If off-stream storage is proposed, where would this occur? Would new construction be required (all site-specific physical effects must be examined)? What present uses of the proposed site would be displaced? If no storage is needed, either in Folsom or elsewhere, explain how the project would "operate".

The NOP proposes to evaluate "the cumulative impacts of an additional 17,000 afa of

*Is it correct that previous mention of a possible diversion point at White Rock has now been expurgated from the Project Description?

Comments on NOP, Draft EIR/EIS, Proposed Contract: USBR & EDCWA

diversion for the pending EDCWA/EID El Dorado Project". Please explain what this has to do with the proposed USBR contract under P.L. 101-514.

GDPUD: The situation is more confusing relative to GDPUD. Diversion points for GDPUD are said to include, as we understand it, 1) at Folsom and 2) by exchange with the Placer County Water Agency (PCWA). As we interpret the NOP, if this latter alternative is chosen, the diversion point may be a) "co-located with a PCWA site", b) "located adjacent to the Auburn Dam diversion tunnel", c) "located at the mouth of Knickerbocker Canyon", or d) "located about 3000 feet upstream of the Auburn Dam diversion tunnel near Tamaroo Bar". Does PCWA have a diversion facility sited at Folsom? Isn't the PCWA site now located adjacent to the Auburn Dam diversion tunnel? Are there other existing PCWA diversion sites? This description must be clarified and each proposal separately examined in detail for site-specific physical effects. Are all the named sites on the Middle Fork of the American River?

Have any determinations been made for the Middle Fork relative to fully-appropriated status seasonally or otherwise? Will there be need for storage for GDPUD's proposed share of the "Fazio" water? If so, where will this take place and how will the facility be operated? What is the role of USBR if the diversion point is upstream of Folsom? Fully explain operations relative to the GDPUD share of this water.

EID & GDPUD:

For each alternative examined above, include elevational differences relative to proposed service area and examine pumping costs, physical effects associated with treatment and transmission facilities, and costs thereof relative to ability of the district to pay and customers to purchase the water.

EXAMINATION OF THE "NO PROJECT" ALTERNATIVE:

Define present water supplies for both EID and GDPUD. Include present water rights held by each, contracts for supply, and actual historical uses of sources. Include the nature of any disputes relative to sources. For example:

- It is alleged that neither PG&E nor EID has consumptive water rights to the amount PG&E has long sold to EID from its Project 184 facilities.
- GDPUD appears not to commence measuring what it takes from Stumpy Meadows Reservoir until said reservoir ceases spilling. Thus GDPUD's usage may be greater than what it reports.

Comments on NOP, Draft EIR/EIS, Proposed Contract: USBR & EDCWA

- How has GDPUD's usage relative to residential and agricultural use changed over time? What and when was the peak usage for each category, and how much was (is) it?
- Through correction of a high rate of loss and assumption of the "saved" water as an entitlement, EID has claimed rights to more water from Crawford Ditch than the SWRCB staff report says it has.
- Through a ditch system, EID delivers untreated water for agricultural use that apparently does not appear in annual supply vs. demand reports and for which it possesses water rights. Please discuss this in detail.

In discussing projected demand, include legal challenges to both the general plan and several large development projects that, together with physical constraints, may limit development.

OTHER CONSIDERATIONS:

State what the CALFED process is, what its goals are, what has happened, and its legal basis. How does it affect operation of USBR's Central Valley Project and the State Water Project, especially of the Folsom Reservoir?

How has consideration of flood protection affected operation of Folsom Reservoir?

Discuss effects of the modeling error involving a shortfall of 800,000 af in available water on operation of Folsom and the CVP.

Discuss effects of cutting back diversions from the Trinity River to effect restoration of severely damaged fisheries on overall availability of water.

Discuss effects on availability of water of the need to restore damage to the Sacramento-San Joaquin Delta and San Francisco Bay stemming from water diversion.

Discuss effects of potential illegalities:

- Effects on the Lower American and its damaged fisheries of further upstream diversions, especially as it is part of the State's Wild and Scenic River System.
- Effects of further consumptive-use diversions on the South Fork of the American from its source to Blair Bridge for Recreational River status under the federal Wild and Scenic River System.

Comments on NOP, Draft EIR/EIS, Proposed Contract: USBR & EDCWA

- Discuss Interbasin Transfers (i.e., the South Fork to the Cosumnes) for the EID service area, where water from the South Fork is delivered, used, transported as sewage to treatment plants that discharge treated effluent to streams draining into the Cosumnes. The South Fork and the Cosumnes are in different hydrological basins and such transfers violate the State Constitution.

CUMULATIVE IMPACTS:

Please evaluate the cumulative effect of increased water diversions on fisheries and ecosystem health of the American River and all its forks, on the Sacramento River, and on the Sacramento-San Joaquin Delta and San Francisco Bay.

Please evaluate the growth-enabling impacts of increased water supply on the service-areas of EID and GDPUD, including but not necessarily limited to the following aspects:

- Effects on county finances from enabling increased residential development that pays less than needed services cost:
 - Overburdening of law enforcement & justice systems
 - Overcrowded schools
 - Overburdened libraries and cutback hours
 - Deficiencies in provision of neighborhood parks
 - Exacerbation of roadway maintenance deficiencies
 - Inability properly to monitor and enforce laws and regulations governing development resulting in increased erosion and sedimentation
- Exacerbation of traffic congestion and effects on economies of Placerville, South Lake Tahoe, and Sacramento County, as well as El Dorado County.
- Heightened pressure to expand capacity of Highway 50
- Effects on species listed under federal and state Endangered Species Acts, including the gabbro-soil plants and the Red-Legged Frog
- Effects on so-called "sensitive" species
- Effects on species of distribution limited to a comparatively narrow (E-W) region of the Sierra foothills that coincides with areas proposed for intensive development (Tiger Salamander, Foothill Yellow-Legged Frog, Western Spadefoot Toad, Western Pond Turtle, Gilbert's Skink, Ringneck Snake, Long-Nosed Snake, Night Snake, Roadrunner, Short-Eared Owl)
- Exacerbation of non-compliance with air pollution control plans
- Exacerbation of risk of wildland fire
- Loss of oak woodlands and habitat for species dependent upon them
- Loss of agricultural land (and effects of this on exacerbating air pollution)
- Exacerbation of loss and fragmentation of critical deer-herd habitat

Comments on NOP, Draft EIR/EIS, Proposed Contract: USBR & EDCWA

- Increased water pollution from heightened "urban" storm runoff
- Destruction of natural drainageways and loss of wetlands associated with development
- Exacerbation of flooding from expanding impervious surfaces
- Increased light pollution and loss of dark night skies
- Loss in property values from enabling "oversupplying" market needs as called for in the El Dorado County general plan

EFFECTS ON AMERICAN RIVER:

Define the current operational parameters and constraints affecting Folsom Reservoir.

Explain how additional upstream diversions will contribute to restoration of healthy fisheries in the Lower American River.

Discuss the effects of seasonality of need by both purveyors and fisheries and their interconnectedness. Include discussion of "Hodge Flows" and "Water Forum Flows" relative to necessary instream flows.

Discuss East Bay Municipal Utility District flows and how these will be diverted from the system without causing harm at the same time as the proposed "Fazio" water is diverted.

Discuss the "cool pool" relative to salmon and steelhead. How does this operate? How will it interrelate with the method of diversion of the "Fazio" water?

What are X2 guidelines?

BENEFIT/COST ANALYSIS:

The benefit/cost analysis should include the costs of environmental mitigation, including implementation and management programs for preservation of rare species.

*Albert E. Hazbun, Consulting Engineer, 760 Lakecrest Drive, El Dorado Hills, CA 95762
Phone: (916) 933-3464; Fax (916) 933-0312*

Memo

11/24/1997

To Rick Hanson/Roy Leidy

Subject: EIR/EIS for Public Law 101-514 water (Fazio)
For El Dorado County: Comments

Most of the comments given back in November 1994 still apply . Here is some additional information.

1- Points of diversion: It does not make any sense at all now to consider points of diversion upstream of Folsom Lake, except for Georgetown's diversion through the PCWA facilities near Auburn Ravine. This EIR should not open the door for very complicated diversion scenarios that are not possible.

2- Water Supply/Demand: You should obtain a copy of EID's El Dorado Hills Master Facilities Plan Water Supply/Demand Report (Draft), Sept. 1997. It was prepared by Chuck Abraham and CH2M HILL, and will be going to EID Board early in January, 1998. This report, prepared for Assessment District #12, details water needs in El Dorado Hills and explains that law 101-514 water is needed by 2002/3. It would be adequate to meet the demand until about 2015/16.

3- Facilities: The above report explains that if the existing El Dorado Hills Water Treatment Plant can be expanded to 28 mgd, rather than the planned 20 mgd, this plant can handle all the expected Fazio Water, without the need to construct other facilities at Folsom Lake.

4- Assessment District No.12 will be complementing your efforts regarding the 101-514 contract. It will have its own EIR, which will follow your EIR. Your EIR is expected to be certified prior to certification of the AD#12 EIR. Close cooperation is needed between these two EIR's. Judges these days require specificity on all environmental impacts, therefore you will have to deal with Georgetown PUD and obtain details regarding their facilities that would utilize their share of the water.

5- Growth: The major specific plans in El Dorado Hills that will use the water have already been approved. Valley View is still in the process. This should give you more specificity regarding expected growth. Not sure what impact the low growth initiative (on the ballot in June 1998) would have on these.

6- As I explained before, EID is way ahead most districts with its water conservation. The reclaimed water existing and planned facilities should be considered.

7- You will undoubtedly address the five rare plant preserves.

8- You should review the comments provided by Taxpayers for Quality Growth regarding Carson Creel Specific Plan as well as the General Plan.

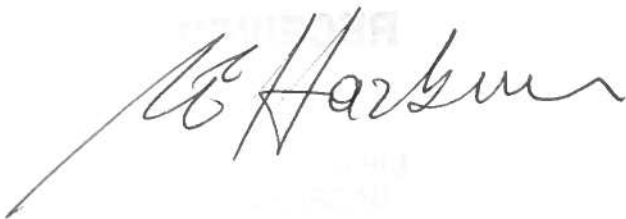
9- Try and obtain comments from Doug Liesz, he speaks for the wine grape growers in El Dorado County.

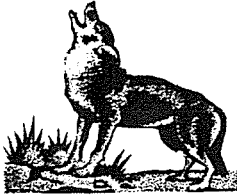
10- NOP: I do not think that the old NOP is adequate, particularly with changed diversion points. There are new issues and new groups fighting water and growth. These should be part of the process.

11- I just hope you use the same consultants that have worked on the Sacramento County portion of the EIR/EIS.

12- The CWA's EIR for the 17,000 a.f. water right has been rejected by a judge and is under appeal. I hope that your EIR will be strong and detailed on issues that have been challenged in the County General Plan EIR to avoid serious problems with this water contract in case a judge comes to some similar conclusion regarding the General Plan EIR.

Note: By the way, I am coordinating all efforts concerning the establishment of AD#12, on behalf of the property owners. Will gladly provide you with any help you might in the future.

A handwritten signature in dark ink, appearing to read "E. Harbun". The signature is written in a cursive, flowing style. The first letter "E" is large and stylized, with a long horizontal stroke extending to the left. The name "Harbun" follows in a similar cursive script. The signature is positioned on the left side of the page, below the main body of text.



The Center for Sierra Nevada Conservation
Craig Thomas
6221 Shoo Fly Road
Kelsey, California 95667-9998



August 21, 1998

Dr. James Roberts
El Dorado County Water Agency
330 Fair Lane, Building A
Placerville, CA 95667

RE: Scoping comments on the Central Valley Project Water Services Contract between U.S. BOR and the El Dorado Co. Water Agency.

1) Lead Agency--Since El Dorado Co. is currently giving serious consideration to dismantling the County Water Agency. How will the lead agency role be managed for this EIR/EIS? Who will have responsibility for the data collection and analysis and the responses to the public and other agencies involved in this decision?

2) Project Description--The Project Description as disclosed in the revised project description notice, dated May 1998, fails to clearly identify the precise location of the project and its boundaries. No topographic map is provided to allow the public to precisely identify the various sites of the possible diversion points, infrastructure, and facilities associated with the water diversion contract. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal. App. 3d 185, 193 [139Cal Rptr. 396].

"Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefits against its environmental costs, consider mitigation measures, and assess the advantages of terminating the proposal (i.e., the 'no project' alternative) and weigh other alternatives in the balance." *County of Inyo, supra....*

Under CEQA/NEPA you must give full and detailed analysis to the "no action" alternative during the environmental analysis process. This will allow the public and decision-makers to view the full environmental costs of going forward with the project.

Phone: 530/622-8718

Fax: 530/622-8748

cthomas@innercite.com

1-Jim Roberts - Consultant
L Brian Boyer - EIR P CVP EIR/EIS Scoping [1]

GEN. MGR. by
W. R. ENGR. by
CO. COUNSEL copy
Tom C

RECEIVED
by fax 8/21/98
AUG 24 1998
see attached
EL DORADO COUNTY
WATER AGENCY

The lack of a full and detailed disclosure of the specific site locations of the GDPUD diversion points, infrastructure and facilities for each of the four diversion points, the public and decision-makers are denied the ability to meaningfully comment on the direct, indirect and cumulative impacts of the proposed project.

3) Water Diversion--How will the proposed action be impacted by the fact that the Bureau of Reclamation's CVP hydrology model for the overall capacity of the CVP water reservoirs in N. California contained a serious over-estimation error of approximately 800,000 acre feet of water which was thought to exist in the system?

4) What will be the impacts of the project (include indirect and cumulative) to the Anadromous fish (Chinook salmon and steelhead) resources in the lower American River? How will this project affect the critical water temperature range for eggs and juvenile salmon and steelhead? Under the Anadromous Fish Restoration Program there is a goal of doubling the naturally spawning populations on the American river and preventing further reduced flows (which currently fail to meet the conditions of the Hodge decision on a regular basis) and also strive to prevent increased water temperatures which are lethal to eggs and juveniles when above 56 degrees F.

In a letter from NMFS (Mr, William Hogarth) to U.S. Bureau of Reclamation, dated Feb. 17, 1998 (prior to the listing of the Central Valley Steelhead), he states the recommendation that "no new water supply projects be initiated on the American River until the American River Fisheries Restoration Program (AFRP) flows are provided and salmonid populations (now including Central Valley steelhead) have been shown to begin recovery in response to these new flows.

Please disclose in detail in consultation with CDF&G and NMFS the impacts of this project (indirect and cumulative effects) of the anadromous fish populations in the lower American river.

On March 11, 1998 the NMFS issued a draft jeopardy opinion on the 35,000 AFA of new CVP contract water for the Sacramento County Water Agency and the San Juan Water District due to increased risks of entrainment and increased water temperature for both the winter run Chinook and the Central valley Steelhead.

How will this water project impact these federally listed species in the proposed water diversion, particularly when added to the other proposed diversions impacting the lower American river? How will the EDCWA mitigate those impacts?

5) Considering the need to provide increased flows to the Trinity River to protect endangered fish species (Coho) and the lack of ability to take that needed water from "settlement contractors" in the Sacramento River, Bureau of Reclamation will likely need to recover that additional water from other CVP supply locations. How will this demand impact the proposed EDCWA proposed diversion? What will be the direct, indirect and cumulative effects to biological resources if Trinity river water is replaced with other CVP water and this project goes forward?

6) What will be the diversion rates and timings at each of the proposed points of diversion?

7) What are the current federally listed (sensitive, threatened, and endangered) plant and wildlife species impacted by this project? What are the current State Species of Concern and listed species that will be impacted by this project?

8) Describe the surveys that will be conducted for each of these species. Please consult with all affected state and federal agencies for the updated species lists.

9) How will this project impact the need to meet Bay Delta water quality standards?

10) What will be the impacts of this project on both warm and cold water fisheries along the various diversion points and within Folsom reservoir?

11) The cumulative impacts of the 15,000 af diversion must be considered additively with the proposed 17,000 El Dorado Project diversion. These impacts include effects upon biological resources (aquatic and terrestrial, traffic congestion, air pollution, loss of oak woodlands, effects upon water quality through the upper watershed and South Fork American River, proposed and listed wild and scenic rivers, public services, public facilities and generally the majority of issues and growth inducing effects discussed in the El Dorado Co. general plan which depend upon this water supply.

12) All proposed wild & scenic rivers under federal jurisdiction will have risks associated with the implementation of this project. The federal management agencies (including USFS) should be consulted in this EIR/EIS. For the upper elevation water, Forest Service planning regulations mandate non-degradation of the outstandingly remarkable characteristics of the river segments while the rivers are being studied. What impacts will this project have upon those O/R values?

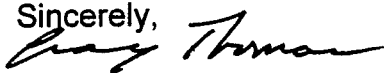
13) How will this project impact Folsom carry-over storage?

