

1 **1C.1.3 East Bay Municipal Utility District**



RICHARD G. SYKES
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VIA EMAIL (bcnelson@usbr.gov) AND U.S. MAIL

September 29, 2015

Mr. Ben Nelson, Natural Resources Specialist
Bureau of Reclamation, Bay-Delta Office
801 I Street, Suite 140
Sacramento, CA 95814-2536

SUBJECT: Comments on the Draft Environmental Impact Statement for the Coordinated Long-Term Operation of the Central Valley Project & State Water Project

Dear Mr. Nelson:

The East Bay Municipal Utility District (EBMUD) appreciates this opportunity to comment on the Draft Environmental Impact Statement for the Coordinated Long-Term Operation of the Central Valley Project and State Water Project (DEIS). EBMUD supplies water to nearly 1.4 million people in the East Bay. EBMUD's 332-square mile water service area encompasses incorporated and unincorporated areas within Alameda and Contra Costa Counties. EBMUD's Mokelumne River and East Bay watershed sources of supply are sufficient in most years. However, to reliably meet the needs of its customers in dry years, EBMUD uses CVP water under its Long Term Renewal Contract No. 1406-200-5183A-LTR1 (LTRC) with Reclamation in addition to its Mokelumne and East Bay supplies.

EBMUD
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Table 5D.33 of Appendix D of the DEIS tabulates water demand and supply information for EBMUD under future conditions. Information in this table appears to have been developed based on review of EBMUD's 2010 Urban Water Management Plan and Water Supply Management Program 2040 Plan. However, information is incorrect and the manner in which information is presented in this table does not accurately reflect EBMUD's portfolio approach to meeting current and future water demands or the unique nature of EBMUD's dry-year only LTRC. EBMUD's Mokelumne system is severely limited during droughts. Our CVP supply is central to our drought planning and provides a critical water supply that reduces the potential for severe water rationing and economic losses during droughts, in combination with continued use of stored Mokelumne supplies, aggressive conservation and recycling programs, and other water supplies.

EBMUD
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EBMUD requests that Table 5D.33 be corrected as shown in the attached redlined version of the table. Based on EBMUD's understanding of the alternatives, we do not believe our water supply planning would change based on Reclamation's implementation of a preferred alternative.

We appreciate this opportunity to comment on the DEIS. If you have any questions about these comments, please contact me at 510-287-0125.

Sincerely,

Michael T. Tognolini
Manager of Water Supply Improvements

Attachment

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2

Appendix 1C: Comments from Regional and Local Agencies and Responses

1 Table 5D.33 East Bay Municipal Utility District

Items	Water Demand and Supplies (acre-feet)	Notes
Water Demand		
Service Area Water Demand	256,500 <u>349,440¹</u>	East Bay Municipal Utility District. 2011. <u>Urban Water Management Plan 2010 Document. June.</u>
Water Sales to Others	-	-
Total Demand	256,500 <u>349,440</u>	-
Water Supplies for NAA		
	<u>Supplemental supply</u>	Up to 133,000 acre-feet in a dry year, with a maximum of 165,000 acre-feet over three dry years, CVP Water Service Contract (14-08-200-5183A-LTR1) from the American River.
CVP Water Supplies	<u>Dry year supply</u>	<u>Up to 133,000 acre-feet in a dry year, with a maximum of 165,000 acre-feet over three dry years, CVP Water Service Contract (14-08-200-5183A-LTR1) from the American River.</u>
SWP Water Supplies	-	-
Other Imported Water Supplies	241,746 <u>Up to 240,800²</u>	Up EBMUD has up to 364,037 acre-feet of water rights on the Mokelumne River, but available amount varies depending on hydrology per East Bay Municipal Utility District. 2012 Water Supply Management Program 2040 Plan, April. Assume 241,746 acre-feet based on information per East Bay Municipal Utility District. 2011. Urban Water Management Plan 2010 Document. June. and East Bay Municipal Utility District. 2012 Water Supply Management Program 2040 Plan, April.
Local Surface Water Supplies	16,800	Water rights from local watersheds within the East Bay Municipal Utility District (EBMUD) watershed average 16,800 to 28,000 acre-feet per East Bay Municipal Utility District. 2012 Water Supply Management Program 2040 Plan, April. 2011. Urban Water Management Plan 2010. June.
Groundwater	1,420 <u>Dry year supply</u>	<u>Up to 1,120 acre-feet in dry years.</u> Bayside Groundwater Project Phase 1 groundwater recharge facility within EBMUD service area per East Bay Municipal Utility District. 2012 Water Supply Management Program 2040 Plan, April. Assume 241,746 acre-feet based on information per East Bay Municipal Utility District. 2011. Urban Water Management Plan 2010 Document. June. and East Bay Municipal Utility District. 2012 Water Supply Management Program 2040 Plan, April.

