



**CONTRA COSTA  
WATER DISTRICT**

1331 Concord Avenue  
P.O. Box H20  
Concord, CA 94524  
(510) 688-8000 FAX (510) 688-8122

**RECEIVED**

**MAR 0 1 1996**

WATER SUPPLY IMPROVEMENTS

Directors

Joseph L. Campbell  
*President*

James Pretti  
*Vice President*

Elizabeth R. Anello  
Bette Boatman  
Noble O. Elcenko, D.C.

Walter J. Bishop  
*General Manager*

**February 29, 1996**

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

**Re: CCWD Comments on the NOP and Initial Study for the Folsom South Canal Connection Project**

Dear Ms. Morrison:

This letter contains the comments of the Contra Costa Water District ("CCWD") on the Notice of Preparation ("NOP") and Initial Study for the proposed Folsom South Canal ("FSC") Connection Project, dated January 22, 1996. The Initial Study was circulated by the East Bay Municipal Utility District ("EBMUD") for a 30-day comment period on January 29, 1996.

EBMUD contracted with the United States Bureau of Reclamation ("USBR") in 1970 for up to 150,000 acre-feet of water annually from the American River via the Folsom South Canal. EBMUD has not yet built any facilities for taking this water from the Folsom South Canal, but may have taken some contract water in the Sacramento-San Joaquin Delta ("Delta") at Bixler during the 1976-1977 drought. In 1993, EBMUD completed and adopted a program environmental impact report ("EIR") for its Water Supply Management Program ("WSMP"). This program EIR analyzed a number of alternatives for obtaining additional supplies necessary for the future of EBMUD customers. This Initial Study is for a site-specific EIR for building a pipeline connection between the Folsom South Canal at the EBMUD turnout and the Mokelumne Aqueduct to deliver American River water to the EBMUD service area.

Ms. Maria Morrison

CCWD Comments on the NOP and Initial Study for the Folsom South Canal Project

February 29, 1996

Page 3

The FSC connection originates at Grant Line Road and follows a different route than the one described in the 1993 WSMP for over 15 miles. This portion of the FSC Connection Project includes significant new features such as crossing over or siphoning under the Cosumnes River.

The environmental documentation for this FSC Connection Project needs to address in detail the reasons for the choice of this project configuration and why other previously preferred alternatives were later rejected. The impacts of these changes need to be discussed in detail.

3. The 1993 WSMP is Inadequate as a Program-Level EIR for this American River Project.

There have been many significant changes since the adoption of the 1993 WSMP. On December 15, 1994, state and federal agencies and Bay-Delta stakeholders signed the "Principles for Agreement of Bay-Delta standards between the State of California and the Federal Government." The Principles for Agreement formed the basis for the Water Quality Control Plan adopted by the California State Water Resources Control Board ("SWRCB") in May 1995, which made significant changes to the way the Delta is operated. The SWRCB is presently in the process of developing a water rights decision to implement these requirements for San Francisco Bay and Sacramento-San Joaquin Delta. This water rights decision may result in significant reductions in the amount of water available to CVP and SWP contractors as well as other water rights holders.

There have also been new biological opinions for the operation of the State Water Project and Central Valley Project for the protection of Delta smelt and Winter-run Chinook salmon under the Endangered Species Act. At the same time, the CVP has been working to develop a programmatic EIS for implementation of the Central Valley Improvement Act (CVPIA) and has already made changes in its operations and purchased additional water to meet many of the goals of the CVPIA. In addition, CALFED is developing a long-term solution for the Delta, that will likely include elements of ecosystem restoration and improved water transfer through or around the Delta.

The 1990 Hodge Decision limited EBMUD's ability to implement its USBR contract by placing minimum flow requirements in the American River in order to provide some protection for fisheries and public trust resources of the lower American River. However, the American River is tributary to the Sacramento River and eventually the Sacramento-San Joaquin Delta. Diverting this water upstream of the Delta could affect not only the Delta ecosystem but also the current SWRCB, CVPIA and CALFED proceedings which are trying to find solutions to Bay-Delta problems. The FSC Connection Project needs to be fully and adequately evaluated in light of the new Bay-Delta conditions as well as the Hodge Decision limits.

Ms. Maria Morrison

CCWD Comments on the NOP and Initial Study for the Folsom South Canal Project

February 29, 1996

Page 5

Including this larger study area in the EIR for the FSC Connection Project may change some of the conclusions in the Environmental Checklist in the Initial Study. Several of the footnotes in the Environmental Checklist, for example, refer to studies in the 1993 WSMP which was determined by the EBMUD Board of Directors to be inadequate for assessing the impacts of projects involving the use of American River water (see #3 above).

5. EBMUD's 1970 Water Supply Contract will likely need to be Amended prior to Delivery of Water under this Contract

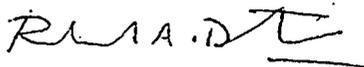
A number of significant changes to USBR policy have occurred since the Contract No. 14-06-200-5183A Between the United States of America and East Bay Municipal Utility District Providing for Water Service, dated December 22, 1970, was entered into. These include the rate setting policy, cost recovery principles stemming from the Reclamation Reform Act of 1982, and components related to the Central Valley Project Improvement Act. It appears likely that the USBR may want to amend the December, 1970 water supply contract prior to delivering American River water to EBMUD. As noted in the Initial Study, such a contract amendment and negotiation would likely fall under the requirements of NEPA.

For example, the 1970 Contract contains a water shortage provision for EBMUD as a municipal and industrial customer that may be inconsistent with the ability of the CVP to deliver water to EBMUD via the proposed FSC pipeline connection in dry and critical years under the terms of the Hodge Decision.

Because the 1970 Water Supply Contract will likely need to be amended prior to delivery of any American River water to EBMUD through the FSC pipeline connection, NEPA documentation may also be required.

CCWD appreciates the opportunity to provide comments on the NOP and Initial Study for the Folsom South Canal Project. If you have any questions regarding these comments, please contact me at (510) 688-8187.

Sincerely,



Richard A. Denton  
Water Resources Manager

RAD/WJH/ce