14) We request disclosure of the specific mitigations at the diversion points (screens) and other efforts to protect fish and aquatic species.

- 15) What are the direct and cumulative impacts to water based recreation resulting from these diversions on the upper and lower American River?
- 16) How will this project be coordinated with the other water project demands and FERC relicensings in the region where cumulative impacts must be thoroughly researched and mitigated yet the timeframes in some cases are years from completion? How will the estimates of effects be carried out?
- 17) How will the growth brought by this project effect the existing non-attainment for ozone and PM-10 in the air basin? How will you mitigate these impacts in that this is a federal project and a NEPA review?
- 18) Please consider an overall habitat management plan as part of the mitigation for the growth inducing effects of this project. A long term habitat management plan will be needed to plan for species viability in the county's future and to direct where growth is best suited.
- 19) What are the minimum flow for fish and aquatic species in the affected stream reaches?
- 20) Is the project proponent aware of all the existing federal laws mandating resource protection such as the Fish and Wildlife Coordination Act, Wild & Scenic Rivers Act, Federal ESA, National Forest Management Act, Clean Water Act, and the Clean Air Act. Please insure full understanding of this laws before departing upon the environmental analysis without full knowledge of the regulatory framework.
- 21) Consider seasonal and diurnal diversion scenarios to avoid harm to aquatic species.
- 22) Consider removal and restoration of the Auburn Dam site as part of the mitigation of this project.
- 23) Clearly establish minimum flow requirements for all affected streams and rivers impacted by the project.

Thank you for this opportunity to comment.

Sincerely,



Craig Thomas, Conservation Director
The Center for Sierra Nevada Conservation &
El Dorado County Taxpayers for Quality Growth

SCOPING MEETING EDCWA and)
BUREAU OF RECLAMATION PROJECT:)
15,000 afa CVP WATER SERVICE)
CONTRACT UNDER PUBLIC LAW 101-514)

COPY

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Placerville, California

Thursday, August 6, 1998

Reported By:

LAURIE L. GOWER, RPR
CSR NO. 8000
JOB NO. 98226

**Town
& Country
DEPOSITION
SERVICE**

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Placerville, California 95667
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SCOPING MEETING EDCWA and)
BUREAU OF RECLAMATION PROJECT:)
15,000 afa CVP WATER SERVICE)
CONTRACT UNDER PUBLIC LAW 101-514)

REPORTER'S TRANSCRIPT OF PROCEEDINGS taken at
330 Fair Lane, Board of Supervisors Chambers, Placerville,
California, commencing at 6:47 p.m. and terminating at
7:12 p.m. on Thursday, August 6, 1998.

1
2 APPEARANCES:

3
4 For EIP Associates:

5 BRIAN BOXER
6 JEFF HANSON
7

8 For County of El Dorado:

9 OFFICE OF COUNTY COUNSEL
10 BY: THOMAS CUMPSTON
11 Chief Assistant County Counsel
330 Fair Lane
Placerville, California 95667

12 and

13 REMY and THOMAS
14 BY: JAMES G. MOOSE
455 Capitol Mall
Suite 210
15 Sacramento, California 95814

16
17 DEBBY HOLCOMB, Water Agency Clerk
18
19
20
21
22
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24
25

1 Thursday, August 6, 1998, Placerville, California

2 6:47 p.m. - 7:12 p.m.

3 ---oOo---

4 MR. BOXER: I guess we will get going this
5 evening. I'd first like to welcome everybody to tonight's
6 scoping session. I'm Brian Boxer, vice president with
7 EIP Associates. I am not Jim Roberts, even though it says
8 so on the agenda. Jim could not be with us this evening,
9 and so I'm going to be standing in for Jim this evening;
10 and my colleague, Rick Hanson, is going to be standing in
11 for me on your agenda. And there are agendas in the back
12 of the room for everybody.

13 As a matter of kicking things off, let me
14 first note that in the back of the room, there are copies
15 of the Revised Notice of Preparation/Notice of Intent
16 that is circulating publicly right now. And, in addition,
17 there are copies of the consultant's Scope of Work for this
18 project back there for your review.

19 If you would like to receive -- to acquire a
20 copy of that, you can let us know. And after the meeting
21 this evening, you can purchase those for a very nominal fee
22 to cover copying costs.

23 I want to -- we have a short presentation
24 this evening, and then we are going to open this for public
25 comments.

1 And so I will step through that. Tonight,
2 first, we're going to just give some brief introductions,
3 review the purpose of tonight's scoping session and a bit
4 on the project history. We'll review for you the project,
5 as it's currently defined and as it will be defined as we
6 move into the environmental process. Then we will open the
7 process for the evening for public agency comments, and
8 then review the process and schedule this evening.

9 First, as a matter of introduction, as I
10 mentioned, Jim Roberts, who has been retained by the Water
11 Agency to serve as the environmental coordinator for this
12 project, was going to be here tonight but was not able to
13 be. He will be -- Jim will be serving, though, as the
14 environmental coordinator overseeing this project on behalf
15 of the agency, working with the agency staff and with the
16 consultant team.

17 EIP Associates that I represent is going to
18 be serving as the prime consultant. I will be serving as
19 the project director. And Rick Hanson, who is here with me
20 tonight, will be serving as our project manager.

21 In addition to that, we are -- our firm will
22 be collaborating with two other technical specialists in
23 preparing the EIR/EIS. And that will include the firm of
24 Surface Water Resources, Incorporated. Their work effort
25 will be focused on addressing issues of hydrology and

1 environmental impacts associated with changes in flows
2 downstream from Folsom Dam in the lower American River.

3 And, in addition, we will be supplemented by
4 the skills of Susan Lindstrom, who is a consultant
5 archeologist. And she'll be working with us, addressing
6 all the issues related to cultural resources in and around
7 the facilities that are proposed to be built.

8 Now, the process that we are embarking on is
9 an environmental impact report, a joint Environmental
10 Impact Report/Environmental Impact Statement. That will be
11 complying with the California Environmental Quality Act for
12 the EIR and with the National Environmental Policy Act for
13 NEPA for the EIS.

14 In order to undertake those -- this process,
15 there needs to be what is referred to under the law as a
16 lead agency for each of the -- for each of the laws.

17 For CEQA, the local agency, the El Dorado
18 Water Agency will serve as the lead agency. And for NEPA,
19 the U.S. Bureau of Reclamation will serve as the lead
20 agency. Those will be the two primary parties entering
21 into the contract, should it ultimately be approved at the
22 end of this process.

23 Tonight's meeting is a public scoping
24 session, open to any member of the public or
25 representatives of agencies, and is part of the overall

1 scoping process that we are undertaking for this project.
2 The scoping process, in its entirety, has a number of
3 objectives, and I just want to briefly review those.

4 The first is to determine those issues that
5 are appropriate to be addressed in the environmental
6 document.

7 The second is to identify any potentially
8 significant environmental issues. If there are issues that
9 are of concern to individuals or agencies, we want to hear
10 about them now; and we can -- that will ensure that they
11 can be addressed in the document.

12 Similar to that, and related to that, is that
13 part of this process is to narrow the focus of the
14 environmental document so that the attention and the effort
15 put into the document is focused on those issues that are
16 of concern; and that those issues that are not of concern
17 with this project are not focused on in the environmental
18 document.

19 There are a number of other aspects of the
20 scoping process that also relate to ensuring that the
21 appropriate communication goes on between agencies that are
22 affected.

23 And so part of this process is to identify
24 all of the agencies that are involved ultimately with
25 implementing this project and to identify the appropriate

1 assignments for those agencies, to identify any other
2 agency reviews outside those that are identified in the NOP
3 and NOI, and to ensure that the EIR/EIS process relates
4 appropriately to the agency decision-making process.

5 And, again, with a project of this type,
6 there are a number of different agencies that become
7 involved in ultimate approval of the project, not just the
8 lead agencies.

9 So that the outcome of the overall scoping
10 process that includes tonight's meeting will involve the
11 identification of the appropriate range of actions to be
12 evaluated in the document, what are reasonable alternatives
13 to the project -- to the proposals, what are potentially
14 significant impacts, what are the appropriate mitigation
15 measures, and what are other agency concerns along the
16 way?

17 Now, tonight's scoping session, as I
18 mentioned, is part of a larger scoping process that
19 involves the circulation of the NOP/NOI for a period of
20 time that will end on August 21st, so that during that time
21 people can submit written comments. It also is including a
22 scoping process that was begun a number of years ago in
23 1993 and '94 where, in this process, that -- in which
24 extensive outreach was undertaken.

25 And just to review what went on previously,

1 in 1993 an initial Notice of Preparation/Notice of Intent
2 was circulated and extensive comment was received on that.

3 And, thus, the document that is in the back
4 of the room that you can take a look at is considered a
5 revised NOP/NOI because conditions have changed and the
6 alternatives that are being proposed to be evaluated have
7 changed since that time. But all of the comments that were
8 submitted in 1993 are still part of this record and will be
9 considered in the overall scoping of the document that we
10 are embarking on.

11 There were also during 1994 and '95 a number
12 of prescoping meetings that were undertaken with
13 responsible agencies and with other interested parties and
14 organizations and groups throughout the region.

15 There was a Preliminary Task Report that was
16 prepared and is available through the agency, the Water
17 Agency, and then ultimately culminating in the revised
18 NOP/NOI that you have out tonight. So this, the entirety
19 of this process, is considered part of the scoping
20 process.

21 Before I hand this over to Rick to go through
22 the Project Description and the scope of the EIR for you, I
23 just wanted to mention that tonight's session is the first
24 of two public scoping sessions. We will have, in addition
25 to tonight, a session that will begin tomorrow at 1:30. So

1 tonight, rather than concluding things, we'll simply
2 continue this scoping effort until tomorrow at 1:30 so
3 anybody can speak tonight or tomorrow.

4 And, again, I want to mention that written
5 comments -- if you want to give public testimony tonight,
6 we encourage it. Written comments are also -- will be
7 accepted through the close of business on the 21st of
8 August.

9 With that I want to turn this over to Rick
10 Hanson to review for you the project and the alternatives
11 and the scope of -- the proposed scope of the document.

12 MR. HANSON: Thanks, Brian.

13 Stepping back a bit, I don't know if Brian
14 mentioned it, but the Preliminary Scoping Report will be
15 amended to incorporate the information that is gathered
16 from the public scoping as part of this process. We're
17 planning on putting out an Amended Scoping Report sometime
18 in October of this year, and that will be available for
19 review.

20 For my part in the presentation tonight, I'll
21 be talking a little bit about the Project Description and
22 the Scope of Work for the Environmental Impact Report and
23 Statement.

24 Now, the basic project, proposed project,
25 that we're discussing tonight is implementation of Public

1 Law 101-514. Now, Congress passed that law back in 1990.
2 It directed the Bureau of Reclamation and El Dorado County
3 Water Agency to enter into a long-term water-service
4 agreement.

5 The proposed project for the upcoming EIR/EIS
6 is the implementation of that contract in which the Bureau
7 of Reclamation would be supplying up to 15,000 acre-feet
8 per year of Central Valley Project water to El Dorado
9 County Water Agency.

10 Now, the Agency provisionally plans to divide
11 that up equally between El Dorado Irrigation District and
12 Georgetown Divide Public Utility District. But that's
13 subject to change over the course of the Environmental
14 Impact Report/EIS process.

15 A little bit about EID. EID's sphere of
16 influence covers about 347,000 acres and lies along Highway
17 50 between Pollock Pines and El Dorado Hills. I have a map
18 here showing roughly the service area.

19 Service area of El Dorado Irrigation District
20 is located roughly in the shaded area on the southern part
21 of this map here.

22 Let's see. District provides treated water
23 to the communities of Pollock Pines, Camino, El Dorado,
24 Diamond Springs, Shingle Springs, and El Dorado Hills as
25 well. District also provides wholesale and retail water to

1 the City of Placerville. And the district service area is
2 roughly 136,000 acres.

3 Now, Georgetown Divide Public Utilities
4 District's sphere of influence encompasses roughly 173,000
5 acres and is formed by the drainage boundary between the
6 middle and north forks of the American River and to the
7 south the south fork of the American River.

8 District provides domestic treated water and
9 untreated agricultural water to the communities of Cool,
10 Pilot Hill, Garden Valley, Greenwood, Georgetown, and
11 Kelsey.

12 Georgetown's service area is located to the
13 north of EID in this general area shown in the map.

14 Under the proposed project EID proposes to
15 take its supply from Folsom Reservoir and treat it at the
16 existing El Dorado Hills treatment plant or a new plant
17 that would be constructed at Bass Lake, which is indicated
18 as Site 1 in this map, this area down here. This map's
19 also included, I believe, in your NOP.

20 Their existing plan currently has a capacity
21 to divert and treat up to 7500 acre-feet a year, but has
22 the expansion capacity to accommodate potential increases
23 as a result of the proposed contract.

24 Another possible option is, to expanding the
25 plant, is to construct a new plant at Bass Lake.

1 Construction of that new plant would also require the
2 construction of a conveyance facility, a pipeline, between
3 the existing treatment plant and Bass Lake, which is shown
4 right here.

5 Now, with implementation of the public law,
6 Georgetown proposes to take its supply either from Folsom
7 Reservoir or upstream by way of an exchange with Placer
8 County Water Agency. And I'll be talking a little bit
9 about that shortly.

10 The diversion for Georgetown will either be
11 co-located with the proposed diversion facility that would
12 be constructed by Placer County Water Agency, and that's
13 shown as Site 2 on this map. I know it's hard to see, but
14 roughly in that location. All of these proposed diversion
15 facilities for Georgetown would occur on the north fork of
16 the American River in the general vicinity of the proposed
17 Auburn Dam site. Site number 2 would be located adjacent
18 to the Auburn Dam diversion tunnel, located right there.

19 Another option would be diversion at the
20 mouth of Knickerbocker Creek just downstream from the
21 Auburn Dam site, shown as Site 4.

22 And, finally, another site is being looked
23 at, which is about 3,000 feet upstream of the Auburn Dam
24 diversion tunnel near Tamaroo Bar, which is located at
25 Site 5 in the map.

1 Now, diversion from the north fork for
2 Georgetown would provide water to the western portion of
3 the district service areas south of Cool. Water would be
4 pumped from the river to a proposed treatment facility that
5 would be located up on the flat area above -- just out of
6 the canyon, south of the diversion site.

7 Now, to accommodate this diversion, a pumping
8 plant would be constructed. It would need to accommodate a
9 pumping lift of about 1,000 feet. This would divert water
10 through about a mile and a half of pipeline to treatment
11 facilities and storage facilities, which would need to be
12 constructed up in that area.

13 Additionally, one to one and a half miles of
14 pipeline would also need to be constructed from the
15 treatment facility to the distribution system of the
16 district, which currently exists near Cool.

17 Now, Public Law 101-514 specifically requires
18 the delivery of CVP water, and CVP doesn't have an
19 entitlement for water from the north fork of the American
20 River.

21 Therefore, to use the proposed diversion for
22 Georgetown, the Water Agency would need to enter into an
23 agreement with PCWA to exchange and deliver an equal amount
24 of water that would be diverted at the north fork.

25 Now, as required under -- for the EIR/EIS, we

1 will address a reasonable range of project alternatives
2 that meet the basic requirements. The report will include
3 an analysis of a No-Project Alternative. We'll also take a
4 look at alternative diversion sites, including a site near
5 the confluence of the American and Sacramento rivers.
6 We'll also be looking at the alternative diversion sites
7 we've talked about tonight. We'll also be looking at
8 potential alternatives for treatment and storage facilities
9 as well in the report.

10 Now, as Brian mentioned, we've prepared a
11 rather detailed Technical Scope of Work, which is included
12 in EIP's contract with the Water Agency. It's in the back
13 for your review. If you'd like a copy of your own, you can
14 request it from the agency. I understand that if you ask
15 this nice lady here, for a nominal fee she will be able to
16 make you a copy following the meeting.

17 Again, that goes into some detail about the
18 Scope of Work that we're proposing, based on our
19 understanding of the project at this point.

20 Just very quickly some of the key issues that
21 we'll be looking at in the environmental evaluation include
22 project impacts on water supply, of course. Brian
23 mentioned lower American River resources. Also, be taking
24 a close look at that with the help of SWRI.

25 Service area terrestrial resources may be

1 affected by the project. Basically what this means is
2 we'll be taking a look at what the delivery of water and
3 development related to the delivery of water throughout the
4 service area, what impact that will have on regional
5 resources.

6 Related to that is growth. Certainly, the
7 project has a potential for growth inducement, and part of
8 the EIR/EIS evaluation will be to assess that. The County
9 recently went through a major effort, as part of their
10 General Plan Update, to evaluate that very issue. And to
11 the extent possible, we'll be using the studies that were
12 prepared as part of that evaluation for our work as well.