EBMUD
2
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Appendix 1C: Comments from Regional and Local Agencies and Responses

Items	Water Demand and Supplies (acre-feet)	Notes
Recycled Wastewater	44,200 <u>22,400²</u>	44,200 acre-foot additional reclamation per East Bay Municipal Utility District 2012. Water Supply Management Program 2040 Plan, April. This value is consistent with 20,970 acre feet in East Bay Municipal Utility District 22,400 acre-feet from East Bay Municipal Utility District, 2011. Urban Water Management Plan 2010 Document, June.
Recycled Stormwater	-	-
Desalination ⁴	Dry year supply	<u>Up to 22,400 acre-feet in dry years from regional desalination facility; however, not anticipated until 2040 per East Bay Municipal Utility District, 2011. Urban Water Management Plan 2010 Document, June.</u>
Transfers/Exchanges ⁴	Dry year supply	<u>5,040 to 49,952 acre-feet in dry years. Transfers from Northern California water users per East Bay Municipal Utility District, 2012. Water Supply Management Program 2040 Plan, April.</u>
Conservation	35,580 <u>69,440⁵</u>	35,850 acre-feet from permanent-conservation programs per East Bay Municipal Utility District, 2012. Water Supply Management Program 2040 Plan, April. This is greater than projections of 25,227 EBMUD's Water Conservation Master Plan is based on 69,440 acre-feet conservation in 2040, per East Bay Municipal Utility District, 2011. Urban Water Management Plan 2010 Document, June. <u>Up to 38,500 acre-feet could be saved from 45 percent rationing during droughts or emergencies as compared to UWWMP demand projections for 2030. However,</u>
<u>Bayside Groundwater Project Phase 2⁴</u>	<u>Dry year supply</u>	<u>2,240 to 10,080 acre-feet in dry years. Bayside Groundwater Project Phase 2 per East Bay Municipal Utility District, 2011. Urban Water Management Plan 2010 Document, June.</u>
<u>Groundwater Banking outside of EBMUD service area⁴</u>	<u>Dry year supply</u>	<u>Dry year supply of 4,704 acre-feet of groundwater banking in Sacramento Valley and/or 19,500 acre-feet in San Joaquin Valley; not anticipated until 2040 per East Bay Municipal Utility District, 2012. Water Supply Management Program 2040 Plan, April.</u>
<u>Enlarge Lower Bear Reservoir⁴</u>	<u>Dry year supply</u>	<u>Up to 4,500 acre-feet in dry years; however, not in plan for 2030 per East Bay Municipal Utility District, 2012. Water Supply Management Program 2040 Plan, April.</u>

EBMUD
2
continued

Appendix 1C: Comments from Regional and Local Agencies and Responses

Expand Los Vaqueros Reservoir⁴	Dry year supply	Exact amount available to be determined and additional study needed per East Bay Municipal Utility District Urban Water Management Plan 2010 June.
Total Future Water Supplies for NAA	349,440⁶ (non-dry years)	Does not include CVP water supply for dry years or up to 15 percent rationing in dry years, or other dry year supply projects.
Possible Future Water Supplies		
Bayside Groundwater Project Phase 2	10,080	Bayside Groundwater Project Phase 2 per East Bay Municipal Utility District 2012 Water Supply Management Program 2040 Plan April. Requires further study and environmental analyses.
Groundwater Banking outside of EBMUD service area	-	Includes 4,704 acre-foot of groundwater banking in Sacramento Valley and/or 19,500 acre-foot in San Joaquin Valley; not anticipated until 2040 per East Bay Municipal Utility District 2012 Water Supply Management Program 2040 Plan April.
Transfers	44,560	Transfers from Northern California water users per East Bay Municipal Utility District 2012 Water Supply Management Program 2040 Plan April.
Regional Desalination Facility	-	Up to 22,400 acre-foot from regional desalination facility; however, not anticipated until 2040 per East Bay Municipal Utility District 2012 Water Supply Management Program 2040 Plan April.
Enlarge Lower Bear Reservoir	-	Up to 4,500 acre-foot; however, not in plan for 2030 per East Bay Municipal Utility District 2012 Water Supply Management Program 2040 Plan April. Enlargement of Pardee Reservoir is not included in the recommendations of the East Bay Municipal Utility District 2012 Water Supply Management Program 2040 Plan April.
Expand Los Vaqueros Reservoir	6,700	Up to 6,700 acre-foot per East Bay Municipal Utility District 2012 Water Supply Management Program 2040 Plan April.
Subtotal Potential Future Water Supplies	-	All future projects not included for M&I No Action Alternative assumptions since some of the future projects are not fully defined or analyzed.
Total Potential Future Water Supplies	306,446	Does not include CVP water supply for dry years or up to 15 percent rationing in dry years.

