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In Reply Refer To: ECL0111-062

January 27, 2011

VIA E-MAIL

Ms. Terry Macaulay, P.E.
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Subject: Comments on Notice of Preparation for Delta Plan and Environmental Impact Report

Dear Ms. Macaulay:

The El Dorado Irrigation District (EID) appreciates this opportunity to submit comments on the Notice of Preparation (NOP) to the Delta Stewardship Council (DSC) for the proposed Delta Plan (Plan) and associated Environmental Impact Report (EIR). EID provides drinking water, wastewater, and recycled water services to more than 100,000 residents of El Dorado County. EID also operates a hydroelectric project on the South Fork American River, conveying water from four reservoirs high in the Sierra Nevada through miles of gold-rush era flumes and canals and provides water-based recreational opportunities to the public at Sly Park and other reservoirs. Like other water purveyors upstream of the Delta, EID knows that the Plan, and its interpretation and application by DSC as well as the implementing federal, state, and local agencies working to protect the ecological resources of the Delta, are extremely important to our ongoing ability to provide the public with safe, reliable, water supplies in a fiscally and environmentally responsible manner. As such, EID has outlined its comments on the NOP below.

EID as CEQA Responsible Agency

Page 2 of the NOP refers to an attached long list of anticipated California Environmental Quality Act (CEQA) responsible agencies, which includes EID, within the proposed planning area for the EIR. This same page indicates that no agencies other than the DSC, as CEQA lead agency, have discretionary approval power over the Plan. Public Resources Code §210869 defines a responsible agency as “a public agency, other than a lead agency, which has responsibility for carrying out or approving a project”. At this time EID is not aware of any responsibility it has for carrying out the Plan or any portion thereof. If the U.S. Bureau of Reclamation (USBR) ultimately approved the Plan following the Department of Commerce’s National Environmental Policy Act (NEPA) review and approval, then at that time USBR would impose applicable conditions that affect its existing Central Valley Project (CVP) Water Service Contract with EID. The Plan and EIR should provide additional information regarding how DSC anticipates EID would have a responsible agency role in the proposed project.

Plan Effects on EID

EID's service area and water supplies are located in the Secondary Planning Area as referenced on pages 11 through 13 of the NOP. As such, EID could be directly affected by §85020(d), 85302(b), 85303, 85304, 85307(a) of the Sacramento-San Joaquin Delta Reform Act of 2009 (Act) and could indirectly be affected by the remaining provisions because a significant portion of EID's water supplies are diverted at Folsom Reservoir through contracts. Based upon the cited statutes, the potential direct effects on EID must be limited to those arising from water conservation and efficiency efforts, ecosystem restoration projects, and flood risk-reduction projects. If and when USBR ultimately adopts the Plan or any modification thereof, those provisions affecting Folsom Reservoir operations could also indirectly affect EID.

Recognition of Existing Water Conservation and Water Use Efficiency Efforts

One of the goals and policies of the Plan is to promote statewide water conservation, water use efficiency, and sustainable water use (§85020(d) and 85303 of the Act). As one of the leaders in water recycling for residential use, EID is no stranger to these concepts. Additionally, EID is fully metered, follows the California Urban Water Conservation Council's (CUWCC) Best Management Practices as part of its Water Use Efficiency Program, and implements an Irrigation Management System (IMS) for its agricultural customers. DSC should consider ongoing efforts such as these already underway by water purveyors in both the Primary and Secondary Planning Areas in formulating and promoting statewide water conservation, water use efficiency, and sustainable water use programs to most efficiently utilize the state's resources. Such programs must also conform to California water law, including water rights seniority and area-of-origin protections.

Effect of Secondary Planning Area Ecosystem Restoration Projects on Water Supply

Any ecosystem restoration project within the Secondary Planning Area identified during development of the Plan and EIR (§ 85302(b) of the Act) should be analyzed in the context of their effect on existing water supplies. As required by §15126.4(a) of the CEQA Guidelines, DSC should develop feasible mitigation measures to mitigate any adverse effects on water supplies within the Secondary Planning Area. Those mitigation measures could include options for new and improved infrastructure relating to the water conveyance in the Delta, storage systems, and for the operation of both to achieve the coequal goals as required by Section 85304 of the Act.

Potential Benefits of Flood Risk Reduction Projects to Water Supply

According to §85307(a) of the Act, "[t]he Delta Plan may identify actions to be taken outside of the Delta, if those actions are determined to significantly reduce flood risks in the Delta." One obvious means to this end is the development of additional surface storage facilities and conjunctive use programs. To the extent that such mitigative actions to reduce flood risk may also increase reliability of existing Secondary Planning Area water supplies through additional surface storage or conjunctive use, these benefits should be addressed within the Plan and EIR. The benefits should specifically be addressed in the context of potential to offset impacts to existing supplies by other Plan actions.

Indirect Effect on EID's Water Supply as CVP Contractor

Since Folsom Reservoir is a component of the CVP, USBR as owner and operator, typically utilizes this facility situated closest to the Delta first to meet current water objectives within the Delta set by state and federal regulations. As such, any proposed action in the Plan to utilize CVP reservoirs for meeting any new water quality objectives to be implemented as part of the Plan will likely affect Folsom Reservoir operations. Such changes in operations could have significant adverse effects on EID and other purveyors with long-term contracts for municipal and industrial supplies from Folsom Reservoir. This potential impact to such purveyors must be addressed within the Plan and EIR.

Thank you again for the opportunity to provide comment to guide the scope of the Delta Plan and associated Environmental Impact Report.

Sincerely,



Daniel M. Corcoran
Environmental Division Manager

DMC:ss

cc: El Dorado Irrigation District

Jim Abercrombie, General Manager
Thomas Cumpston, General Counsel
Brian Mueller, Director of Engineering