13 We'll be looking at impacts on natural
14 resources related to the construction and operation of the
15 proposed facilities related to the project as well.
16 Natural resources such as wetlands, sensitive species,
17 cultural resources, geology, and water quality and such.

18 We'll be looking at possible effects of the
19 project on the delivery of other public services and
20 utilities. And, finally, also looking at impacts on air
21 quality and noise as well.

22 And, again, I suggest you take a look at the
23 detailed Technical Scope of Work for a much better
24 discussion of just how we're approaching these evaluations
25 and the methodology involved.

1 And, of course, that scope is likely to
2 change as a result of the scoping process we're currently
3 going through now.

4 With that I'd like to turn it over to Brian,
5 who will chair the public comments.

6 MR. BOXER: Very briefly, before I -- we open this
7 up for public comments, let me just review with you all the
8 schedule for the overall EIR/EIS process that we are
9 currently anticipating.

10 As we've noted here, the Scope of Work and
11 the contract was officially approved by the Water Agency
12 Board on the 27th of July, and -- this year. And then the
13 close of the NOP comment period will be the 21st of
14 August.

15 As Rick mentioned earlier, we are
16 anticipating supplementing the Scoping Report, and that
17 Supplemental Scoping Report will be completed by October of
18 this year.

19 And at that point we will go in -- we will go
20 into the heart of the process to prepare the EIR/EIS.
21 We're anticipating that a Draft EIR/EIS will be available
22 for public review and comment during the summer of 1999,
23 and that a final EIR/EIS will be published during the fall
24 of 1999, and that a Notice of Determination and Record of
25 Decision will be filed early in the year 2000.

1 That's the overall, the general overall
2 schedule. Obviously, as we go down the road, there will be
3 more precision put to that schedule.

4 So with that as a backdrop, we would like to
5 at this point open tonight's meeting for public comment.
6 If you would like to give -- provide testimony, we ask that
7 you come to the microphone so that your testimony could be
8 recorded. If you'd start off by giving your name and
9 address and actually printing your name here as well for
10 the court reporter.

11 So with that we'd like to open it up for
12 comment. Is there anybody here who would like to give
13 public comment or public testimony?

14 MR. BOXER: Off the record.

15 (Discussion held off the record.)

16 MR. BOXER: Back on.

17 It is now ten after 7:00. We have solicited
18 public comment. There does not appear to be any interest
19 in that. There are two members of the public and a number
20 of agency representatives here. There does not appear to
21 be any interest. So with that being the case, what I would
22 like to do is to continue this session until tomorrow at
23 1:30 at which time we will go through our presentation
24 again and ask for public comments at that time.

25 Again, I would remind people that written

1 comments can be submitted to the Water Agency until
2 5:00 p.m. on the 21st of August. There are, again, a
3 number of documents that you may receive between now and
4 then, if you so choose, as part of your review process.

5 If there are no other questions, we will --
6 we'll continue this until tomorrow at 1:30.

7 (The proceedings were concluded at 7:12 p.m.)

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SCOPING MEETING EDCWA and)
BUREAU OF RECLAMATION PROJECT:)
15,000 afa CVP WATER SERVICE)
CONTRACT UNDER PUBLIC LAW 101-514)

COPY

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Placerville, California

Friday, August 7, 1998

Reported By:

LAURIE L. GOWER, RPR
CSR NO. 8000
JOB NO. 98227

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SCOPING MEETING EDCWA and)
BUREAU OF RECLAMATION PROJECT:)
15,000 afa CVP WATER SERVICE)
CONTRACT UNDER PUBLIC LAW 101-514)

REPORTER'S TRANSCRIPT OF PROCEEDINGS taken at
330 Fair Lane, Board of Supervisors Chambers, Placerville,
California, commencing at 1:40 p.m. and terminating at
2:09 p.m. on Friday, August 7, 1998.

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APPEARANCES:

For EIP Associates:

BRIAN BOXER
JEFF HANSON

For County of El Dorado:

OFFICE OF COUNTY COUNSEL
BY: THOMAS CUMPSTON
Chief Assistant County Counsel
330 Fair Lane
Placerville, California 95667

DEBBY HOLCOMB, Water Agency Clerk

1 Thursday, August 6, 1998, Placerville, California

2 1:40 p.m. - 2:09 p.m.

3 ---oOo---

4 MR. BOXER: I just want to welcome everybody to the
5 continuation of our scoping sessions for the El Dorado
6 Water Agency CVP Water Service's EIR/EIS. I'm Brian
7 Boxer. I'm vice president of EIP Associates. I'm standing
8 in today for Jim Roberts, who is the environmental
9 coordinator that the agency has retained to oversee this
10 process. Jim couldn't be with us today.

11 So on the agendas that are in the back of the
12 room, everything that says "Jim Roberts" I will be doing,
13 and everything that says me, my colleague Rick Hanson will
14 be doing. So we've just -- we will go through the entire
15 agenda. We've just changed the names to protect each
16 other.

17 What we wanted to do today is to step through
18 a little bit of background on this process and give you a
19 little bit of an overview of the project itself and the
20 scoping that we're going through, and then we will open the
21 session up for public comments.

22 Before we jump into that, though, let me just
23 point out a couple of things. As I mentioned earlier,
24 there's an agenda in the back of the room. In addition, in
25 the back of the room, available for your review, is a copy

1 of the Notice of -- the Revised Notice of
2 Preparation/Notice of Intent for this process, as well as a
3 copy of the consultant's scope of work for the EIR/EIS that
4 is back there.

5 If you would like -- there's a review copy in
6 the back there, and if you would like a copy of your very
7 own, you can pick one up for a very nominal fee from the
8 Water Agency after our meeting.

9 What we would like to do today is, as I said,
10 is to step through first some brief introductions to the
11 EIR/EIS team, review the purpose of the scoping meeting and
12 some project history. Rick will then take -- will then
13 take you through a description of the project and the
14 alternatives that are proposed to be evaluated. We will
15 then -- I'll actually -- I'm actually going to jump around
16 on the agenda a little bit. I'll give you a brief overview
17 of the schedule that we're anticipating, and then we will
18 open things up for public comment.

19 The El Dorado Water Agency has retained a
20 team of environmental consultants and natural resources
21 specialists to prepare this document on their behalf.

22 The team is -- overall is being managed by,
23 as I said, by Jim Roberts, who is serving as the agency's
24 environmental coordinator.

25 EIP Associates, my firm, will be serving as

1 the prime consultants for the work, and we will be assisted
2 by two technical special assistants. Surface Water
3 Resources, Incorporated, has been brought on board to
4 address lower American River hydrology and aquatic
5 resources. And Susan Lindstrom, as a consultant
6 archeologist, has been brought on board as part of the team
7 to address cultural resources issues associated with the
8 construction of the facilities to deliver the water.

9 Now, the process that we are embarking on is
10 an Environmental Impact Report, a joint Environmental
11 Impact Report/Environmental Impact Statement subject to the
12 requirements of the California Environmental Quality Act
13 and the Natural Environmental Policy Act.

14 Amongst the requirements of those Acts is
15 that for under each one a lead agency is designated. The
16 lead agency is the primary implementing authority for the
17 project itself, and in this case the project is a water
18 contract.

19 In this case, for CEQA purposes, the lead
20 agency will be the El Dorado Water Agency. And for NEPA
21 purposes, the lead agency will be the U.S. Bureau of
22 Reclamation.

23 Now, very briefly on the overall purpose and
24 objectives of the scoping process of which this meeting
25 today and our previous meeting last yesterday evening is a

1 part. The process that we're going through right now is to
2 accomplish a certain number of things: We need to
3 determine those issues that are most appropriately
4 addressed in the environmental document and in doing that,
5 identifying, hopefully, those issues that are of greatest
6 concern that may be potentially significant issues.

7 And in the same fashion, we want to identify
8 those issues which are truly not relevant for this
9 particular project so that resources and the document does
10 not spend much time and effort in evaluating those issues
11 that everybody agrees at the outset are not important
12 issues.

13 In addition to the scoping of the document,
14 there's also an element of the scoping process that is
15 important to helping cull out what are the full range of
16 agency responsibilities, because in a project of this type,
17 well, there is a lead agency for both the federal process
18 and a lead agency for the state process. There are
19 other -- also numerous other agencies that ultimately will
20 be involved in some fashion, be it issuing local or state
21 permits or helping implement the project.

22 So part of what we're trying to do is
23 determine the appropriate assignments within and between
24 agencies, identify any other agency reviews that have not
25 been initially identified, and ensure that the EIR/EIS

1 process is related appropriately to the agency
2 decision-making process throughout.

3 As it pertains specifically, then, to the --
4 to scoping of the content of the EIR/EIS, these are the
5 things that we are hoping to receive input in and that this
6 process is an attempt to refine.

7 And that is, first, the range of actions that
8 are being contemplated.

9 The range of reasonable alternatives that
10 will be identified in the document. And Rick will go
11 through in a little bit those alternatives that we are
12 proposing to evaluate.

13 The range of potentially significant impacts
14 that will be evaluated. And, again, Rick will summarize
15 for you those, our initial ideas about what will be
16 evaluated in there.

17 As well as to hear people's suggestions at
18 the outset about mitigation measures and any other concerns
19 of individuals or agencies.

20 So all of those issues are things that we
21 hope to receive input in through this scoping process.

22 Now, I keep referring to the scoping
23 process. Today is a scoping meeting. We had a similar --
24 it's a continuation of a meeting that we started last
25 night. But this is simply part of a larger scoping process

1 that, in fact, has been ongoing for quite a while and will
2 continue for a little bit more.

3 The initial scoping of this EIR/EIS began in
4 1993 when a Notice of Preparation/Notice of Intent was
5 issued at that time. It received substantive comment, and
6 all of those -- all of those letters are part of the record
7 and part of the scoping that we will use as we move
8 forward.

9 Now, you will note, if you look at the
10 NOP/NOI that is at the back of the room, that is
11 specifically denoted a revised NOP/NOI. So we are bringing
12 forward all of the scoping process that we went through,
13 and all of the comments that we received in 1993 will be
14 considered in the context of this effort we're beginning
15 now.

16 In addition -- following 1993, in addition to
17 the NOP/NOI, we also went through quite a few meetings with
18 local -- with responsible agencies, trustee agencies and
19 local interests groups and interested parties. And those
20 occurred in 1994 and 1995.

21 All of the -- what went on in terms of the
22 scoping, the -- responsive to the NOP/NOI, as well as these
23 scoping meetings, are summarized in a Preliminary Scoping
24 Task Report that was prepared and is -- and that the agency
25 has.

1 That Scoping Task Report will be supplemented
2 by the input that we receive now both on the revised
3 NOP/NOI and here in these scoping sessions.

4 As I mentioned, the revised NOP/NOI is being
5 circulated now. Its circulation period, review period,
6 will run through close of business 5:00 on the 21st of
7 August so that anybody who wishes to provide comment
8 outside of this session may do so in writing until 5:00 on
9 the 21st of August.

10 With that, I would like to turn this over to
11 Rick to take you through a bit of the Project Description
12 and the proposed scope.

13 MR. HANSON: Good afternoon. Once again, my name
14 is Rick Hanson, and I'm the senior project manager with
15 EIP. And my part in the presentation tonight, I'll be
16 talking a little bit about the description of the project
17 to be addressed in the EIR and also the scope of work for
18 the EIR/EIS.

19 In 1990 Congress passed -- Congress passed
20 Public Law 101-514 which directed the U.S. Bureau of
21 Reclamation and the El Dorado County Water Agency to enter
22 into a long-term water-service contract.

23 Under that contract, the Bureau would supply
24 15,000 acre-feet per year of CVP water to El Dorado County
25 Water Agency to meet the immediate needs of El Dorado

1 County.

2 The Agency has provisional plans to supply
3 equal amounts of that water divided up equally between the
4 El Dorado Irrigation District and the Georgetown Divide
5 Public Utilities District.

6 I'd like to talk a little bit about EID.
7 EID's service area is located along US 50 between El Dorado
8 Hills and Pollock Pines. And I have a map of that. In the
9 shaded area in the southern part of this -- the shaded area
10 in the southern part of this map represents the service
11 area for El Dorado Irrigation District.

12 The District provides treated water to
13 various communities including Pollock Pines, Camino,
14 El Dorado, Diamond Springs, Shingle Springs, Cameron Park,
15 and El Dorado Hills. It also provides retail and wholesale
16 water to the City of Placerville. The service area you see
17 up there covers roughly about 136,000 acres.

18 Now, Georgetown Divide's service area is
19 shown in the lighter shaded area to the north of EID. The
20 district provides domestic treated water and also untreated
21 agricultural water to a number of communities including
22 Cool, Pilot Hill, Garden Valley, Greenwood, Georgetown and
23 Kelsey. Their service area is roughly about 75,000
24 acre-feet.

25 Now, under the proposed project EID proposes

1 to take water from Folsom Reservoir using an existing
2 outtake facility. Water would be taken through that
3 facility to an existing water treatment plant, the
4 El Dorado Hills water treatment plant. Water under the
5 contract would be treated either there or possibly at a new
6 plant to be constructed in the Bass Lake area.

7 The existing plan currently has the capacity
8 to treat and divert about 7500 acre-feet per year of water
9 and has the expansion capacity to accommodate additional
10 diversions under the proposed contract.

11 As I said, there's another option to
12 construct a new plant to handle that additional diversion
13 at Bass Lake. Bass Lake is located here on the map.

14 Construction of the new plant and diversion
15 to that plant will require the construction of a roughly
16 11-mile conveyance line, which would be located primarily
17 in existing road rights of way.

18 Now, with implementation of the proposed
19 project, Georgetown proposes to take its supply from either
20 Folsom Lake or, more likely, one of four diversion,
21 potential diversion sites located on the north fork of the
22 American River in the general vicinity of the proposed
23 Auburn Dam construction site.

24 And these are shown on the map, which also
25 appears in the NOP, if you have a copy of that, in this

1 area right here.

2 The first site, well, Site Number 2 located
3 on the map would be constructed at the same site of a
4 currently proposed diversion facility being examined by
5 Placer County Water Agency. Be located just downstream or
6 possibly slightly upstream of the existing Auburn Dam
7 diversion tunnel, which is shown right here. Another site
8 being considered is the site just adjacent to that
9 diversion tunnel.

10 A fourth -- another site also being
11 considered an optional site would be located at the mouth
12 of Knickerbocker Canyon, which is known as Site 4 on the
13 map. That site's unique in that it does occur within the
14 historic high-water pool of Folsom Reservoir.

15 And the final site that we're looking at
16 right now or considering right now is about 3,000 feet
17 upstream of the Auburn Dam diversion site near Tamaroo
18 Bar.

19 Now, diversions from the north fork would
20 serve Georgetown's needs and the western portion of the
21 service area south of Cool. Water would be pumped from the
22 river to a proposed treatment, facility storage and
23 treatment facilities just up the hill out of the canyon
24 from the American River in this general area here. Again,
25 near Cool.

1 A pumping station would be required to
2 accommodate a lift of about 1,000 feet. About a mile and a
3 half of pipeline would be constructed to connect the
4 pumping facility to the proposed storage and treatment
5 facilities. And another mile or two of pipeline would be
6 needed to connect those facilities to the existing
7 distribution system, which is located near Cool.

8 EIR/EIS will examine a variety of options for
9 locations of those treatment and storage facilities.

10 Now, PL 101-514 specifically requires that
11 CVP water be delivered. That creates a problem with
12 diversion from the north fork because CVP does not have an
13 entitlement, arguably does not have an entitlement in the
14 north fork of the river. So right now the thinking is that
15 in order to implement that diversion site, El Dorado County
16 Water Agency would need to enter into an agreement with
17 PCWA for an exchange, an exchange of an equal amount of CVP
18 water for water diverted at the north fork from PCWA.

19 Now, as acquired in the EIR -- as required,
20 the EIR/EIS would address a reasonable range of project
21 alternatives to meet the basic objectives of the proposed
22 project. The report will include an analysis of the
23 No-Project Alternative. We'll also take a look at an
24 alternative diversion site at the confluence or near the
25 confluence of the Sacramento and American rivers along with

1 the diversion sites I've talked about tonight.

2 And, finally, as I said, we'll also be
3 looking at a variety of alternative locations for storage
4 and diversion facilities that would be constructed as part
5 of the project.

6 As required the EIR/EIS will take a look at
7 potentially significant direct, indirect, and cumulative
8 impacts of the Proposed Project, and these impacts will
9 largely revolve around the construction and operation of
10 the diversion treatment and conveyance facilities which
11 would be operated under the proposed contract. And I've
12 listed some areas of key import for our analysis as it
13 currently stands.