EBMUD
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continued

Notes:

- 1 Represents EBMUD's projected 2040 demand.
- 2 "Other Imported Water Supplies" include EBMUD's entitlements on the Mokelumne River. Although EBMUD has water rights up to 364,037 acre-feet, the actual amount available in any given year varies depending on hydrology, required releases to senior downstream water rights holders, and releases to meet instream flow requirements.
- 3 EBMUD's goal is to deliver 22,400 acre-feet of recycled water by the year 2040.
- 4 EBMUD has identified a range of water supply projects that it will pursue simultaneously to meet future water needs. By considering a broad mix of projects, with inherent scalability and the ability to adjust implementation schedules for a particular component, EBMUD will be able to minimize the risks associated with future uncertainties such as project implementation challenges and climate change. If EBMUD is able to successfully develop one component, this could result in deferral of other additional water supply components over the planning period.
- 5 EBMUD's goal for conservation is 69,440 acre-feet by the year 2040.
- 6 During normal years EBMUD anticipates having sufficient supplies to meet demands. Meeting customer demands during dry years will depend on the use of CVP supplies, rationing, and the implementation of additional water supply projects.

EBMUD
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continued

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2 **1C.1.3.1 Responses to Comments from East Bay Municipal Utility District**

3 **EBMUD 1:** Comment noted.

4 **EBMUD 2:** The suggested changes have been included in Table 5D.33 of
5 Appendix 5D, Municipal and Industrial Water Demands and Supplies.
6 Information related to future actions have been categorized within the definitions
7 of the No Action Alternative and the cumulative effects actions.

1 1C.1.4 El Dorado County Water Agency



El Dorado County Water Agency

Maria Capraun Georgetown Divide P.U.D. James R. Jones South Tahoe P.U.D. Michael Ranalli Board of Supervisors Shiva Frentzen Board of Supervisors Brian K. Veerkamp Board of Supervisors

September 24, 2015

Mr. Ben Nelson, Natural Resources Specialist Bureau of Reclamation, Bay-Delta Office 801 I Street, Suite 140 Sacramento, CA 95814-2536

Subject: El Dorado County Water Agency (EDCWA) Comments

Dear Mr. Nelson:

This letter summarizes EDCWA comments to the Bureau of Reclamation (Reclamation) Draft Environmental Impact Statement for the Coordinated Long-Term Operation of the Central Valley Project and State Water Project (DEIS). Comments relate entirely to EDCWA's pending long term water service contract with Reclamation for up to 15,000 acre-feet annually (AFA) of Central Valley Project (CVP) municipal and industrial M&I water supply. The contract was mandated by Public Law 101-514, Section 206(b)(1)(B), dated November 5, 1990, and is commonly referred to as the "EDCWA Fazio Contract".

EDCWA 1

Comment 1. The DEIS erroneously refers to the EDCWA Fazio Contract in several locations as a Warren Act Contract. The EDCWA Fazio Contract should be correctly characterized in the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) as a long-term water service contract. Error locations in the DEIS include, but may not be limited to:

EDCWA 2

- Executive Summary, Section ES.8.8, Alternative 5.
- Chapter 3, Section 3.4.5.1, Continued Long-Term Operation of the CVP and SWP Facilities.
- Chapter 3, Section 3.4.7.1.1, Water Demands.
- Chapter 5, Section 5.4.3.4 Alternative 3.
- Chapter 5, Section 5.4.3.6 Alternative 5.

Comment 2. The EDCWA Fazio Contract is integral and immediate to any future operation of the CVP and should therefore have been included in all alternatives, rather than just Alternatives 3 and 5. The allocation of 15,000 AFA is assumed under the No

EDCWA 3

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Appendix 1C: Comments from Regional and Local Agencies and Responses

Mr. Ben Nelson,
Natural Resources Specialist
El Dorado County Water Agency (EDCWA) Comments
Page 2 – September 24, 2015

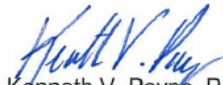
Action Alternative and should also be assumed under all other alternatives in the DEIS. Accordingly, the EDCWA Fazio Contract and the full 15,000 AFA need to be clearly identified and incorporated into Reclamation's ROD, regardless of which alternative or combination of alternatives Reclamation selects for the following reasons:

EDCWA
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1. The ROD should recognize Reclamation's intent to comply with Public Law 101-514 which directs and requires the Secretary of the Interior to execute the contract;
2. The ROD should be consistent with Reclamation's analysis contained in the "Biological Assessment on the Continued Long-term Operations of the Central Valley Project and the State Water Project, dated August 2008" (2008 BA); and
3. The ROD should recognize that, after extraordinary effort by the parties over many years, the contracting process is nearly complete. To date, Reclamation has: (a) negotiated and is in the process of updating a draft final contract with EDCWA; (b) completed and released a Draft EIS for public review; and (c) completed Endangered Species Act Section 7 consultation and received letters of concurrence from the U.S. Fish and Wildlife Service and National Marine Fisheries Service respectively. In addition, the EDCWA Board of Directors (Board) has certified the Final Environmental Impact Report for purposes of California Environmental Quality Act (CEQA) compliance. The Board has directed the Interim General Manager to complete the process and execute the contract on a priority basis as soon as possible during this fiscal year.

