



## El Dorado County Water Agency

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January 14, 2013

Cindy Messer  
Delta Plan Program Manager III  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814

Subject: Recirculated Draft Delta Plan, Program Environmental Impact Report,  
November 2012, SCH #2010122028

Dear Ms. Messer:

Thank you for the opportunity to review and comment on the Delta Stewardship Council's (DSC or Council) Recirculated Draft Delta Plan, Program Environmental Impact Report (DPEIR). El Dorado County Water Agency exists to ensure that those who live, work and recreate in the County of El Dorado have continuous access to safe, reliable water resources today and for the future. Our agency has participated in the DSC process through the review of previous documents, draft plans and DSC meetings and workshops. Additionally, our agency is a participant in the Ag-Urban Coalition and worked in the development of its Alternate Draft Plan as submitted to the DSC previously.

We note the Council's request that comments on the subject document be limited to the analysis contained in the Recirculated DPEIR<sup>1</sup>. Therefore, we will focus our comments accordingly to the Council's request. However, we make specific reference to our comments previously submitted on the DPEIR earlier this year. Due to the similarities between the "Revised Project" and the earlier "Proposed Project," many of our prior comments on the DPEIR are also applicable to this

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<sup>1</sup> Recirculated DPEIR, vol. 3, p. EDS-11, November, 2012.

proposal. Under CEQA Guidelines section 15088 (PRC §21803), we expect that the DSC, as Lead Agency, will respond to all of our applicable comments, including those contained in this letter and our earlier correspondence (copy enclosed).

Our comments are intended to provide the Council with insights and direction that will assist in the production of a legally adequate Final Program Environmental Impact Report (FPEIR) and Delta Plan that are understandable, sustainable and can be practicably implemented so as to achieve the coequal goals as defined in statute.<sup>2</sup> We consider this duty to be a serious matter both due to our local agency status (PRC §21062) and fact that we are a responsible agency under CEQA (PRC §21069).

As a responsible agency it is highly likely that in the future our agency will carry out water supply, water quality, water use efficiency and other similar projects. Due to our agency's location within the Delta Watershed<sup>3</sup> (notwithstanding the California Water Code, for environmental analysis and resource purposes, the specific geographic area in which our agency is located is more accurately described as the Sierra Nevada Ecosystem)<sup>4</sup> it is possible that there may be occasions under which local management actions by our agency may be influenced by proposals within the current Proposed Project. Therefore, our interests in the proposed Delta Plan and the attendant CEQA document are significant. For purposes of our long-term planning responsibilities, it is critically important that the Delta Plan and its analysis be accurate and clear.

Given our extensive comments on the original DPEIR and the Council's specific request for a narrow response to the Recirculated Draft EIR, the contents of this letter are significantly abridged. Specific comments provided below cite DPEIR page numbers and section or line numbers.

Page ES-2, lines 10-15. The description of a "reliable water supply" fails to mention the development of local and regional water supply projects.<sup>5</sup>

Page 2-10, lines 23-27. This descriptive action within the project is too broad and generalized to allow for proper analysis. The specific upstream tributaries should be analyzed through an Instream Flow Incremental Methodology (IFIM) process dealing first with local stream reach needs and only then downstream objectives.

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<sup>2</sup> CWC §85054.

<sup>3</sup> CWC §85060.

<sup>4</sup> *Sierra Nevada Ecosystem Project, Final Report to Congress, vol. 1, Assessment Summaries and Management Strategies* (Davis: University of California, Centers for Water and Wildland Resources, 1996).

<sup>5</sup> CWC §85021.



There is no evidence to suggest that the development of flow criteria and objectives by the SWRCB will lead to local and regional water supply projects within the areas upstream of the Delta. To the contrary, the far more plausible outcome is the resulting inability of upstream areas to develop local water supply projects in the absence of sufficient available water for diversion. The water dedicated to the Delta will most likely come at the expense of upstream water users. There is no recognition that by committing Sierra Nevada Ecosystem river flows to meet new criteria and flow objectives, upstream water supply sources will be diminished. Thus increased flows would appear to frustrate, if not prohibit, achievement of one of the statutory coequal goals - improving water supply reliability.

Page 3-7, lines 27-33. See prior comments regarding page 2-10, lines 23-27. Absent an adequate assessment of the impacts of the proposed flows on upstream rivers and streams, there may be significant unmitigated, redirected impacts to upstream fisheries. The Delta is not the only venue in which adverse environmental impacts may occur as a result of this proposal.

Page 3-9, lines 18-24. The document concludes that, *"In other areas where additional surface water or groundwater supplies are not feasible, implementation of conservation programs and/or recycled wastewater and storm water facilities could be implemented."* This is incorrect. In many areas upstream of the Delta, the rural nature of the landscape and low-density population makes the collection of storm water economically infeasible. The ability to use recycled wastewater is limited by "down slope/downstream" locations of wastewater treatment plants relative to local populations. Therefore, in many cases (for upstream agencies) neither of these two offered proposals are a feasible alternative source of additional supply.

Page 4-6, lines 13-14. There should be no presumption that upstream conserved water would be dedicated for instream uses within Delta tributary streams.<sup>6</sup> It is far more likely that any conserved water would be used to help meet increasing demands for local water customers, particularly if options for new supply projects are reduced by demands for more flows downstream for Delta purposes.

Page 4-14, lines 6-15. This section fails to recognize that updated flow requirements on Delta tributary streams would also result in a reduction in the available water for use in upstream watersheds. This could conflict with the stated mission of the DSC - to achieve the coequal goals. Further, it would similarly reduce the ability of upstream agencies to implement new filings for water rights under the area of origin statutes and thus conflict with CWC §85031.

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<sup>6</sup> CWC §1011.

Significant unavoidable impacts of the Proposed Project would include increased costs and lower reliability of municipal and agricultural water supplies for many areas within the Sierra Nevada Ecosystem due to reduced existing supplies and loss of new water supply project opportunities. The reduced availability of cost-effective water supplies would deter the development of agricultural land uses as planned by local communities, thus resulting in commensurate ecosystem losses as agricultural lands are converted to other uses that can afford to pay higher water rates such as a full-range of municipal customer classes. The function of the Delta's watershed would be significantly impacted.

We thank you for the opportunity to comment on the Recirculated DPEIR and look forward to the release of the Final EIR by the Council.

Sincerely,



Dave Eggerton  
General Manager

Encl.