14 Obviously, the project will have an impact on
15 water supply, both the ability of the County to supply
16 water to existing and future users and the impact of
17 additional diversions on downstream water uses as well.

18 As Brian mentioned, lower American resources
19 and the impact of diversions on those resources are
20 certainly important. There are a lot of ongoing studies
21 right now tackling that issue. On our team is SWRI, who is
22 associated very heavily in a lot of those ongoing projects
23 as well.

24 Service area terrestrial resources are also
25 of a concern. Basically delivering new water supply to

1 areas proposed for growth within the various service areas
2 is an issue of concern. It's particularly important in
3 regards to Section 7, Endangered Species Consultation,
4 which will be required with Fish and Wildlife Services as
5 part of the EIR -- the EIS process.

6 Growth, of course, in El Dorado County is a
7 major issue. This project definitely has growth-inducing
8 possibilities. We'll be looking at that very closely. A
9 lot of work was done in the recent update of the El Dorado
10 County General Plan. We'll be using a lot of those studies
11 to the extent possible for our analysis.

12 Natural resources, such as wetlands,
13 sensitive species, water quality, geology in the soils,
14 related impacts on those resources related to construction
15 and operation of the facilities will be looked at in the
16 EIR/EIS along with potential project impacts on public
17 services and utilities and air quality and noise.

18 Now, we prepared a detailed Technical Scope
19 of Work for the upcoming document, which is included in our
20 contract with El Dorado County.

21 We've made a review copy available on the
22 back table, if you'd like to take a look at. If you'd like
23 a copy of that, as Brian said, you can also request one
24 directly from the agency.

25 And with that, I'll turn it back over to

1 Brian for public comment.

2 MR. BOXER: Thanks, Rick. Before we open the
3 public comment period, let me just review very briefly for
4 you the schedule that we are currently anticipating for the
5 process.

6 As is noted here, the Scope of Work and
7 contract were approved by the agency board on the 27th of
8 July, and the close of the comment period for the revised
9 NOP/NOI is the 21st of this month.

10 We anticipate having the Supplemental Scoping
11 Report that includes all of the input that we received
12 through these hearings, as well as the written comments
13 reflected in it by -- in October of 1998. We will then
14 go, at that point really go, dive into the process of
15 preparing the Draft EIR/EIS, which we anticipate to be
16 ready to be circulated for public review in the summer of
17 1999, followed in the fall of 1999 by the final EIR/EIS
18 with the intention that a Notice of Determination can be
19 filed and a Record of Decision published in early in the
20 year 2000.

21 So with that as an overview to what we are
22 anticipated venturing into, we'd like to now open this
23 meeting for public comment.

24 If you would like to give testimony, we ask
25 that you come to the microphone at the podium so that your

1 testimony can be recorded. And that we ask that you start
2 by giving your name and address, and actually before you
3 leave, if you could print your name for the court reporter
4 to assist her.

5 So with that, I'd like to invite any public
6 testimony.

7 MR. HAZBUN: My name's Albert Hazbun, and I'll
8 write it down here.

9 I'm a consulting engineer in El Dorado Hills,
10 and I represent some of the major users of this water in
11 El Dorado Hills.

12 And I've been involved in the establishment
13 of Assessment District Number 12, which is an expansion of
14 the existing Assessment District Number 3, EID's Assessment
15 District Number 3, to be able to provide additional service
16 to additional clients using this water in the El Dorado
17 Hills area.

18 I did give comments last time. I really
19 forgot them. I just have some thoughts I'd like to state
20 right now.

21 One is that it's important for the study to
22 look at the recently prepared study by CH2MHILL called
23 El Dorado Hills Service Area Master Plan. It's an EID
24 document and it talks about this water and how it will come
25 into the system.

1 You mentioned the various alternates, the two
2 alternates how the water will come into the system. I'd
3 like you to pay attention to the fact that the existing
4 water-treatment plant in El Dorado Hills has a capacity of
5 12 million gallons per day, and it's supposed to be
6 expanded up to 20 million gallons per day.

7 To utilize this water, one alternate is to
8 expand that treatment plant up to about 30 million gallons
9 per day, and that is stated in the CH2MHILL report. And I
10 hope you take that into consideration and look at the
11 impacts of that in your EIR.

12 One concern is probably ignorance on my part
13 but it's the area of use. You show on the plan and you
14 showed EID's service area. The Assessment District
15 Number 12 actually goes beyond the existing service area
16 into the EID's area of influence -- whatever. Expanded
17 sphere, right.

18 And so I'd like to make sure that this water
19 can go to those areas and that gets defined in your EIR.

20 I'm also hoping that you would coordinate
21 your efforts with us. CH2MHILL will probably be preparing
22 an EIR for AD12 following your efforts, and it will run
23 concurrently but a bit behind you because AD12 cannot be
24 established until this contract gets perfected and then
25 ultimately becomes available. And so we would like to

1 coordinate our efforts with you and make sure that you will
2 have a more complete EIR. At the same time we can depend
3 on your EIR to complete our side of the water.

4 Once side issue is I recently read, you know,
5 statements by Judge Golden in rejecting the Carson Creek
6 EIR, and I sure hope that you would consider those and
7 provide, let's say, better responses and arguments in your
8 EIR to avoid such decisions against your EIR.

9 One piece of -- one item I'd like to mention
10 is you're definitely going to conservation, because that's
11 a primary requirement by the Bureau of Reclamation.

12 I'd like you to be aware that in El Dorado
13 Hills now we have obtained EID's approval and we are
14 proceeding with providing dual-plumb systems in the Serrano
15 project so that future homes would receive potable waters
16 only indoors and recycled water outdoors. This effort will
17 probably lead to an additional saving of maybe 1500
18 acre-feet of potable water in the El Dorado Hills area.

19 And, lastly, it's basically a question, does
20 this EIR, will it actually be the contract that will
21 provide the water for El Dorado Hills, I mean, for EID? Or
22 will it lead into additional efforts, which would then be a
23 contract by the Bureau to provide the water?

24 MR. BOXER: This will be -- I guess I'll try to
25 answer.

1 MR. HAZBUN: Okay.

2 MR. BOXER: This is going to be the environmental
3 document that will support the contract that will be
4 developed subsequent to the publication of the Record of
5 Decision.

6 MR. HAZBUN: Okay. Therefore, I'd like the Bureau
7 representative to speak a bit about that and give us the
8 schedule for that, assuming your schedule is okay.

9 MR. LESLEY: I'm Cecil Lesley. I'm a repayment
10 specialist for the Bureau of Reclamation, and I would be
11 the lead negotiator for the contract.

12 The contract will run concurrently with the
13 environmental effort, and the contract should be negotiated
14 prior to the Record of Decision.

15 MR. HAZBUN: Thank you. That's all I have.

16 MR. BOXER: Thank you.

17 Any others who would like to provide comment,
18 give testimony?

19 If not, I would just remind everybody that
20 the comment period for the revised NOP/NOI is open through
21 close of business on the 21st of August of this year.

22 Thank you for your attendance, and we will
23 officially close this meeting.

24 (The proceedings were concluded at 2:09 p.m.)

25 ---o0o---

REPORTER'S CERTIFICATE

I, LAURIE L. GOWER, do hereby certify:

That the foregoing transcript of proceedings was taken before me on Friday, August 7, 1998, at the time and place therein set forth, and was taken down by me in shorthand, and thereafter transcribed into typewriting under my direction and supervision;

And I hereby certify that the foregoing transcript of proceedings is a full, true, and correct transcript of my shorthand notes so taken.

I further certify that I am neither counsel
for nor related to any party to said action, nor in anywise
interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto
subscribed my name this 14th day of August, 1998.

Sam Loh

LAURIE L. GOWER, RPR, CSR NO. 8000

APPENDIX C – 2006 PUBLIC AND AGENCY SCOPING

DEPARTMENT OF THE INTERIOR**Bureau of Reclamation****Proposed Water Service Contract, El Dorado County Water Agency, El Dorado County, CA**

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to prepare a draft environmental impact statement/environmental report (EIS/EIR) and notice of scoping meetings.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (as amended) and Section 21061 of the California Environmental Quality Act (CEQA), the Bureau of Reclamation (Reclamation) and El Dorado County Water Agency (EDCWA) intend to prepare a joint EIS/EIR for a Municipal and Industrial (M&I) water service contract from the Central Valley Project (CVP), California. The proposed project consists of a long term water supply contract under which Reclamation would provide up to 15,000 acre-feet per annum (AFA) to the EDCWA for diversion from Folsom Reservoir or for exchange upstream on the American River. The EDCWA proposes to sub-contract this water equally between El Dorado Irrigation District (EID) and Georgetown Divide Public Utility District (GDPUD). EID proposes to take its supply from Folsom Reservoir. GDPUD proposes to take its supply upstream by way of a water exchange with Placer County Water Agency (PCWA). The GDPUD diversion facility is at the American River Pump Station which is currently under construction.

DATES: Reclamation and EDCWA will host two public scoping meetings on the proposed project. The meeting dates are:

- Tuesday, September 26, 2006, 6 to 8 p.m., Placerville, CA.
- Wednesday, September 27, 2006, 6 to 8 p.m., Greenwood, CA.

Any interested member of the public is invited to attend. An overview of the project will be presented and public comments received. Written comments should be mailed to James A. Roberts at the address below by October 11, 2006.

ADDRESSES: The locations of the two meetings are:

- Placerville—El Dorado Irrigation District, Harry J. Dunlop Customer Service Building, Board Room, 2890 Mosquito Road, Placerville.
- Greenwood—Greenwood Community Center, 4411 Highway 193, Greenwood, CA 95635.

Written comments on this notice or the scope of this EIS/EIR should

reference the Bureau of Reclamation/EDCWA CVP Water Service Contract EIS/EIR and be sent to: James A. Roberts, Ph.D., El Dorado County Water Agency, 3932 Ponderosa Road, Suite 200, Shingle Springs, CA 95682.

FOR FURTHER INFORMATION CONTACT:

Brian Deason, Environmental Specialist, Bureau of Reclamation, 7794 Folsom Dam Road, Folsom, California 95630, telephone: (916) 989-7279 or James A. Roberts, Ph.D. at the above address, telephone: (916) 621-5392.

SUPPLEMENTARY INFORMATION: In 1990, Congress passed Public Law 101-514, which directed Reclamation to enter into a long-term CVP M&I water service contract with EDCWA. Section 206 (b)(1)(B) provides that Reclamation enter into an M&I water service contract with EDCWA for up to 15,000 AFA. The proposed action is the execution of a long term water service contract with EDCWA. EDCWA intends to apportion this new contract water to both EID and GDPUD based on these parties' individual water needs and timing requests. This will require separate contracts between EDCWA and both EID and GDPUD with Reclamation approval. At present, it is assumed that the new Federal water supply would be split equally between EID and GDPUD such that each purveyor would be provided up to 7,500 AFA.

The EIS/EIR focuses on the potential environmental impacts resulting from the execution and implementation of the new CVP water service contract. The EIS/EIR will include evaluation of the *no project* alternative as well as alternative delivery quantities. At a project-level, it will address a comprehensive nag of in-stream potential effects resulting from this new 15,000 AFA withdrawal, including a detailed evaluation of the effects to the CVP and the State Water Project (SWP). This will involve assessments of water-related resources including: Fisheries, riparian species/habitats, water-related recreation, water-related cultural resources, and water quality. It will also address water supply impacts across the CVP/SWP, flood control at Folsom Reservoir, and potential effects to CVP hydropower generation and pumping impacts at the reservoir. Water-related analyses will be facilitated through the application and use of Reclamation's planning and operations model, CALSIM II, along with other environmental models that utilize CLASIM II output hydrology. At present, the lead agencies lack sufficient information to ascertain whether any of these impacts will be significant.

No new infrastructure facilities are included with this proposed action. While the EIS/EIR will identify, to the extent known, possible future infrastructure projects that would be needed to fully utilize this contract water, many of these details are not currently known. Accordingly, a program-level assessment of known or potential facilities will be provided in the EIS/EIR.

The EIS/EIR will assess potential impacts to any Indian Trust Assets (ITAs) or any environmental justice issues. Input about concerns or issues related to ITAs is requested from potentially affected Indian groups and individuals, the public, and state and Federal agencies.

This proposed action has been the subject of previous scoping meetings that were published in the **Federal Register** (58 FR 28034, May 12, 1993, and 63 FR 30512, June 4, 1998). However, because the proposed action and alternatives have been updated and more than eight years has passed since the last scoping meetings, additional scoping activities are being initiated at this time.

Special Services

If special assistance is required at the scoping meetings, please contact Donna Potter at 916-978-5103, TDD 916-978-5608, or via e-mail at lpotter@mp.usbr.gov. Please notify Ms. Potter as far in advance of the meetings as possible to enable Reclamation to secure the needed services. If a request cannot be honored, the requestor will be notified. A telephone device for the hearing impaired (TDD) is available at 916-978-5608.

Our practice is to make comments, including names, home addresses, home phone numbers, and email addresses of respondents, available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of

organizations or businesses, available for public inspection in their entirety.

Michael Nepstad,

Acting Regional Environmental Officer, Mid-Pacific Region.

[FR Doc. 06-7705 Filed 9-14-06; 8:45 am]

BILLING CODE 4310-MN-M

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-364 and 731-TA-711 and 713-716 (Second Review)]

Oil Country Tubular Goods From Argentina, Italy, Japan, Korea, and Mexico

AGENCY: United States International Trade Commission.

ACTION: Notice of Commission determinations to conduct full five-year reviews concerning the countervailing duty order on oil country tubular goods ("OCTG") from Italy and the antidumping duty orders on OCTG from Argentina, Italy, Japan, Korea, and Mexico.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the countervailing duty order on OCTG from Italy and the antidumping duty orders on OCTG from Argentina, Italy, Japan, Korea, and Mexico would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* September 5, 2006.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202-205-3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the

Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: On September 5, 2006, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Act. The Commission found that both the domestic and respondent interested party group responses to its notice of institution (71 FR 31207, June 1, 2006) were adequate. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: September 11, 2006.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E6-15359 Filed 9-14-06; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-707-709 (Second Review)]

Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From Argentina, Brazil, and Germany

AGENCY: United States International Trade Commission.

ACTION: Notice of Commission determinations to conduct full five-year reviews concerning the antidumping duty orders on certain seamless carbon and alloy steel standard, line, and pressure pipe ("seamless pipe") from Argentina, Brazil, and Germany.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the antidumping duty orders on seamless pipe from Argentina, Brazil, and Germany would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date. For further

information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* September 5, 2006.

FOR FURTHER INFORMATION CONTACT:

Mary Messer (202-205-3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: On September 5, 2006, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Act. The Commission found that the domestic interested party group response to its notice of institution (71 FR 31209, June 1, 2006) was adequate and that the respondent interested party group response with respect to Argentina was adequate and decided to conduct a full review with respect to the order covering seamless pipe from Argentina. The Commission found that the respondent interested party group responses with respect to Brazil and Germany were inadequate.¹ However, the Commission determined to conduct full reviews concerning seamless pipe from Brazil and Germany to promote administrative efficiency in light of its decision to conduct a full review with respect to seamless pipe from Argentina. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published

¹ Commissioner Deanna Tanner Okun and Commissioner Charlotte R. Lane found that the respondent interested party group response with respect to Germany was adequate.

SUPPLEMENTAL NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT/STATEMENT

From: El Dorado County Water Agency
3932 Ponderosa Road, Suite 200
Shingle Springs, California 95682

This Supplemental Notice of Preparation for an Environmental Impact Report is prepared pursuant to the California Environmental Quality Act (CEQA). It provides supplemental information to the previous Notice of Preparation (NOP) dated May 22, 1998, as described herein. The EIR under preparation will be part of a joint environmental impact report/environmental impact statement (EIR/EIS) addressing the potential environmental consequences of a proposed Central Valley Project (CVP) Water Service Contract between the U.S. Bureau of Reclamation (Reclamation) and the El Dorado County Water Agency (EDCWA).

Previous Notices

An NOP for the EIR/EIS was originally prepared for this project and circulated in April 1993 (SCH # 93052016). A Notice of Intent (NOI), prepared by Reclamation as the federal Lead Agency for purposes of National Environmental Policy Act (NEPA) compliance, was similarly prepared for the project and published in the Federal Register (Vol. 58, No. 90, May 12, 1993). Subsequently, new information regarding potential project alternatives was identified and made available, warranting issuance of another revised NOP in May 1998. Since 1998, a number of events have transpired that have prompted EDCWA to issue this Supplemental NOP. Specifically, in 1999 the El Dorado County General Plan Update was suspended by a Writ of Mandate, and additional environmental review of the General Plan was required. El Dorado County completed the supplemental environmental review, and approved the General Plan Update in July 2004; in March 2005, El Dorado County voters approved the referendum on the General Plan adopted by the Board of Supervisors. In September 2005, the Sacramento County Superior Court discharged the Writ of Mandate that previously limited development approvals in El Dorado County pending completion of the new General Plan. Additionally, water needs for this region have recently been verified, and focused information on the potential alternatives, including the intended service areas, have been established. Through the alternatives development process, key agencies have now been identified as potential Responsible Agencies under CEQA. As explained below, these agencies include the State Water Resources Control Board (SWRCB) and the Placer County Water Agency (PCWA).