Thank you for your consideration. EDCWA is prepared to provide additional information as necessary to further support our comments. Please contact me directly at ken.payne@edcgov.us or (916) 425-0734.

Sincerely,


Kenneth V. Payne, P.E.
Interim General Manager
El Dorado County Water Agency

cc: Mr. Jim Abercrombie, General Manager, El Dorado Irrigation District
Mr. Ron Milligan, Regional Operations Manager, Bureau of Reclamation
Mr. Drew Lessard, Area Manager, Bureau of Reclamation
Mr. Rick Woodley, Regional Resources Manager, Bureau of Reclamation
Craig Muehlberg, Deputy Area Manager, Bay-Delta Office

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1 **1C.1.4.1 Responses to Comments from El Dorado County Water Agency**

2 **EDCWA 1:** Comment noted.

3 **EDCWA 2:** The text has been modified in Section ES.8.8 of the Executive
4 Summary; Sections 3.4.5.1 and 3.4.7.1.1 of Chapter 3, Description of
5 Alternatives; and Sections 5.4.3.4 and 5.4.3.6 of Chapter 5, Surface Water
6 Resources and Water Supplies to provide the correct reference to the El Dorado
7 County Water Agency water service contract.

8 **EDCWA 3:** Specific implementation plans and approvals for delivery of CVP
9 water under the El Dorado County Water Agency water service contract were not
10 finalized at the time of the publication of the Notice of Intent for this EIS in
11 March 2012. Therefore, these deliveries were not included in the No Action
12 Alternative or all of the alternatives. This water service contract has been
13 included in Alternatives 3 and 5 of the EIS. However, during the review of the
14 numerical modeling analyses used in this EIS, it was discovered that the demands
15 for the El Dorado County Water Agency contract were not included in the CalSim
16 II modeling analysis for Alternatives 3 and 5 as presented in Chapters 5 through
17 21. A sensitivity analysis using the CalSim II model to compare the results of the
18 analysis with and without these demands is presented in Appendix 5B of this EIS
19 for Alternatives 3 and 5. The results of the sensitivity analysis have been used in
20 conjunction with the results presented in Chapters 5 through 21 to analyze the
21 effects of including the CVP water service contract for El Dorado County Water
22 Agency in Alternatives 3 and 5, as described in Sections 3.4.6 and 3.4.7 of
23 Chapter 3, Description of Alternatives, and Section 5.4.3 of Chapter 5, Surface
24 Water Resources and Water Supplies. Results of the impact analysis for all of the
25 alternatives will be considered by Reclamation during preparation of the Record
26 of Decision.

1 **1C.1.5 El Dorado Irrigation District**

Bill George – *President*
Division 3

Greg Prada – *Director*
Division 2

Dale Coco, MD – *Director*
Division 4



George Osborne – *Vice President*
Division 1

Alan Day – *Director*
Division 5

Jim Abercrombie
General Manager

Thomas D. Cumpston
General Counsel

In reply refer to: M0915-015 and L2015-53

September 29, 2015

Mr. Ben Nelson
Bureau of Reclamation
Bay-Delta Office
801 I Street, Suite 140
Sacramento, CA 95814–2536

Via Facsimile (916) 414–2439
Via Email bcnelson@usbr.gov

RE: Comments Regarding Draft Environmental Impact Statement for the Coordinated Long-Term Operation of the Central Valley Project and State Water Project

Dear Mr. Nelson:

Thank you for the opportunity to provide comments to the U.S. Bureau of Reclamation (Reclamation) on the Draft Environmental Impact Statement (DEIS) for the Coordinated Long-Term Operation of the Central Valley Project (CVP) and State Water Project (SWP) (Project). The El Dorado Irrigation District (EID) has vital interests in the Project and its environmental review as a holder of one CVP Water Service Contract (WSC) and two Warren Act Contracts (WAC), as a proposed subcontractor for a second WSC at Folsom Reservoir, and as the only water purveyor that does not receive its Folsom Reservoir supplies from federal pumping facilities.

EID 1

EID currently holds a long-term WSC in the amount of 7,550 acre-feet (AF) annually. In addition to this CVP supply in Folsom Reservoir, EID also holds a long-term WAC in the amount of 4,560 AF annually associated with long-held water rights for which EID has relocated its points of diversion or redirection to Folsom Reservoir. Further, EID holds a 5-year WAC in the amount 8,500 AF annually, which represents a portion of a 17,000-AF water right EID holds. EID and Reclamation have been working together for the past decade to enter into a long-term WAC for the full quantity of this right. In addition to these supplies, EID is a proposed subcontractor to El Dorado County Water Agency (EDCWA) for a proposed WSC as required by Public Law 101-514, Section 206(b)(1)(B). EDCWA has been pursuing that WSC with

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2



Ben Nelson
September 29, 2015
M0915-015 and L2015-53

Page | 2

Reclamation since the early 1990s. These existing and future supplies will be withdrawn from Folsom Reservoir through EID's intake facilities that have been in operation since 1961.

