



February 27, 1996

California Office  
Rockridge Market Hall  
5655 College Ave.  
Oakland, CA 94618  
Phone: 510-658-8008  
Fax: 510-658-0630

Ms. Maria Morrison  
Project Engineer  
East Bay Municipal Utility District  
375 Eleventh Street  
Oakland, CA 94607-4240

RECEIVED

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By Fax and Mail

WATER SUPPLY IMPROVEMENTS

Dear Ms. Morrison:

I write on behalf of The Environmental Defense Fund (EDF) to comment on EBMUD's Folsom South Canal Connection Project CEQA Initial Study.

As we understand your document, it has three purposes. First, you wish to avoid preparing a programmatic (as opposed to project) EIR/EIS, with a Folsom South Canal Connection as its preferred alternative. Second, you wish to avoid the preparation of an EIR/EIS which analyzes the cumulative impacts of multiple diversions, including but not limited to diversions strictly for EBMUD's purposes, from the American River through the Folsom South Canal Connection. Third, you wish to avoid the preparation of an EIS of any kind, preferring to keep any decision on construction of an EBMUD Folsom South Canal Connection to your Mokelumne Aqueduct solely within the discretion of EBMUD's Board of Directors.

Nice try.

In EDF's judgment, in the current circumstances a programmatic EIS, which analyzes the cumulative impact of all diversions from the American River that a Folsom South connection might reasonably be expected to carry, is required by law. This is the conclusion which we would expect both the federal and state judiciaries to reach, if called upon to opine on the question.

Sincerely yours,  
  
Thomas J. Graff  
Senior Attorney

cc: Hon. Bruce Babbitt, Sec. of Interior  
Hon. Janet Reno, Attorney General of the United States  
Hon. John Leshy, Solicitor of the Interior  
Hon. Lois Schiffer, Assistant Attorney General  
Hon. Douglas Wheeler, Secretary, Resources Agency  
Hon. Dan Lungren, State Attorney General  
Hon. Jacqueline Schafer, Director of Fish and Game  
Hon. Kathleen Connell, Chair, State Lands Commission  
Hon. John Gioia, President, EBMUD Board of Directors

*National Headquarters*

257 Park Avenue South  
New York, NY 10010  
(212) 505-2100

1875 Connecticut Ave., N.W.  
Washington, DC 20009  
(202) 387-3500

1405 Arapahoe Ave.  
Boulder, CO 80302  
(303) 440-4901

128 East Hargett St.  
Raleigh, NC 27601  
(919) 821-7793

1800 Guadalupe  
Austin, TX 78701  
(512) 478-5161

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