Description of the Project

In 1990, Congress passed Public Law 101-514, which directed Reclamation to enter into a long-term CVP Municipal and Industrial (M&I) water service contract with EDCWA. Section 206 (b)(1)(B) provides that Reclamation enter into an M&I water service contract with EDCWA for up to 15,000 acre-feet per annum (AFA). This contract would have a 40-year term and would be subject to renewals. This action, the execution of a *master* contract with EDCWA, represents the proposed action. EDCWA intends to allocate this new contract water to both El Dorado Irrigation District (EID) and Georgetown Divide Public Utility District (GDPUD) based on these parties' individual water needs and timing requests. This will require separate contracts between EDCWA and both EID and GDPUD with Reclamation approval. At present, it is assumed that the new federal allocation would be split equally between EID and GDPUD such that each purveyor would be provided 7,500 AFA. The EIR/EIS will include project-level analysis not only of the master contract between Reclamation and EDCWA, but also of alternative scenarios representing different amounts

of water being allocated to EID and GDPUD respectively, including a reduced diversion (although any treatment and delivery infrastructure required by either of these two agencies will be addressed only programmatically).

For its allocation, EID proposes to divert directly from Folsom Reservoir. Treatment would occur at either the existing El Dorado Hills Water Treatment Plant or at a new plant at Bass Lake. GDPUD, on the other hand, would receive its allocation by way of a water exchange. Due to its inability to divert directly from Folsom Reservoir, GDPUD would exchange its new federal water allocation with another purveyor upstream on the American River (a situation specifically provided for under the legislation); this upstream purveyor must, however, have the ability of directly diverting CVP water.

An obvious location for GDPUD to divert their exchanged water would be at the permanent site for the Auburn Pumps (currently under construction), now owned and operated by PCWA. During the design of the pump station, an under-river caisson was to be stubbed out at the southern bank of the river; this was to accommodate GDPUD in the event that it chose to utilize this diversion facility in the future. Under the water exchange being contemplated, GDPUD would divert a prescribed quantity of PCWA's Middle Fork Project (MFP) water rights water at the pumps, in *exchange* for relinquishing a prescribed quantity of its CVP allocation to PCWA for diversion at Folsom Dam. The exact quantities of the exchange and the conditions of their diversions would be the subject of an agreement between GDPUD, PCWA, and Reclamation. For such an exchange to physically occur, PCWA would ultimately have to petition the SWRCB for a Change in Place of Use (POU) of its MFP water rights. Currently, MFP water rights are not approved for use in El Dorado County. For GDPUD to use MFP water rights water, their service area would have to be included in the MFP authorized POU. Consequently, under this exchange, both PCWA and the SWRCB would be Responsible Agencies, as noted above.

Service Areas (Use Areas)

The current service area boundaries for EID and GDPUD are shown in **Figure 1**. Use of this new CVP water and the new exchanged MFP water rights, however, would be used in a much smaller defined area. These smaller areas are also identified in Figure 1. As denoted by the black cross-hatching, these areas represent the federal "action area". These areas will be the Subcontractor Service Areas (identified in the water service contracts) and, accordingly, will also be, for the most part, the focus of the environmental landside evaluation of this EIR/EIS. The Subcontractor Service Areas have been extensively developed through careful consideration of anticipated future growth areas, consistency with General Plan designation, and based on the practical limits of pumping.

Potential Environmental Impacts

The EIR/EIS focuses on the potential environmental impacts resulting from the execution and implementation of the new CVP water contract. At a project-level, it will address a comprehensive range of in-stream potential effects resulting from this new 15,000 AFA withdrawal, including a detailed evaluation of the effects to the CVP/SWP. This will involve assessments of water-related resources including; fisheries, riparian species/habitats, water-related recreation, water-related cultural resources, and water quality. It will also address water supply impacts across the CVP/SWP, flood control at Folsom Reservoir, and potential effects to CVP hydropower generation and pumping impacts at the reservoir. Water-related analyses will be facilitated through the application and use of Reclamation's planning and operations model, CALSIM II along with other environmental models that utilize CALSIM II output hydrology. At present, the Lead Agencies lack sufficient information to ascertain whether any of these impacts will be significant.

No new infrastructure facilities are proposed with this project. While the EIR/EIS will identify, to the extent known, possible future infrastructure projects that would be needed to utilize the contract

water fully, many of these details are not currently known. Accordingly, as noted above, a program-level assessment of known or potential facilities will be provided in the EIR/EIS.

The range of actions associated with this project has identified the involvement of several agencies. While EDCWA is the Lead Agency under CEQA, the Responsible Agencies include EID, GDPUD, PCWA, and the SWRCB. Each of the Responsible Agencies possesses separate and independent discretionary authority on one or more aspects of the project and is expected to rely on this EIR/EIS, to the extent possible, to support its decisions.

Public Scoping Meetings

EDCWA will co-host two Public Scoping Meetings with Reclamation on the proposed project, to be held in the Placerville and Georgetown Divide areas. The meetings are scheduled for September 26 and 27, 2006 from 6:00 to 8:00 pm. Any interested member of the public is invited to attend. Facilities where the meetings will be held are ADA-accessible. An overview of the project will be presented and public comments received. The locations of the two meetings are provided below:

September 26, 2006 El Dorado Irrigation District
 Harry J. Dunlop Customer Service Building
 Board Room
 2890 Mosquito Road, Placerville

September 27, 2006 Greenwood Community Center
 4411 Highway 193, Greenwood

Project Schedule

The EIR/EIS is expected to be released for public review and comment as a draft early in 2007 along with the draft master CVP water service contract and other supporting environmental documents. The public will be provided 60 days with which to submit formal comments on the draft EIR/EIS and draft CVP water service contract.

Comments on Notice

Any comments on this notice must be received no later than **October 16, 2006**. EDCWA requests that you identify a contact person in your organization in your comment(s). Your written comments to this Notice of Preparation should reference the U.S. Bureau of Reclamation/EDCWA CVP Water Service Contract EIR/EIS and be addressed to:

James A. Roberts, Ph.D.
3932 Ponderosa Road, Suite 200
Shingle Springs, California 95682

September 15, 2006

Signature: 
William T. Hetland, General Manager

Notice of Completion & Environmental Document Transmittal

Appendix C

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613

For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 93052016**Project Title:** U.S. Bureau of Reclamation / El Dorado County Water Agency P.L. 101-514 New CVP Water Service Contract

Lead Agency: El Dorado County Water Agency

Contact Person: William Hetland, General Manager

Mailing Address: 3932 Ponderosa Road, Suite 200

Phone: (530) 621-5392

City: Shingle Springs

Zip: 95682

County: El Dorado

Project Location:

County: El Dorado

City/Nearest Community: El Dorado Hills, Cool, Georgetown, Pilot Hill, Greenwood

Cross Streets: Highway 50, Highway 49, Highway 193

Zip Code: N/A

Assessor's Parcel No.: N/A

Section: Twp.: Range: Base:

Within 2 Miles: State Hwy #: Waterways: American River and tributaries, Folsom Reservoir

Airports: Railways: Schools:

Document Type:CEQA: ☒ NOP☐ Draft EIRNEPA: ☐ NOIOther: ☐ Joint Document☐ Early Cons☐ Supplement/Subsequent EIR☐ EA☐ Final Document☐ Neg Dec

(Prior SCH No.)

☐ Draft EIS☐ Other☐ Mit Neg Dec☐ Other☐ FONSI**Local Action Type:**☐ General Plan Update☐ Specific Plan☐ Rezone

SEP 15 2006

☐ Annexation☐ General Plan Amendment☐ Master Plan☐ Prezone☐ Redevelopment☐ General Plan Element☐ Planned Unit Development☐ Use Permit☐ Coastal Permit☐ Community Plan☐ Site Plan☐ Land Division (Subdivision, etc.)☐ Other New CVP Water Service Contract**Development Type:**☐ Residential: Units

Acres

☐ Water Facilities: Type

MGD

☐ Office: Sq.ft.

Acres

Employees

☐ Transportation: Type☐ Commercial: Sq.ft.

Acres

Employees

☐ Mining: Mineral☐ Industrial: Sq.ft.

Acres

Employees

☐ Power: Type

MW

☐ Educational☐ Waste Treatment: Type

MGD

☐ Recreational☐ Hazardous Waste: Type

Total Acres (approx.)

☒ Other: no development proposed**Project Issues Discussed in Document:**☐ Aesthetic/Visual☐ Fiscal☐ Recreation/Parks☐ Vegetation☐ Agricultural Land☐ Flood Plain/Flooding☐ Schools/Universities☐ Water Quality☐ Air Quality☐ Forest Land/Fire Hazard☐ Septic Systems☐ Water Supply/Groundwater☐ Archeological/Historical☐ Geologic/Seismic☐ Sewer Capacity☐ Wetland/Riparian☐ Biological Resources☐ Minerals☐ Soil Erosion/Compaction/Grading☐ Wildlife☐ Coastal Zone☐ Noise☐ Solid Waste☐ Growth Inducing☐ Drainage/Absorption☐ Population/Housing Balance☐ Toxic/Hazardous☐ Land Use☐ Economic/Jobs☐ Public Services/Facilities☐ Traffic/Circulation☐ Cumulative Effects☐ Other**Present Land Use/Zoning/General Plan Designation:**

Residential (High, Medium, Low, Multi-family), Commercial, Public facilities, Industrial

Project Description: (please use a separate page if necessary)

The proposed action/project is a new CVP M&I Water Service Contract between the U.S. Bureau of Reclamation and El Dorado County Water Agency for up to 15,000 acre-feet per annum (AFA). This contract would have a 40-year term and would be subject to renewals. EDCWA intends to allocate this new contract water to both El Dorado Irrigation District (EID) and Georgetown Divide Public Utility District (GDPUD) based on these parties' individual water needs and timing requests.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Revised 2004

Reviewing Agencies Checklist

Appendix C, continued

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

☒ Air Resources Board
☒ Boating & Waterways, Department of
☐ California Highway Patrol
☒ Caltrans District # 3
☐ Caltrans Division of Aeronautics
☐ Caltrans Planning (Headquarters)
☐ Coachella Valley Mountains Conservancy
☐ Coastal Commission
☐ Colorado River Board
☒ Conservation, Department of
☐ Corrections, Department of
☐ Delta Protection Commission
☐ Education, Department of
☐ Energy Commission
☒ Fish & Game Region # 2
☐ Food & Agriculture, Department of
☒ Forestry & Fire Protection
☐ General Services, Department of
☐ Health Services, Department of
☐ Housing & Community Development
☐ Integrated Waste Management Board
☒ Native American Heritage Commission
☐ Office of Emergency Services

☒ Office of Historic Preservation
☐ Office of Public School Construction
☒ Parks & Recreation
☐ Pesticide Regulation, Department of
☒ Public Utilities Commission
☒ Reclamation Board
☒ Regional WQCB #
☒ Resources Agency
☐ S.F. Bay Conservation & Development Commission
☐ San Gabriel & Lower L.A. Rivers and Mtns Conservancy
☐ San Joaquin River Conservancy
☐ Santa Monica Mountains Conservancy
☒ State Lands Commission
☐ SWRCB: Clean Water Grants
☐ SWRCB: Water Quality
☒ SWRCB: Water Rights
☐ Tahoe Regional Planning Agency
☐ Toxic Substances Control, Department of
☒ Water Resources, Department of
☒ Other see attached distribution list
☐ Other

Local Public Review Period (to be filled in by lead agency)

Starting Date September 15, 2006

Ending Date October 16, 2006

Lead Agency (Complete if applicable):

Consulting Firm: EIP, a division of PBS&J

Address: 1200 2nd St., Suite 200

City/State/Zip: Sacramento, CA 95814

Contact: Jennie Garza

Phone: (916) 325-4800

Applicant: El Dorado County Water Agency

Address: 3932 Ponderosa Road, Suite 200

City/State/Zip: Shingle Springs, CA 95682

Phone: (530) 621-5392

Signature of Lead Agency Representative: 

Date: 9/15/06

Mid Pacific Region
Sacramento, Calif.

Media Contact: Jeffrey McCracken
916-978-5100

Rele

Public Scoping Meetings Scheduled on the Proposed Water Service Contract with El Dorado County Water Agency

The Bureau of Reclamation and El Dorado County Water Agency (EDCWA) intend to prepare a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for a Central Valley Project (CVP) water service contract. In 1990, Congress passed Public Law 101-514, directing Reclamation to enter into a long-term CVP Municipal and Industrial (M&I) water service contract with EDCWA to meet the long-term water supply needs of El Dorado County. The proposed water service contract with EDCWA is for up to 15,000 acre-feet per year for diversion from Folsom Reservoir or for exchange upstream on the American River. EDCWA proposes to sub-contract this water equally between El Dorado Irrigation District (EID) and Georgetown Divide Public Utility District (GDPUD). EID proposes to take its supply from Folsom Reservoir. GDPUD proposes to take its supply upstream by way of a water exchange with Placer County Water Agency at the American River Pump Station.

The EIS/EIR focuses on potential environmental impacts resulting from implementation of the proposed CVP contract and will include evaluation of the "no project" alternative as well as alternative delivery quantities. The project will address a comprehensive range of potential effects resulting from the new water service contract, including a detailed evaluation of the effects to both water and land related resources. The EIS/EIR will also identify, at a programmatic level, possible future infrastructure projects that would be needed to fully utilize this contract water.

A Notice of Intent to prepare the EIS will be published in the Federal Register on Friday, September 15, 2006. Two scoping meetings are being held to solicit public input on topics that will be addressed in the EIS/EIR. Meeting participants will have the opportunity to interact directly with the study team. The meetings are scheduled as follows:

Placerville

Tuesday, September 26, 2006, 6-8 p.m.
El Dorado Irrigation District
2890 Mosquito Road

Greenwood

Wednesday, September 27, 2006, 6-8 p.m.
Greenwood Community Center
4411 Highway 193

Written comments on the scope of the environmental document must be received by close of business Monday, October 16, 2006. Written comments should reference the Bureau of Reclamation/EDCWA CVP Water Service Contract EIS/EIR and be sent to: Mr. James A. Roberts, EDCWA, 3932 Ponderosa Road, Suite 200, Shingle Springs, CA 95682. For further information, contact Mr. Brian Deason, Reclamation, at 916-989-7173 or e-mail bdeason@mp.usbr.gov.

#

Reclamation is the largest wholesale water supplier and the second largest producer of hydroelectric power in the United States, with operations and facilities in the 17 Western States. Its facilities also provide substantial flood control, recreation, and fish and wildlife benefits. Visit our website at www.usbr.gov.

NOTICE OF PUBLIC SCOPING MEETINGS

U.S. Bureau of Reclamation/El Dorado County Water Agency New CVP Water Service Contract

The El Dorado County Water Agency is seeking a new long-term CVP water service contract from the U.S. Bureau of Reclamation which would provide up to 15,000 acre-feet/year from Folsom Reservoir. This action was authorized under P.L.101-514 (Section 206). The pending EIS/EIR will evaluate potential environmental impacts to water- and land-related resources resulting from implementation of the proposed CVP contract. It will evaluate potential impacts of the Agency's provisional plans to allocate this water equally between El Dorado Irrigation District and Georgetown Divide Public Utility District. Alternatives will include reduced and alternative delivery quantities as well as a "No Action/Project" alternative.

Two scoping meetings are being held to solicit public input on topics to be addressed in the EIS/EIR. Meeting participants will have the opportunity to interact directly with the study team. The meetings are scheduled as follows:

Placerville

Tuesday, September 26, 2006, 6-8 p.m.
El Dorado Irrigation District
2890 Mosquito Road

Greenwood

Wednesday, September 27, 2006, 6-8 p.m.
Greenwood Community Center
4411 Highway 193

Written comments on the scope of the environmental document are being accepted through Monday, October 16, 2006. Comments should reference the U.S. Bureau of Reclamation/EDCWA CVP Water Service Contract EIS/EIR and be sent to: Mr. James A. Roberts, EDCWA, 3932 Ponderosa Road, Suite 200, Shingle Springs, CA 95682. For further information, contact Mr. Brian Deason, Reclamation, at 916-989-7173 or e-mail bdeason@mp.usbr.gov.