EID 1
continued

The following comments address EID's concerns about inconsistencies and errors in how the WSC and WAC are addressed and characterized in the DEIS, and also address Reclamation's requirement to construct a temperature control device or equivalent contribution to a regional solution in association with EID's pursuit of its non-federal supplies in Folsom Reservoir.

Current and Future Demands and Supplies of El Dorado Irrigation District

In Chapter 5 *Water Resources and Water Supplies*, the DEIS states that assumptions related to municipal water demands are based upon review of Urban Water Management Plans (UWMPs) (page 5-67). Future supplies were compared to the No Action Alternative and the Second Basis of Comparison assumptions to determine if the projects were reasonable and certain to occur by 2030. Reclamation indicated that projects that had undergone environmental review or met other certain specified conditions were included in the future water supply assumptions for 2030 in the No Action Alternative and the Second Basis of Comparison. Projects described in the UWMPs that are currently under evaluation were included in the Cumulative Effects analysis for future water supplies. Finally, in the DEIS Reclamation indicated that future water supplies considered for municipalities by 2030 were presented in Appendix 5D *Municipal and Industrial Water Demands and Supplies*.

EID 2

Although Chapter 5 of the DEIS describes this decision process for future water supplies, Appendix 5D introduces two additional terms –“Possible Future Water Supplies” and “Potential Future Water Supplies” – but does not appear to define these terms or explain if either or both are included within the roster of projects Reclamation has determined to be reasonable and certain to occur by 2030. Inclusion of the descriptors “possible” and “potential” implies there may be some question as to whether projects in these categories would proceed. In the case of the 17,000 AF WAC and 15,000 AF WSC, these contracts should be categorized as “projected” or “planned” if there is a need to qualify or subcategorize future Reclamation Actions.

EID completed its environmental review of the 17,000-AF WAC by filing a California Environmental Quality Act (CEQA) Notice of Determination on July 13, 1999. El Dorado County Water Agency (EDCWA) completed its CEQA review of the 15,000-AF CVP WSC by filing its NOD on January 20, 2011. Therefore, the CEQA obligations for these contracts were satisfied prior to initiation of environmental review (determined by issuance of the Notice of Intent) for the Project and these contracts have been included in UWMPs for many years.

EID 3

1



Ben Nelson
September 29, 2015
M0915-015 and L2015-53

Page | 3

Further, Reclamation consulted with the National Marine Fisheries Service (NMFS) regarding both the WAC and WSC and received Endangered Species Act determination concurrence for full execution of both actions on May 22, 2014 and June 2, 2014, respectively.

EID 3
continued

Given this information, these contracts should be included with the Municipal Water Supply Projects that, together with a host of other actions, would occur with or without the Project as described on pages ES-9 and ES-10. However, for unknown reasons, Reclamation has, at least in some portions of the DEIS (pages 3-34, 3-41, 5-126, and 5-181 among potential others), not acknowledged these contracts as such and instead has proposed implementation of both these actions separately from all other Municipal Water Supply Projects with the same or similar status. Further, it appears that completion of the final steps of these contracting efforts, even though they have been ongoing for the past decade or more, are only proposed under Alternatives 3 and 5 of the Project. This treatment is erroneous: Reclamation has included both contracts in future condition Operational Criteria and Plan (OCAP) modeling for over a decade in both the 2004 and 2008 OCAP consultations, issued a DEIS for the EDCWA WSC, executed a five-year WAC for 8,500 AF of the full 17,000 AF, collaborated with EID to prepare NEPA documentation for the 17,000 AF long-term WAC, and publicly negotiated the WSC and WAC. The supplies provided by these contracts represent critical needs for the citizens of El Dorado County and are reasonably certain to occur. Therefore, for the reasons described herein, EID respectfully requests that Reclamation remove the separate characterization of these two contracts from the EIS and properly include these contracts (or clarify that they are already included) with the Municipal Water Supply Projects that would be considered to occur under the No Action Alternative and Second Basis of Comparison and, therefore, implemented under all alternatives.

EID reviewed Appendix 5A and notes that at page 5A-51, EID's 4,560-AF long-term WAC does not appear to be included in the modeling assumptions for the No Action Alternative and Second Basis of Comparison. EID and Reclamation executed this WAC (Contract No. 06-WC-20-3315) on September 9, 2010 and EID has regularly exercised the WAC since 2011. These demands should therefore be included in the modeling analysis. EID notes that in this location of the document, both the 17,000-AF WAC to EID and the 15,000-AF WSC to EDCWA are correctly included in the No Action Alternative and Second Basis of Comparison.