NRDC in SF

Contact: Amy Macaux
111 Sutter St., 20th floor
San Francisco, CA 94104
415-875-6100

Corps of Engineers

Contact: Mike Mahoney
916-557-6714

DWR

Contact: Alan (Andrew) Aguilar
aaguilar@water.ca.gov
916-651-0703

Sierra Club

Maidu Group (El Dorado County)
Chair: Randy Barrow
530-642-5631

Mother Lode Chapter, Sierra Club
1414 K Street, Suite 500
Sacramento, CA 95814
916.557.1100, Ext. 119

EDF

Contact: Spreck Rosecranz
Oakland Regional Office
5655 College Avenue
Suite 304
Oakland, CA 94618
Telephone: (510) 658-8008
Fax: (510) 658-0630

Deltakeeper

445 Weber Avenue, #137B, Stockton CA 95203,
Telephone: (209) 464-5090
Fax: (209) 464-5174
Email: deltakeeper@baykeeper.org

CDFG

Contact: Stafford Lehr (916) 647-9827 (foothills)
Contact: Mike Healey (LAR)

RWQCB

American River Division
Basin Planning – Betty Yee? 464-4643

**Bureau of Reclamation/El Dorado County Water Agency
New CVP Water Service Contract
Authorized under Public Law 101-514 (Section 206)
Environmental Impact Statement/Report**

Public Scoping Meetings

**El Dorado Irrigation District Board Room
2890 Mosquito Road, Placerville, California
Tuesday, September 26, 2006**

**Greenwood Community Center
4411 Highway 193, Greenwood, California
Wednesday, September 27, 2006**

6:00-8:00 pm

Program

5:45 pm	Attendee Sign-In
6:00 pm	Opening Remarks – Purpose of Meeting
6:10 pm	Project Background Public Law 101-514 (Section 206) Lead Agencies Responsible/Participating Agencies Past Developments and Current Status Project Overview Proposed Project/Action Alternatives/Water Exchange Scope of Environmental Review Endangered Species Act Process Contract Negotiations
6:30 pm	Concluding Remarks – Meeting Format and Introduction of Issue-Tables
6:35 pm	Public Comments
8:00 pm	Adjourn



**WESTLANDS WATER DISTRICT
FRESNO OFFICE**

FAX TRANSMITTAL

3130 NORTH FRESNO STREET/P.O. BOX 6056, FRESNO, CALIFORNIA 93703

TELEPHONE: (559) 224-1523

FAX: (559) 241-6277

TO: James Roberts

DATE: 10/16/06

FAX NO: 530 672 6721

NO. OF PAGES: 3
(Including cover page)

FROM: R. Freeman

MESSAGE: _____

If you did not receive all of the pages, please call (559) 224-1523.



Westlands Water District

3130 N. Fresno Street, P.O. Box 6056, Fresno, California 93703-6056, (559) 224-1523, FAX (559) 241-6277

October 16, 2006

Via: Facsimile: (530) 672-6721
and First Class Mail

James A. Roberts
El Dorado County Water Agency
3932 Ponderosa Road, Suite 200
Shingle Springs, CA 95682

***Re: United States Bureau of Reclamation/El Dorado County Water Agency
Central Valley Project Water Service Contract EIS/EIR***

Dear Mr. Roberts:

Westlands Water District ("Westlands") submits these comments on the scope of the forthcoming joint Environmental Impact Statement/ Environmental Impact Report ("EIS/EIR") for the United States Bureau of Reclamation ("Reclamation")/El Dorado County Water Agency ("EDCWA") Central Valley Project ("CVP") water service contract.

Westlands is a California water district with a right to receive up to 1,150,000 acre-feet of CVP water annually. Westlands uses this water for municipal and industrial purposes, as well as for irrigation of approximately 500,000 acres on the west side of the San Joaquin Valley in Fresno and Kings Counties. Westlands' farmers produce more than 60 high quality commercial food and fiber crops sold for the fresh, dry, canned, and frozen food markets, both domestic and export. More than 50,000 people live and work in the communities that are dependent on Westlands' agricultural economy.

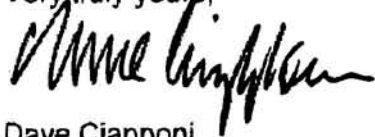
To satisfy the requirements under the National Environmental Policy Act (42 USC, § 4321 et. seq.) and California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et. seq.), Westlands believes that the EIS/EIR must evaluate the following potential impacts:

1. Impacts on biological resources located downstream from the area(s) of appropriation, diversion and/or re-diversion; and
2. Impacts to the CVP including the ability of the Secretary of the Interior meeting his other CVP commitments and Reclamation's ability to satisfy the terms and conditions of water rights it holds for the CVP related to Bay-Delta water quality objectives.

Westlands also believes the United States and EDCWA should revisit the water needs analysis for EDCWA in light of the recent California Court of Appeal, Third Appellate District decision in *El Dorado Irrigation District v. State Water Resources Control Board* (2006) 142 Cal.App.4th 937.

Westlands appreciates the opportunity to submit this letter and thank you in advance for your consideration of our comments. Please contact me if you have any questions.

Very truly yours,



Dave Ciapponi
Assistant General Manager

**GEORGETOWN DIVIDE
PUBLIC UTILITY DISTRICT**

P.O. BOX 4240
GEORGETOWN, CALIFORNIA 95634

PHONE (530) 333-4356
FAX (530) 333-9442

October 6, 2006

James A. Roberts, Ph.D.
El Dorado County Water Agency
3932 Ponderosa Road, Suite 200
Shingle Springs, CA 95682

Re: U.S. Bureau of Reclamation/EDCWA CVP Water Service Contract EIR/EIS -
Supplemental Notice of Preparation of a Draft environmental Impact Report/Statement

Dear Mr. Roberts:

The Supplemental Notice of Preparation for the above project states that at present the EDCWA intends to allocate this new contract water to both the El Dorado Irrigation District and the Georgetown Divide Public Utility District in equal shares. This is consistent with the EDCWA cost sharing agreement for this project. The NOP notes that the EIR/EIS will also consider alternative allocations between the agencies. In the event alternative allocations are considered, the economic and environmental impacts of such alternative allocations should also be considered.

The water allocation authorized under Public Law 101-514 represents an extremely important source of water for both the Georgetown Divide Public Utility District and the El Dorado Irrigation District. Both the County General Plan and EDC Natural Resource Management and Development Plan show that it is imperative for the future of both agencies that they retain their full allocation of 7,500 acre feet annually. Both agencies have participated equally in the expense associated with developing the alternative supply and should retain the right to use the water when necessary. If an alternative allocation of the water is considered, the language in the alternative allocation should contain a provision that requires the purveyor receiving more than 7,500 acre feet to provide financial compensation to the other agency in an amount agreed upon by the purveyors.

Thank you for your consideration. We look forward to reviewing the Draft EIR/EIS for this important project.

Very truly yours,



Bob Diekon
Board President

cc: El Dorado Irrigation District

RECEIVED

OCT 17 2006

**EL DORADO COUNTY
WATER AGENCY**

President
John Van De Kamp

President Emeritus
Sage Sweetwood

Senior Vice President
Kevin Johnson

Secretary/Treasurer
Bill Center



PLANNING AND CONSERVATION LEAGUE

Regional Vice Presidents
Elisabeth Brown
Jan Chasten-Brown
Dorothy Green
Phyllis Faber
Rick Hawley
Doug Lindsey
David Mogavero
Lynn Sadler
James Villagras

USBR-CCAO (FOLSOM)
OFFICIAL FILE
RELEASED
OCT 16 2006

CODE	ACTION	INITIALS DATE
400		
415		
419		

October 16, 2006

Brian Deason
Bureau of Reclamation
2800 Cottage Way, MP-730
Sacramento, CA 95825

RE: Scoping comments on preparation of the EIR/EIS for the El Dorado County Water Agency Proposed Water Service for the 15,000 acre feet annually (aka "Fazio" water) and the Environmental Analysis El Dorado Irrigation District Warren Contract Environmental Analysis for 17,000 acre-feet annually.

Dear Mr. Deason:

This letter is submitted as the comments of the Planning and Conservation League regarding preparation of the EIR/EIS for the El Dorado County Water Agency Proposed Water Service for the 15,000 acre feet annually (aka "Fazio" water) and the Environmental Analysis El Dorado Irrigation District Warren Contract Environmental Analysis for 17,000 acre-feet annually. Among other issues we are concerned that the project proposes to increase water diversions that will reduce flows into the Lower American River and the Delta at the same time federal and state scientists are discovering that existing diversions are negatively affecting threatened and endangered fish populations.

We recommend that the Bureau of Reclamation address the following issues in the draft EIS and EA:

- 1.) Fully analyze impacts of the proposed project given the new information from studies conducted under the State and federal Pelagic Organism Decline studies. Specifically, the draft EIS should address the degree to which the projects will contribute to reduced freshwater flows in the Bay Delta Estuary, salinity changes in the Delta and negative impacts on instream and downstream fisheries.
- 2.) The draft EIS and the EA should fully analyze the projects' impacts given the impacts of climate change. The Department of Water Resources released "Progress on Incorporating Climate Change into Management of California's Water Resources" in July 2006. That report included information on how climate change is likely to affect Delta and upstream resources, as well as water supply. According to the DWR report, climate change will result in reduced water available to the environment, and an increase the temperature of those waters. The draft EIS and draft EA should incorporate this information, as well as other studies on climate change and California.¹ The draft EIS and the draft EA must address how these projects will impact fisheries and environmental resources given the already stressful conditions posed by

Classification ENV-6.00
Project CVP
Control No. 06027217
Folder I.D. 7907



1107 9th Street, Suite 360, Sacramento, CA 95814 Phone: 916-444-8726 Fax: 916-448-1789
Website: www.pcl.org Email: pclmail@pcl.org



climate change. The draft EIS and draft EA should also analyze the degree to which the proposed project will impact the availability of water, and in particular cold water in Folsom Reservoir, for fisheries given the impacts of climate change. The draft EIS and draft EA should also analyze the impacts, especially but not limited to impacts on fisheries, of the revised Folsom Reservoir operations likely to be required for flood protection under the climate change scenarios.

3.) Environmental documents should fully evaluate whether project operations will inhibit the restoration of endangered species, including salmon, steelhead and Delta smelt, as well as the greater ecosystem of the American River, the Sacramento River and the Delta. The draft EIS and draft EA should explicitly state how the projects would be operated to meet the salmon fish doubling goals of the CVPIA.

4.) Environmental documents should fully analyze an alternative that includes increased implementation of water conservation, and water recycling as methods for reducing demands for increased water diversions. This alternative should address the information included in the California Water Plan 2005, released by the Department of Water Resources in April 2006.

5.) Fully analyze the impacts of the project on the fisheries of the Lower American River.

6.) Fully analyze the impacts of the project on the ability of the Bureau of Reclamation to meet existing flow standards (Decision 893) as well as the flow standards recommended by the Water Forum.

7.) Fully analyze the impacts of the utilization of this water on the operations of the upstream reservoirs that are the source of the water. The draft EIS and draft EA should also analyze the impacts of such re-operations.

The draft EIS and draft EA should analyze the impacts of this project in light of the recent "Robie decision" invalidating the applicability of the State Water Resources Control Board Term 91 on this water. These impacts include operation of Folsom Reservoir as well as impact on the Bay Delta.

8.) The environmental documents must fully disclose and analyze the impacts of the intended uses of the proposed water diversions. Impacts analyses must include specifically, any increased runoff and pollutants that will be introduced to the American River and downstream ecosystems resulting from the urban use and any other intended uses of the water proposed to be diverted by these projects.

9.) The draft environmental documents must fully analyze the cumulative impacts of all proposed and pursued water diversions in the American River Watershed, and the cumulative impacts of all water diversions in the Bay Delta Watershed. Specifically, the environmental analyses must include impacts to the Bay Delta Estuary's water quality, fisheries and salinity resulting from the cumulative impacts of all upstream diversions and intended increases in Bay Delta exports (including SDIP and the Intertie projects that the Bureau is simultaneously pursuing).

10.) The draft environmental documents must analyze the contribution to greenhouse gas generation that will result from the pumping of water from the diversion point to the point of use. These impacts must be fully mitigated or avoided. These impacts must also be analyzed in light of the overall cumulative impacts of all greenhouse generation.

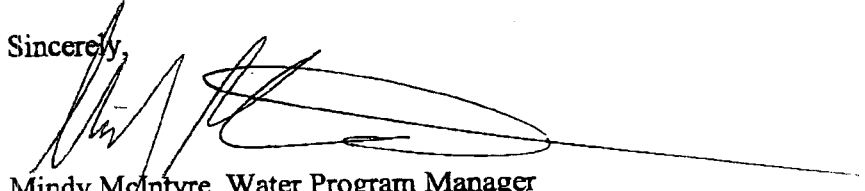
11.) The draft EIS and draft EA should not be issued until there are Habitat Conservation Plans approved for all the areas in El Dorado County that would receive water from the project. The draft EIS and draft EA should also not be issued until El Dorado County has met all of its existing requirements for habitat mitigation including preservation of rare and endangered plants.

Recently, the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish & Wildlife Association announced that each agency will reinstate consultation on the OCAP Biological Opinions. PCL strongly urges the Bureau of Reclamation to delay preparation of the EIS until NOAA and the USFWS have prepared and issued the new biological opinions for the OCAP.

PCL remains concerned that the proposed projects will compound the ecological problems that are now apparent in the American River, the Sacramento River and the Bay Delta Estuary. We strongly urge the Bureau of Reclamation to pursue operations that will decrease stress on the Lower American River and the Bay Delta Estuary and allow recovery of salmon, steelhead, smelt and other species.

PCL requests written notification of any notices filed and decisional documents, including draft EIR/EIS and environmental analyses related to these projects.

Sincerely,



Mindy McIntyre, Water Program Manager
Planning and Conservation League

Many studies have been conducted that estimate the impacts of climate change on California water resources. These studies include:

Documentation of Inputs to Macroeconomic Assessment of the 2006 Climate Action Team Report to the Governor and Legislature, Final Version. Posted: March 24, 2006.

Learning From State Action on Climate Change. Pew Center On Global Climate Change, November 2005 Update, reprinted with permission. Posted: December 8, 2005.

Scenarios of Climate Change in California: An Overview. FINAL report from California Energy Commission, Public Interest Energy Research (PIER) Program, California Climate Change Center, publication # CEC-500-2005-186-SF, posted: February 27, 2006.

An Assessment of Impacts of Future CO2 and Climate on Agriculture.

FINAL white paper from California Climate Change Center, publication # CEC-500-2005-187-SF, posted: March 15, 2006.

Analysis of Climate Effects on Agricultural Systems. FINAL white paper from California Climate Change Center, publication # CEC-500-2005-188-SF, posted: February 27, 2006.

Climate Change: Challenges and Solutions for California Agricultural Landscape.

FINAL white paper from California Climate Change Center, publication # CEC-500-2005-189-SF, posted: February 27, 2006.

Climate Change and Wildfire In and Around California: Fire Modeling and Loss Modeling.

FINAL white paper from California Climate Change Center, publication # CEC-500-2005-190-SF, posted: February 27, 2006.

The Response of Vegetation Distribution, Ecosystem Productivity, and Fire in California to Future Climate Scenarios Simulated by the MC1 Dynamic Vegetation Model.

FINAL white paper from California Climate Change Center, publication # CEC-500-2005-191-SF, posted: February 27, 2006.

Fire and Sustainability: Considerations for California's Altered Future Climate.

FINAL white paper from California Climate Change Center, publication # CEC-500-2005-192-SF, posted: February 27, 2006.

Climate Change Impact on Forest Resources.

FINAL white paper from California Climate Change Center, publication # CEC-500-2005-193-SF, posted: March 16, 2006.

Climate Change Impacts on Water for Agriculture in California: A Case Study in the Sacramento Valley.

FINAL white paper from California Climate Change Center, publication # CEC-500-2005-194-SF, posted: March 15, 2006.

Climate Warming and Water Supply Management in California. FINAL white paper from California Climate Change Center, publication # CEC-500-2005-195-SF. March 16, 2006.

Predicting the Effect of Climate Change on Wildfire Severity and Outcomes in California: A Preliminary Analysis.

FINAL white paper from California Climate Change Center, publication # CEC-500-2005-196-SF, posted: March 22, 2006.

Public Health-Related Impacts of Climate Change in California. FINAL white paper from California Climate Change Center, publication # CEC-500-2005-197-SF, posted: March 22, 2006.

Preparing for the Impacts of Climate Change in California: Opportunities and Constraints for Adaptation.

FINAL white paper from California Climate Change Center, publication # CEC-500-2005-198-SF, posted: March 22, 2006.

Climate Change Impacts on High Elevation Hydropower Generation in California's Sierra Nevada: A Case Study in the Upper American River. FINAL white paper from California Climate Change Center, publication # CEC-500-2005-199-SF, posted: March 22, 2006.