EID 4

EID reviewed Appendix 5D and notes that Reclamation correctly characterized EID's 17,000-AF water supply provided by the El Dorado Hydroelectric Project (Project No. 184) as an existing supply (page 5D-15) under the No Action Alternative (NAA). However, this page erroneously

EID 5

1



Ben Nelson
September 29, 2015
M0915-015 and L2015-53

Page | 4

states that this supply is diverted at Forebay Reservoir. EID does divert some Project No. 184 water at Forebay Reservoir for consumptive uses pursuant to various pre-1914 water rights, but the water rights permit for the 17,000-AF supply requires that it be diverted from Folsom Reservoir under a WAC. The five-year, 8500-AF WAC (Contract No. 15-WC-20-4654) currently satisfies that requirement.

EID 5
continued

On page 5D-16, Reclamation incorrectly characterizes agricultural ditch supplies diverted from the North Fork Cosumnes River, Clear Creek, and Squaw Hollow Creek as contributors towards EID's municipal and industrial (M&I) water supplies. In fact, these are non-potable water supplies provided to EID's agricultural customers who have no other alternative sources. They cannot be utilized for M&I purposes and are not influenced by M&I supply conditions. The agricultural descriptor should conversely be removed from the EID water demand in Table 5D.12. The Middle Fork Cosumnes River supply described on that page serves potable water supplies to an EID satellite water systems that has no interconnection with EID's main system and cannot be served by M&I supplies from or influenced by Folsom Reservoir conditions. This supply should also be removed from this description of currently available supplies under the NAA.

Further, EID notes that Reclamation has incorrectly characterized the current available supplies of recycled water under the NAA. In its UWMP, EID noted that approximately 3,804 AF of recycled water is currently available annually. Supplies may climb to 7,730 AF annually by 2030 as additional wastewater is generated that can be treated to recycled water standards, but the availability of these supplies is affected by the amount of M&I water available, including the 17,000 AF WAC and EID's portion of the 15,000-AF WSC to EDCWA.

In summary, it appears that not every alternative in the DEIS as written clearly includes the long-proposed EID and EDCWA contracts. Unless this error is corrected, it is possible that Reclamation could select an alternative in the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) that omits these contracts, which could leave Reclamation without the NEPA coverage to enter into these contracts and thus leave EID unable to access critical supplies that we have been working toward in cooperation with Reclamation for over a decade.

EID 6

Heeding Reclamation's recommendations and advice on many occasions over the past several years, EID and EDCWA have patiently waited for the remand process to take its course so the final steps of the contracting process could be completed. We are therefore alarmed to find ourselves responding to a DEIS that fails to clearly and properly characterize our contracts, and

1



Ben Nelson
September 29, 2015
M0915-015 and L2015-53

Page | 5

that potentially excludes them from NEPA coverage, without any prior notice, coordination, or explanation from Reclamation. EID requests that Reclamation utilize the FEIS/ROD process to rectify this error and clarify and correctly characterize these two contracts so they are clearly included under each alternative.

EID 6
continued

Requirement for Temperature Control Device (TCD) on EID Facilities

Reclamation and EID have been working together for nearly twenty years to develop mechanisms to manage the cold water pool in Folsom Reservoir, while also providing the M&I water supplies that the Folsom facilities were intended to serve. As part of those efforts, EID secured federal funding through congressional authorizations and appropriations on three separate occasions to offset the costs to construct new, or modify EID's existing intake facilities to improve temperature control. Since securing those authorizations and funding, EID has conducted and shared with Reclamation numerous engineering and modeling evaluations and determined that the significant capital costs of modifying EID's facilities would provide only nominal cold water pool benefits. EID has therefore advocated allocating this funding and other matching sources toward a regional TCD solution that would more effectively contribute toward improving temperature management of the penstock outlet facilities, and has funded technical analyses to identify effective solutions. EID and Reclamation have negotiated contractual provisions acknowledging the option to pursue, and EID's contribution toward, the most cost-effective solution, which is reflected in WAC 15-WC-20-4654 currently being exercised. NMFS has accepted this agreement in its May 22, 2014 Endangered Species Act (ESA) concurrence letter to Reclamation for the full 17,000-AF WAC.

EID 7

Even though Reclamation and NMFS have both agreed to this approach, the DEIS does not appear to acknowledge this important fact. Page 3-21 describes various structural improvements for temperature management, including a TCD on EID's intake facilities, but this section only describes the facilities in the context of actions that would otherwise occur by 2030 under the No Action Alternative. Page ES-5 indicates that many of the provisions of the 2009 NMFS Biological Opinion (BO) will require subsequent environmental documentation for future facilities to be constructed or modified, which EID understands includes either a TCD on EID's facility or a regional TCD solution. This page continues by indicating that specific actions are not known at this time and therefore the EIS assumes completion of the actions in a manner consistent with the ESA and does not address impacts during construction or start-up phases. Accordingly, it does not appear that the DEIS accurately reflects Reclamation's view that the potential requirement of installing a TCD at EID's intake that would be cost-ineffective and

1



Ben Nelson
September 29, 2015
M0915-015 and L2015-53

Page | 6

make negligible improvements to Folsom Reservoir temperature management, and should therefore be abandoned.