Predictions of Climate Change Impacts on California Water Resources Using CALSIM-II: A Technical Note.

FINAL white paper from California Climate Change Center, publication # CEC-500-2005-200-SF, posted: February 27, 2006.

Climate Change and Electricity Demand in California, FINAL white paper from California Climate Change Center, publication # CEC-500-2005-201-SF, posted: February 27, 2006.

Projecting Future Sea Level, FINAL white paper from California Climate Change Center, publication # CEC-500-2005-202-SF, posted: March 15, 2006.

Climate Scenarios for California, FINAL white paper from California Climate Change Center, publication # CEC-500-2005-203-SF, posted: March 15, 2006.

Climate Change Projected Santa Ana Fire Weather Occurrence, FINAL white paper from California Climate Change Center, publication # CEC-500-2005-204-SF, posted: February 27, 2006.

Garza, Jennifer O

From: Betty Yee [byee@waterboards.ca.gov]
Sent: Thursday, October 19, 2006 4:59 PM
To: Garza, Jennifer O
Subject: NOP for El Dorado County Water Agency new CVP Water ServiceContract

Hi Jennie,

I reviewed the information that you sent regarding the new water service contract. It seems to me that State Board in their Water Rights capacity would be best able to address any concerns that the Regional Board might have. However, I would like to mention a few items that might be considered in developing the EIR/EIS.

1. The Lower American River from Folsom Dam to its confluence with the Sacramento River is designated as a "recreation" river in both the State and Federal Wild and Scenic Rivers systems. Will this project affect this designation?

2. The usage of the water by the two beneficiaries, EID and GDPUD, will probably generate wastewater. The impacts of the wastewater should be addressed with respect to the disposal of the wastewater. Its also important to note that urban runoff is also a wastewater that we regulate.

Thanks for sending me the NOP. If you have any questions, please contact me.

Betty

Betty Yee
Senior Water Resource Control Engineer
CA Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114
916-464-4643
FAX: 916-464-4780
Email: byee@waterboards.ca.gov

EL DORADO
COUNTY



ENVIRONMENTAL
MANAGEMENT
DEPARTMENT

October 19, 2006

James A. Roberts, Ph.D
3932 Ponderosa Road, Suite 200
Shingle Springs, CA 95682

SUBJECT: Supplemental Notice of Preparation of a Draft Environmental Impact Report/Statement for the Proposed Central Valley Project Water Service Contract between the U.S. Bureau of Reclamation and the El Dorado County Water Agency – COMMENT

*Environmental
Health Division*

*Air Quality
Management
District*

*Solid Waste &
Hazardous
Materials
Divisions*

Vector Control



Dear Mr. Roberts:

The El Dorado County Air Quality Management District (District) received and reviewed the **"Supplemental Notice of Preparation of a Draft Environmental Impact Report/Statement for the Proposed Central Valley Project Water Service Contract between the U.S. Bureau of Reclamation and the El Dorado County Water Agency"** prepared by the El Dorado County Water Agency, El Dorado County, California.

The District has no comments on the **"Supplemental Notice of Preparation of a Draft Environmental Impact Report/Statement for the Proposed Central Valley Project Water Service Contract between the U.S. Bureau of Reclamation and the El Dorado County Water Agency"**.

If you have any questions regarding the District comment, please do not hesitate to contact our office at (530) 621-6662.

Respectfully,

Dennis Otani
Dennis Otani, Senior Air Quality Specialist
Air Quality Management District

DMO:do

**PLACERVILLE
OFFICE**

2850 Fairlane Ct.
Building C
Placerville, CA 95667

Ph. 530.621.5300
Fax. 530.642.1531
Fax. 530.626.7130

**SOUTH LAKE
TAHOE OFFICE**

3368 Lake Tahoe Blvd.
Ste 303
South Lake Tahoe, CA
96150

Ph. 530.573.3450
Fax. 530.542.3364

h:\apcd\landuse\ceqa\101906JamesRobertsEDCWADraftEIRReportStatementWaterContractComment

RECEIVED

OCT 24 2006

EL DORADO COUNTY
WATER AGENCY

www.co.el-dorado.ca.us/emd



Memorandum

To: Robert Shibatani

From: Jennie Garza

Date: October 23, 2006

Subject: USBR / EDCWA P.L. 101-514 New CVP Water Service Contract EIS/EIR

This memo presents the key points of the comment letters received in response to the Notice of Preparation and Public Scoping Meetings for the P.L. 101-514 Joint USBR/EDCWA new CVP M&I water service contract.

Two Public Scoping Meetings were held, the first at EID on September 26, 2006; the second at the Greenwood Community Center on September 27, 2006. Both sessions included a brief PowerPoint introduction to the project, followed by an "open house" format with three tables to address questions or comments from the public. One table was staffed to address environmental questions, a second to address CEQA, NEPA and contracting process questions, and the third by purveyor and EDCWA staff to address district-specific or project description questions. Four members of the public attended the EID session; nine members of the public, including a Mountain Democrat reporter, are recorded as attending the Greenwood meeting. Only one written comment was submitted at the two Public Scoping Meetings.

CNPS

Sue Britting submitted a comment on September 26, 2006 at the EID Public Scoping Meeting regarding Gabbro soils rare plants – recommends support and advocacy of habitat in the recovery plan toward the target 5,000 acres, with particular attention to adding acreage in the Cameron Park Preserve Unit.

Westlands Water District

Dave Ciapponi submitted comments on behalf of Westlands on October 16, 2006, suggesting the document:

1. Examine impacts to downstream biological resources
2. Examine CVP impacts, especially ability of Reclamation to meet contracts and satisfy Bay-Delta water quality objectives
3. Revisit the "water needs analysis for EDCWA" in light of the recent EID Term 91 case decision

GDPUD

Bob Diekon submitted comments on behalf of GDPUD date October 6, 2006 (received October 17, 2006) requesting the document:

1. Consider economic and environmental impacts of any alternative allocations
2. Contain an alternative with a provision worded to require that if either purveyor receives more than 1/2 the P.L. 101-514 allocation, it must compensate the other purveyor for the amount over 7,500 AFA that it receives.

U.S. EPA Comments

Comments from the U.S. EPA were received at a consultation meeting with Laura Fujii on October 4, 2006. The comments submitted consist of a re-submission of the 1993 and 1998 comments.

1. Describe other on-going regional water supply/ flood control projects
2. Include alternatives to acquiring contract rights to additional water.
3. Provide detail on: water conservation plans, pricing strategies (beyond minimum CVPIA requirements), and water reclamation, BMPs, metering
4. Specify current water supplies and projected demand in Purpose and Need
5. Consider a "combination alternative" of conservation/reclamation/transfers/tiered pricing
6. Consider diversions in relation to downstream flow requirements
7. Cite specific documents and page numbers for info incorporated by reference
8. Growth-inducing effects discussion should address:
 - a. Increases in air and water pollution, soil related problems (erosion or groundwater contamination), and habitat loss
 - b. Additional fiscal resources needed to protect air and water quality, reduce water demand and avoid significant impacts to wildlife habitat and wetlands, "etc."
9. Identify existing "designated uses" (not only "beneficial uses" per Reclamation law) and the associated/applicable water quality standards
10. Acknowledge Bay/Delta standards are being reassessed and discuss:
 - a. Requirements pursuant to Clean Water Act and water quality standards
 - b. Any legal or policy constraints to complying with these standards
11. Identify potential nonpoint pollution from building/operating the proposed action (e.g., sediment, heavy metals, herbicides)
12. Identify ESA requirements and address specific Delta fisheries needs and identify resources at risk (including wetlands, fisheries habitat, spawning and rearing habitat.
13. Identify dredge or fill activities and comply with all Clean Water Act Section 404 guidelines.
14. Specify if any Hazardous substances will be used
15. Address any growth inducing impacts to air quality and contribution to non-attainment of any air quality standards.

Regional Water Quality Control Board

1. Address effects on the "recreation" designation for the Lower American River and Sacramento River below the confluence with the American
2. Address effects of wastewater generated by the project.

El Dorado County Environmental Management Department

Submitted a letter stating the District has no comment on the NOP.

California Sport Fishing Protection Alliance

Chris Schutes made a verbal comment via phone to EDCWA suggesting the inclusion of a project Alternative to use the Fazio water for drought reserve.

Planning and Conservation League letter

Dated October 16, 2006, addressed to Brian Deason

Deals with both the P.L. 101-514 water and the EID 17,000 AFA Warren Act contract.

1. Analyze impacts relative to the Pelagic Organism Decline.
2. Address the impacts of the projects in light of climate change
3. Evaluate whether project operations will inhibit restoration of ESA (including delta smelt, steelhead, etc.)
4. Evaluate an alternative implementing water conservation and recycling
5. Address Lower American River fisheries impacts
6. Determine effect on Reclamation's ability to meet D893 flow standards
7. Analyze impacts to upstream reservoirs, and do so in light of the "Robie decision" on Term 91
8. Disclose impacts caused by runoff and pollutants
9. Analyze cumulative impacts on all proposed and pursued diversions in the American River Watershed, and cumulative effects on the Delta.
10. Address greenhouse gas contributions from pumping costs
11. Do not issue a DEIR until the County HCP has been approved.
12. Consider OCAP re-consultation

Meeting summaries

California Department of Fish and Game

10 AM November 17, 2006 at Region 2 Headquarters, Nimbus

In attendance: Mike Healey (DFG), Bill Hetland, Robert Shibatani, Jennie Garza

Temperature, including Folsom Reservoir cold-water pool and lower American River flows

Steelhead are less of a concern than Salmon – there is potential to “waste” flows during the summer for Steelhead and have less cold water left for returning Chinook in the fall

Importance of other species: Green Sturgeon, striped bass, shad, splittail, pikeminnow – not of particular concern for the American, GS are not resident in the American

Steelhead stock includes both a small amount of Central Valley Steelhead and Eel River ESU, brought as eggs to re-stock the American (NOAA could potentially want to get rid of non-native Eel ESU steelhead in favor of a pure CV ESU run)

Current returning stocks are an average year per historical figures, approx. 35,000 – the previous 5 years had been record returns, so we are seeing a return to “normal”, not a “decline” per se.

Minimize ramping rate effects (redd dewatering and stranding)

Backwaters created for splittail can strand juvenile Chinook

Focus on the Watt Avenue compliance point (temperature of 65° - 68° F)

No 1600s should be needed from DFG

Re: Folsom spillway, DFG is concerned about sediment discharge cut/fill disposal

Show CALSIM modeling results to DFG

Assess resident Folsom Lake fish population

California Department of Parks and Recreation

1 PM November 16, 2006 at Goldfields Regional office (Folsom Dam Rd)

In attendance: Jim Micheals, Michael Gross, Robert Shibatani, Jennie Garza

Impacts to Folsom Reservoir, particularly in the form of a good cumulative impact assessment – Cal Parks is concerned that impacts to lake levels are being done piecemeal

(Cal Parks is supposed to get \$3M in federal funds and/or \$1M from Water Forum funds to change Folsom facilities to accommodate lower water levels; SAFCA has also been the cause of impacts to Folsom from flood control, and needs to come back to complete mitigation)

Cal Parks current problems:

Inadequate parking when water levels are high (Memorial Day to July 4 are extremely busy weekends) it is often necessary to turn cars/boats away. The driest/hardest time is Early-mid August or so.

Folsom State Recreation Area has a General Plan (last updated in 1979) currently being updated.

Other concerns: Folsom spillway project would close Folsom Point for 3-5 years.

CALFED Meeting

12 noon November 13, 2006 at 650 Capitol Mall, 5th floor

In attendance: Ron Ott, Leo Winternitz, Michelle Shouse, Bill Hetland, Robert Shibatani, Jennie Garza

(PowerPoint presentation, followed by discussion)

EWA – Review of existing policy and determination of continuation of EWA, dealing with B2 and POD (meeting will be held Nov. 28-30 at CALFED, Bay-Delta Rm.)

EWA should be included in OCAP – not including it would prompt a jeopardy opinion

If it is included in OCAP without specifics, is likely a jeopardy opinion would still be issued

The Bay-Delta Conservation plan (currently in progress) may include similar provisions to EWA, and would be negotiated with purveyors, who would pay for the conservation

SDIP will undergo a similar review process to the EWA

CALFED end of Stage 1 – has had drinking water quality and ecosystem goals both, but upcoming review will determine if current system works; look for a Stage 1 report including operations in spring 2007.

This evaluation will be factored into the Delta Vision (Governor's executive order) process: Vision by end of 2007, then a Plan at the end of 2008

NOAA has done an independent review and agrees with CalFed that climate change must be addressed

Litigation: CALFED EIR is being challenged; SWP is operating the delta pumps without an ESA take permit (there are methods of counting take, but no paper permit)

CALFED website includes information on climate variability; Ann Lubis-Williams is well aware of the issue.

NRDC is currently having settlement meetings/negotiations with a judge re: OCAP/Delta smelt issue

Delta Risk Management Study (DRMS) will be out in spring, and will address the water supply security as a result of levee conditions

Planning and Conservation League Meeting

2 PM, November 13th, 2006, PCL offices 1107 9th St.

In attendance: Jonas Minton, Bill Center, Mindy McIntyre, Bill Hetland, Emmett Cartier, Robert Shibatani, Jennie Garza

PCL provided context for their comments: many of the comments are common to several projects (SDIP, the Interie, exports from the Delta, diversions prior to the Delta) out of PCL's general concerns about/for the Delta. Look to these other projects that PCL has commented on for additional information; the comment letter was specifically addressed to Reclamation because these comments are ones PCL hopes that Reclamation will address on a system-wide basis. They acknowledge that fully addressing all of these comments is likely not within the realm of reason for this specific project, but hope the other projects and CVP-OCAP re-consultation will address the overarching concerns.

PCL is concerned with the decline of the Delta, especially in the "death by a thousand cuts" sense – each project even with miniscule impacts contributes to the incremental decline of the Delta, but may not have defined incremental project contributions or specific obligations to mitigate for them.

CALSIM is a concern to PCL because of the gross scale and potential precision without accuracy – look for other sorts of analyses to show impact that CALSIM may not capture.

PCL considers the CVP-OCAP B.O. a sort of “General Plan” for the Delta

DWR will be identifying interim measures to address POD by the end of the month.

Concerns about the Delta Smelt B.O. – mitigation is not sufficient regarding water quality, operations, and invasive species

PCL believes inclusion of the FMS in OCAP would help El Dorado in their eyes considerably, particularly if the FMS water is in addition to (b)(2) water (rather than taken out of the (b)(2) allocation)

PCL’s concern about the water/general plan issue focuses on implementation: how much will the County change the *implementation* of the General Plan? (Which prompts the mitigation, the General Plan, or the water acquisition to fulfill the general plan?)

Jonas recognized that this project does not have the scope or funds to address Delta impacts overall, but considers that project impacts to the UAR, Folsom and LAR are best addressed on a small scale by the affected/interested parties

PCL notes that the cumulative analysis in this EIS/EIR and the EID Warren Act EA should be consistent, and the cumulative conclusion should be similar

Re: HCP – BLM staff (Graciela Hinshaw) or Sue Britting should have updates regarding trouble with funds, or trouble acquiring parcels within the preserve boundaries/sensitive areas/wildlife corridors

Runoff issues: make sure that County planning commission or the General Plan have adequate information and implementation policies governing runoff

Comments from the U.S. EPA were received at a consultation meeting with Laura Fujii on October 4, 2006. The comments submitted consist of a re-submission of the 1993 and 1998 comments. *file copy*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Rod Hall
Bureau of Reclamation
Folsom Office
7794 Folsom Dam Road
Folsom, CA. 95630

8/20/98

Merv De Haas
General Manager
El Dorado County Water Agency
330 Fair Lane
Placerville, CA. 95667

Dear Mr. Hall and Mr. Haas:

The Environmental Protection Agency (EPA) has reviewed the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the project entitled **Proposed Water Service Contract, El Dorado County Water Agency, El Dorado County, CA.** Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

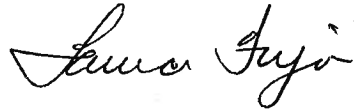
The proposed project consists of a water supply contract for the El Dorado County Water Agency (Agency) under which the Bureau of Reclamation (Reclamation) would provide up to 15,000 acre-feet/year from Folsom Reservoir. The Agency's provisional plans are to divide this water equally between El Dorado Irrigation District (EID) and Georgetown Divide Public Utility District (GDPUD). EID proposes to take its supply from Folsom Reservoir. GDPUD proposes to take its supply either from Folsom Reservoir or upstream by way of a water exchange with Placer County Water Agency (PCWA). Public Law 101-514 directs the Secretary of the Interior to enter into long term municipal and industrial water supply contracts with El Dorado County to meet its immediate water needs and has excluded the contract from the prohibition on new contract funding found in Public Law 102-575. The EIS will include evaluation of the no project alternative, alternative diversion points, and alternative treatment and delivery facilities. The proposed project was the subject of previous scoping in May 1993.