EID 7
continued

Although Page ES-11 indicates that Alternative 2 does not include implementation of the 2009 NMFS BO Reasonable and Prudent Alternative Action II.3 Structural Improvements for Temperature Management on the American River, of which the EID-facility TCD is a part, EID was unable to locate any other reference to this TCD in the document. Therefore, EID respectfully requests that in the Final EIS, Reclamation include within the proposed action and alternatives the option to proceed with the regional TCD solution concept as included within WAC 15-WC-20-4654 and authorized by NMFS.

EID respectfully requests that Reclamation address these comments to correctly characterize EID's existing and near-term water supplies and the potential for EID to contribute toward a regional TCD solution during preparation of the Final EIS, which EID understands is due by December 1, 2015 according to the U.S. District Court for the Eastern District of California. If there are any questions regarding these comments please contact Dan Corcoran, Environmental Manager, at (530) 642-4082 so that EID can facilitate Reclamation's revisions in the FEIS.

EID 8

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Abercrombie".

Jim Abercrombie
General Manager

JA:DMC:pj

cc: Tom Cumpston, General Counsel
Brian Poulsen, Senior Deputy General Counsel
Brian Mueller, Director of Engineering
Dan Corcoran, Environmental Manager
Drew Lessard, Central California Area Office Manager, Bureau of Reclamation
Ron Milligan, Central Valley Operations Office Manager, Bureau of Reclamation
Ken Payne, Interim General Manager, El Dorado County Water Agency

1 **1C.1.5.1 Responses to Comments from El Dorado Irrigation District**

2 **EID 1:** Comment noted.

3 **EID 2:** In Appendix 5D, the words “Possible Future Water Supplies” refer to
4 water supplies considered under a cumulative effects analysis. The words
5 “Potential Future Water Supplies” refers to the total of water supplies considered
6 under the No Action Alternative and the cumulative effects analysis.

7 In the Final EIS, the next-to-last subheading in the tables has been changed to
8 “Subtotal Possible Future Water Supplies.”

9 **EID 3:** As described in Appendix 5B, Sensitivity Analysis on Representation of
10 EID’s Warren Act and EDCWA’s Water Service Contracts with Reclamation in
11 Alternatives 3 and 5, of the EIS, these two actions were included in a sensitivity
12 analysis in Alternatives 3 and 5. These actions were not included in the No
13 Action Alternative, Second Basis of Comparison, and Alternatives 1, 2, and 4
14 because there was a need to conduct an analysis of these contracts on the
15 coordinated long-term operation of the CVP and SWP.

16 **EID 4:** The 4,560 acre-feet of Ditch water rights is included in the upstream
17 depletion analysis; and therefore is accounted for in the CalSim II modeling.

18 **EID 5:** The changes included in this comment have been incorporated into
19 Appendix 5D in the Final EIS.

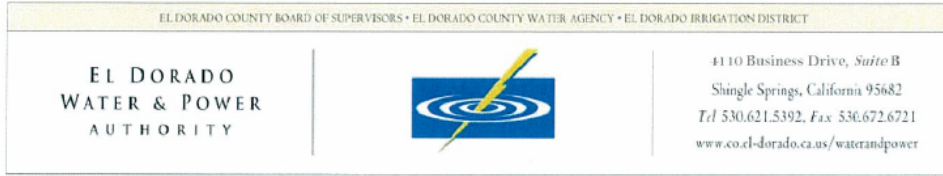
20 **EID 6:** As described in response to Comment EID 3, Reclamation has included
21 assumptions for the El Dorado Irrigation District Warren Act contract and El
22 Dorado County Water Agency CVP water service contract in Alternatives 3 and 5
23 to provide an analysis of implementation of these contracts with the coordinated
24 long-term operation of the CVP and SWP. However, during the review of the
25 numerical modeling analyses used in this EIS, it was discovered that the demands
26 for the El Dorado Irrigation District Warren Act contract were not included in the
27 CalSim II modeling analysis for Alternatives 3 and 5 as presented in Chapters 5
28 through 21. A sensitivity analysis using the CalSim II model to compare the
29 results of the analysis with and without these demands is presented in Appendix
30 5B of this EIS for Alternatives 3 and 5. The results of the sensitivity analysis
31 have been used in conjunction with the results presented in Chapters 5 through 21
32 to analyze the effects of including the CVP Warren Act contract for El Dorado
33 Irrigation District in Alternatives 3 and 5, as described in Sections 3.4.6 and 3.4.7
34 of Chapter 3, Description of Alternatives, and Section 5.4.3 of Chapter 5, Surface
35 Water Resources and Water Supplies.

36 The Preferred Alternative is described in Section 1.5 of Chapter 1, Introduction,
37 of the Final EIS.

38 **EID 7:** The No Action Alternative and Alternative 5 included an assumption that
39 either the Temperature Control Device (TCD), or equivalent actions, would be
40 implemented to conserve the cold water pool in Folsom Lake in accordance with
41 the 2009 NMFS BO. It is recognized that based upon recent studies, the TCD for
42 EIS deliveries may or may not be required for long-term operations to conserve
43 the cold water pool, and that future studies will be completed to finalize decisions

- 1 related to specific operations and any necessary facilities. Therefore, the fisheries
2 analysis in Chapter 9, Fish and Aquatic Resources, assumes that the cold water
3 pool is conserved without specifying the methodology used by El Dorado
4 Irrigation District under the No Action Alternative and Alternative 5.
- 5 The discussion in the Executive Summary and Chapter 3, Description of
6 Alternatives, indicate that Action II.3 of the 2009 NMFS BO is only included in
7 the No Action Alternative and Alternative 5. The text under Section 3.3.3 of
8 Chapter has been expanded to specifically indicate which actions under the
9 biological opinions are not included under the Second Basis of Comparison; and
10 therefore, by definition of the alternatives, not included in Alternatives 1, 3, and 4.
- 11 The discussion in Chapter 9, Fish and Aquatic Resources, has been expanded to
12 specifically provide more details in the text of each alternative related to this
13 analysis.
- 14 **EID 8:** Comment noted.

1 **1C.1.6 El Dorado Water and Power Authority**



September 24, 2015

Mr. Ben Nelson,
Natural Resources Specialist
Bureau of Reclamation, Bay-Delta Office
801 I Street, Suite 140
Sacramento, CA 95814-2536

Subject: El Dorado Water & Power Authority (EDWPA) Comments

Dear Mr. Nelson:

This letter summarizes EDWPA comments to the Bureau of Reclamation (Reclamation) Draft Environmental Impact Statement for the Coordinated Long-Term Operation of the Central Valley Project and State Water Project (DEIS). Comments relate to EDWPA's pending filed petitions with the SWRCB for partial assignment of State Filed Applications 5644 and 5645, and accompanying applications allowing for the total withdrawal and use of 40,000 acre-feet per year from the American River watershed, as is commonly referred to as the "EDWPA Water Reliability Project" (formally the Supplemental Water Rights Project).

EDWPA
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Comment. Section 3.5 *Assumptions for Cumulative Effects Analysis* of the DEIS correctly includes the El Dorado Water & Power Authority's Water Reliability Project (Section 3.5.1.6 *El Dorado Water and Power Authority Supplemental Water Rights Project*) as a reasonably foreseeable future action included in the cumulative effects analysis. The allocation of 40,000 AFA should be included in the No Action Alternative and assumed under all other alternatives in the DEIS. The EDWPA Water Reliability Project with the full diversion of 40,000 AFA needs to be clearly identified and incorporated into Reclamation's ROD, regardless of which alternative or combination of alternatives Reclamation selects.

EDWPA
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El Dorado Water & Power Authority (EDWPA) Comments
Mr. Ben Nelson,
Natural Resources Specialist
September 24, 2015
Page 2

Thank you for your consideration. EDWPA is prepared to provide additional information as necessary to further support our comments. Please contact me directly at ken.payne@edcgov.us or (916) 425-0734.

Sincerely,


Kenneth V. Payne, P.E.
Interim Executive Director
El Dorado Water & Power Authority

cc: Mr. Jim Abercrombie, General Manager, El Dorado Irrigation District
Mr. Brian Veerkamp, Chair, El Dorado County Board of Supervisors
Mr. Ron Milligan, Regional Operations Manager, Bureau of Reclamation
Mr. Drew Lessard, Area Manager, Bureau of Reclamation
Mr. Rick Woodley, Regional Resources Manager, Bureau of Reclamation
Craig Muehlberg, Deputy Area Manager, Bay-Delta Office

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2 **1C.1.6.1 Responses to Comments from El Dorado Water and Power**
3 **Authority**

4 **EDWPA 1:** Comment noted.

5 **EDWPA 2:** Specific implementation plans and approvals for the El Dorado
6 Water and Power Authority Water Reliability Project were not finalized at the
7 time of the publication of the Notice of Intent for this EIS in March 2012.
8 Therefore, these deliveries were not included in the No Action Alternative or any
9 of the alternatives. This water service contract has been included in cumulative
10 effects analyses of the EIS. Results of the impact analysis, including
11 consideration for cumulative effects, for all of the alternatives will be considered
12 by Reclamation during preparation of the Record of Decision.