EPA provided scoping comments in response to the original May 1993 Notice of Intent. These comments are still relevant and are incorporated by reference and are enclosed. In addition, we recommend the EIS include a description of the historical context of water supply issues in El Dorado County and the American River Basin. For instance, briefly describe other on-going water supply and flood control activities (e.g.,

water supply contracts with Sacramento County Water Agency, San Juan Water District and EMBUD), policy development (e.g., Water Forum, Bay Delta Accord and EIS), and pertinent legislation (e.g., CVPIA, Folsom Dam and Auburn Dam legislation). The EIS should also describe changes made in the project proposal since 1993, their possible linkage to other pending water supply projects, and the potential effects of the proposed project on the American River Canyons.

We appreciate the opportunity to review this Supplemental NOI. Please send two copies of the DEIS to this office at the same time it is officially filed with our Washington D.C. Office. If you have any questions, please call me at (415) 744-1601.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Fujii", written in a cursive style.

Laura Fujii
Federal Activities Office

Enclosures: (9 pages)
MI001911
Filename: doradnoi.wpd

cc: Frank Michny, Division of Environmental Affairs, Bureau of Reclamation
Kirk Rodgers, Water Policy and Allocation Office, Bureau of Reclamation
US Fish and Wildlife Service, Sacramento
National Marine Fisheries Service, Santa Rosa



Project

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3901

June 11, 1993

Roger K. Patterson
Bureau of Reclamation
Mid-Pacific Region
2800 Cottage Way
Sacramento, CA 95825-1898

Robert J. Reeb
General Manager
El Dorado County Water Agency
330 Fair Lane
Placerville, CA 95667

Dear Mr. Patterson and Mr. Reeb:

The Environmental Protection Agency (EPA) has reviewed the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the project entitled **Proposed Water Service Contract, El Dorado County, California**. Our review is provided pursuant to the National Environmental Policy Act (NEPA) [42 USC 4231 et seq.], Council on Environmental Quality (CEQ) regulations [40 CFR Parts 1500-1508] and Section 309 of the Clean Air Act.

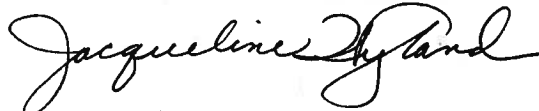
The proposed project consists of a water supply contract for El Dorado County Water Agency (Agency) which has entered into discussions with the U.S. Bureau of Reclamation to negotiate long-term water supply contracts from the American River Division, Central Valley Project. Public Law 101-514 directs the Secretary of the Interior to enter into long term municipal and industrial water supply contracts with El Dorado County for up to 15,000 acre feet annually. It is proposed that the contract water would be diverted at the Folsom Reservoir or upstream from the American River or its tributaries.

In defining the project purpose, we recommend that the EIS include options to meet future water supply demands by analyzing alternatives to acquiring contract rights to additional water. The EIS should take into account those limitations on the availability of diversions from the American River given passage of the Central Valley Project Improvement Act and the existence of the Public Trust resources in the American River and the San Francisco Bay-Sacramento San Joaquin Delta Estuary. Given these limitations the EIS should discuss and assess the alternatives

regarding points of diversion and in-stream flow requirements of the American and Sacramento Rivers. The EIS should also set out in extensive detail the required water conservation plans for the District, water pricing strategies, and water reclamation opportunities.

We look forward to working with the Bureau of Reclamation and the El Dorado County Water Agency and appreciate the opportunity to review and provide comments on this scoping for the preparation of an environmental impact statement. Please send three copies of the Draft Environmental Impact Statement to this office at the same time it is officially filed with our Washington, DC office. If you have any questions, please feel free to contact me at (415) 744-1584, or have your staff contact Edward Yates at (415) 744-1571.

Sincerely,

A handwritten signature in cursive script, reading "Jacqueline Wyland".

Jacqueline Wyland, Chief
Office of Federal Activities

Enclosures: 3
MI #: 1911 ELDO.NOI

cc: Kirk Rodgers, USBR, Water Policy and Allocation Office

GENERAL COMMENTS

Statutory Background

Authorization for this project is set out in Section 206(b)(1)(B) of Public Law 101-514 which directs the Secretary of the Interior to enter into long term municipal and industrial water supply contracts with El Dorado County. These water contracts are for up to 15,000 acre feet annually "considering reasonable efforts to ensure water conservation programs within areas to be served by the contracts." This project must take into account the consultation requirements set out in the Endangered Species Act [16 USC 1531 et seq.] (ESA). This project must also conform to the requirements of the Central Valley Improvement Act (Public Law 102-545) (hereinafter Improvement Act) and the Reclamation Reform Act (Public Law 97-293) which set out standards and criteria for water quality, metering, and conservation, environmental review. These requirements are detailed below. [All code citations refer to sections of the Improvement Act, unless otherwise noted.]

The Bureau of Reclamation is also required to draft a Programmatic Environmental Impact Statement (EIS) for the entire Central Valley Project [§3409]. This process will probably not be completed until well after the El Dorado Water Service Contract EIS has been completed. The Bureau of Reclamation should, therefore, reserve the option of reopening certain contract terms of the El Dorado project in order to meet its statutory mandates under the Improvement Act.

Purpose and Need for the Project

When specifying the purpose and need of the proposed action [40 C.F.R. § 1502.13], we recommend that the project purpose specify the current water supplies and the projected demand for additional water sources. These projections should set out the various projections given different levels of water conservation and pricing described below. This section should also point out the environmental purposes for American River water that have been established by the Improvement Act. Section 3406(b)(2) of the Improvement Act requires the Secretary of the Interior to dedicate annually 800,000 acre-feet of Central Valley Project (CVP) yield for the restoration of fish, wildlife and habitat and to protect the waters of the San Francisco Bay-Sacramento/San Joaquin Delta Estuary (Bay-Delta).

Further, the Environmental Impact Statement (EIS) should recognize both the specific project purpose and the broader environmental purposes set out in the Improvement Act and other

laws such as the Endangered Species Act. Any quantity of water for the project should be explicitly conditioned on availability of water after meeting environmental purposes. The EIS should identify these purposes/requirements and demonstrate how they will be implemented. In assessing alternatives, the EIS should present a range of actions that are directed toward satisfying project purposes and objectives.

Alternatives Analysis

When evaluating all reasonable alternatives and discussing reasons for eliminating other alternatives [40 C.F.R. § 1502.14], we recommend that project sponsors consider a combination of alternatives in addition to those stated in the Notice of Preparation for this EIS. A combination alternative could include water conservation, water reclamation, water transfers and water pricing. The EIS should also include the "No Action" alternative as required by the CEQ regulations [40 CFR 1502.14(d)]. A no action alternative could describe the above mentioned combinations without any additional water contracting.

Water Conservation. Section 210(b) of the Reclamation Reform Act requires each water district that has entered a water service contract to develop a water conservation plan which shall contain "definite goals, appropriate water conservation measures, and a time schedule for meeting the water conservation objectives." Section 3405 of the Improvement Act directs the Bureau of Reclamation to establish criteria for evaluating the adequacy of these water conservation plans. The Bureau has issued such criteria (April 30, 1993) and has recently finalized this criteria in a Guidebook issued June 1, 1993. The EIS should demonstrate how El Dorado County is complying with the requirements in these guidance documents that are applicable to El Dorado.

The EIS should also use the enclosed guidelines for water conservation, "Best Management Practices," (BMPs) issued by the California Urban Water Conservation Council [Memorandum of Understanding Regarding Urban Water Conservation in California, September, 1991]. The EIS should also expand on these BMPS where appropriate, e.g. design requirements for new development, water reclamation, use of conserved water.

Section 3405(b) requires that any new water contract for CVP water must include a requirement that all water delivery systems within the recipient district must be equipped with water measuring "devices or methods" within 5 years of the contract or amendment. The EIS should address this requirement by describing El Dorado's plans to institute metering.

Water Transfers. Section 3405(a) provides the authority for California water agencies to use water transfers as alternatives to new contracts or supplies. The EIS should examine the opportunities for water transfers especially those in the same or adjacent watersheds such as Placer County.

Water Price Tiering. Section 3405(d) sets out a system of tiered pricing whereby prices shall increase in relation to water use. These price tiering standards are minimum requirements. The EIS should discuss in detail how more extensive price tiering (i.e. that which goes beyond the minimal requirements of the Improvement Act) can be used to further encourage water conservation and reduce dependence on contracted water.

Point of Diversion. Section 206(b)(1)(B) of Public Law 101-514 states that the water supply contract may come from Folsom Lake or for exchange upstream on the American River or its tributaries. The EIS should describe the reasonable range of alternatives regarding possible points of diversion given this statute and given downstream flow requirements in the American River. Such instream flow requirements were established in Environmental Defense Fund v. East Bay Municipal Utility District, Civ. No. 425955 (Alameda Sup. Ct., Jan. 2, 1990) (EBMUD). The court stated in EBMUD that, "The court intends that instream flow requirements be an absolute limit on EBMUD's ability to divert water from the Folsom South Canal. When the instream flow requirements cannot be met, EBMUD may not divert any part of its appropriation." [Id. at 109-110.] The El Dorado EIS should address these limitations and those imposed by the Improvement Act and ESA and demonstrate how those limitations will be complied with.

Other Comments

The DEIS should cite specific documents and page numbers for documents incorporated by reference, and briefly describe the contents of the referenced material. The project sponsor should ensure that referenced materials are reasonably available for inspection. [40 C.F.R. § 1502.21]

DESCRIPTION OF THE ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES

Direct, Indirect and Cumulative Impacts

The DEIS should discuss direct, indirect and cumulative effects of the proposed action. Indirect impacts [40 CFR 1502.16] include growth inducement. Discussion of growth inducing effects [40 CFR 1508.8] should include discussion of 1) the increases in air and water pollution, soil-related problems

(e.g. soil erosion or groundwater contamination), and habitat loss resulting from possible commercial and residential development induced by new water supplies and 2) the additional fiscal resources that will be required to protect air and water quality, reduce water demand, avoid significant impacts on wildlife habitat and wetlands, etc.

Cumulative impacts result from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions, regardless of what agency undertakes the action [40 C.F.R. § 1508.7]. Cumulative impacts include both temporal impacts - those impacts of related or nearby development that will reasonably occur in the future and "spatial" impacts - those impacts that will combine with other unrelated or geographically removed actions that will be expected if the individual impacts are allowed to accumulate. For instance, energy facilities established to distribute water may combine with both urban development spurred by additional water supplies and increased recreational use of the El Dorado National Forest to degrade air quality. Or, where project impacts combine with other water resource projects to increase water quality, such impacts must be assessed cumulatively. [U.S. v. 227 Acres of Land, 760 F2d 345 (S. Dist. NY 1991)].

Water Quality and Water Dependent Resources

Water Quality. CEQ regulations require that EISs include discussion of the "Natural and depletable resource requirements and conservation potential of various alternatives and mitigation measures." [40 CFR 1502.17(f)]. The EIS should, therefore, identify existing and potential designated uses¹ and the applicable water quality standards for the American River drainage. This section should also describe requirements for providing higher freshwater flows in the American River to enhance water quality for support of designated uses, propagation of anadromous fisheries, and increased wildlife refuge water supplies. The EIS should include a detailed description of existing and baseline conditions and deficiencies in these conditions in regard to any impacts affecting the Bay-Delta. Guidelines issued by the EPA, Department of Commerce and Department of Interior for determining such baseline conditions are enclosed [Guidelines for Determining Sacramento-San Joaquin Delta Baseline Conditions].

¹ To avoid confusion with the phrase "beneficial uses" in Reclamation law, water uses protected pursuant to federal (e.g. Clean Water Act, §303) and state water quality laws are here called "designated uses."

The EIS should acknowledge that standards for the Bay/Delta are being reassessed and may be revised because designated uses are not adequately protected by existing standards. We recommend that the EIS: 1) discuss requirements pursuant to the Clean Water Act to meet revised water quality standards and protect designated uses; and 2) explain any current legal or policy constraints to complying with these standards.

Federal agencies must comply with the federal consistency requirements of the State's Nonpoint Source Management Program [Clean Water Act, §§ 319(b)(2)(F), 319(k)]. The EIS should identify potential sources of nonpoint pollution from building and operating the proposed action. Such sources may include, but not be limited to, sediment, heavy metals and herbicides.

Department of Interior antidegradation policy has been incorporated into water quality standards issued by EPA [40 CFR 131.12]. EPA's antidegradation policy, reinforced by the 1987 Water Quality Act, requires that once designated uses of a water segment have been achieved, the uses must be maintained and fully protected. The revised DEIS should disclose whether each alternative is consistent with the antidegradation policy established by the State and approved by EPA as a provision of the State's water quality standards.

Wetlands/Fisheries/Biological Resources. The EIS should identify the requirements of the ESA and the plans for complying with those requirements. The EIS should address specific needs of Delta fisheries and we suggest that the Agency and the Bureau of Reclamation work closely with the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS) and the California Department of Fish and Game (CDFG) in assessing these needs, avoiding impacts to those fisheries and mitigating any possible impacts. In particular, the EIS should evaluate potential impacts to threatened and endangered species (e.g. Delta Smelt, Winter Run Chinook Salmon) rare or sensitive endemic communities and candidate species.

The EIS should thoroughly describe and map drainage patterns and riparian areas in the proposed project area. The EIS should identify the resources at risk such as wetlands, and fisheries habitat, especially spawning and rearing areas. For instance, springtime increases in water temperature in the Bay/Delta exist. Any exacerbation of this warming should be examined.² The EIS

² For background information please see CDFG [WRINT DFG-8] and USFWS [WRINT-USFWS-8] testimony in the State Water Resources Control Board Bay-Delta Proceedings, 1992; CDFG 1986 Instream Flow Requirements for the Lower American River, Sacramento County

should include copies of correspondence with NMFS and FWS and listings of species that could occur in the project area or be affected by the project.

The Central Valley Project has caused severe detrimental impacts on fisheries in the American River watershed. Construction and operation of water storage and delivery facilities has contributed to the loss of over 90% of the historical spawning habitat of anadromous fishes [DFG's California Fish and Wildlife Plan, 1965]. The EIS should identify the relevant mitigation measures set out in §3406(b) of the Improvement Act and assess how the project will not conflict with these measures.

Dredge and Fill. In regard to any fill activities that may occur the EIS should: identify whether the project will cause or contribute to significant degradation of the waters of the United States and should demonstrate how the proposed action will comply with the guidelines promulgated pursuant to Section 404(b)(1) of the Clean Water Act [40 C.F.R. Part 230]. In particular, the EIS should:

- a. demonstrate that the project sponsors have selected the least damaging practicable alternative based on costs, logistics and existing technology with respect to waters of the United States. [40 C.F.R. § 230.10(a)].
- b. describe how the project sponsors will avoid, minimize and mitigate the potential impacts of implementing each of the alternatives. (See MoA between EPA and the Army concerning the determination of mitigation under the Clean Water Act Section 404(b)(1) Guidelines from which pertinent information may be drawn.) For impacts that are unavoidable, the EIS should include detailed mitigation, including specific site plans and propose a mitigation ratio. It should not propose use of offsite waters or wetlands for mitigation.
- c. demonstrate that implementing the action will not jeopardize the existence of species listed as endangered or threatened under the Endangered Species Act of 1973 or result in the destruction or adverse modification of a habitat which is "critical habitat" under said law.
- d. discuss how the impacts of the proposed action may contribute to cumulative losses of waters of the United States in the area.

Hazardous Substances

The EIS should specify whether any hazardous substances, such as petroleum products and pesticides, will be used/generated as a result of implementing the proposed action. If the project sponsors expect to use hazardous substances (40 C.F.R. § 302.4) in conjunction with the proposed action, the EIS should discuss how the project sponsors will protect against spills in compliance with the requirements of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the methods that will be used to clean-up and dispose of spills/wastes in compliance with the Resource Conservation and Recovery Act (RCRA) regulations found at 40 C.F.R. § 260 to 268.

Air Quality

As mentioned above in the Direct, Indirect and Cumulative impacts section above the EIS should assess any growth inducing impacts, including residential, commercial and industrial development which may result in degradation of air quality. The EIS should:

1. Discuss whether the project area is designated a nonattainment area and if so then it should identify the particular pollutant(s), the degree of nonattainment and the levels of violations of state and federal standards.
2. Include relative state and federal statutory requirements for air quality plans and discuss current planning efforts to revise any of those plans.
3. Identify PSD Class I Areas (i.e., wilderness areas, National Parks, e.g. Desolation Wilderness Area), which receive special protection for particulates, SO₂, NO_x.
4. Identify areas with special visibility value or protection.