AGENDA
SPECIAL MEETING OF THE BOARD OF DIRECTORS
EL DORADO IRRIGATION DISTRICT
District Board Room, 2890 Mosquito Road, Placerville, California
July 27, 2015 ~ 9:00 A.M.

Board of Directors

BILL GEORGE
BOARD PRESIDENT
Division III

GEORGE W. OSBORNE
BOARD VICE PRESIDENT
Division I

Greg Prada
Board Director
Division II

Dale Coco, MD
Board Director
Division IV

Alan Day
Board Director
Division V

General Manager and Executive Staff

JIM ABERCROMBIE
GENERAL MANAGER

THOMAS D. CUMPSTON
GENERAL COUNSEL

Jennifer Sullivan, Clerk to the Board

Jesse Saich, Public Information Officer

Jose Perez, Human Resources

Tom McKinney, Operations

Brian Mueller, Engineering

Mark Price, Finance

Tim Ranstrom, Information Technology

In accordance with the Americans with Disabilities Act and California law, it is the policy of the El Dorado Irrigation District to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation for this meeting, please contact the EID ADA coordinator at 530-642-4045 or e-mail at adacoordinator@eid.org at least 72 hours prior to the meeting. Advance notification within this guideline will enable the District to make reasonable accommodations to ensure accessibility.

PUBLIC COMMENT**: Anyone wishing to comment about items not on the Agenda may do so during the public comment period. Those wishing to comment about items on the Agenda may do so when that item is heard and when the Board calls for public comment. **Public comments are limited to five minutes per person.

***PUBLIC RECORDS DISTRIBUTED LESS THAN 72 HOURS BEFORE A MEETING:** Any writing that is a public record and is distributed to all or a majority of the Board of Directors less than 72 hours before a meeting shall be available for immediate public inspection in the office of the Clerk to the Board at the address shown above. Public records distributed during the meeting shall be made available at the meeting.*

CALL TO ORDER

Roll Call
Pledge of Allegiance
Moment of Silence

ADOPT AGENDA

PUBLIC COMMENT

PUBLIC HEARING ~ 9:00 A.M.

1. **Engineering (Corcoran)**
   Consideration to adopt a Negative Declaration, Approve First Amendment to Water Purchase Agreement for the 2015 El Dorado Irrigation District to Westlands Water District Temporary Water Transfer Project, and Authorize General Manager to Execute Documents to Effectuate the Transfer.

   Option 1:
   - Adopt the proposed Negative Declaration.
   - Make the following CEQA findings:
     - Based on the whole record, there is no substantial evidence that the Project will have a significant effect on the environment.
     - The Negative Declaration reflects EID's independent judgment and analysis.
   - Specify that documents or other material, which constitute the record of proceedings upon which this decision is based, shall be in the custody of the Clerk to the Board at El Dorado Irrigation District Headquarters.
   - Approve the First Amendment to Water Purchase Agreement between Westlands Water District and El Dorado Irrigation District for 2015 Temporary Water Purchase; authorize the General Manager to execute it, refill agreements, and any other documents necessary to effectuate the transfer.

   Option 2: Take other action as directed by the Board.
   Option 3: Take no action.

   Recommended Action: Option 1.

CLOSED SESSION

A. **Closed session pursuant to Government Code section 54956.9 (Cumpston)**
   Conference with General Counsel – Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2) - Potential resumption of water diversions on the Middle Fork Cosumnes River.

REVIEW OF ASSIGNMENTS

ADJOURNMENT

TENTATIVELY SCHEDULED ITEMS FOR FUTURE MEETINGS

Engineering

- Esmeralda Tunnel Update, Information Item, regular Board meeting, August 10 (Noel)
- Consideration to award a construction contract for the Mormon Island and Lake Ridge Oaks Lift Stations Removal Project, Action Item, regular Board meeting, August (T. Sullivan)
- Consideration to award a professional services contract for the Penstock Condition Assessment, Action Item, regular Board meeting, August 10 (Eymann)
- Consideration to award a construction contract for Powerhouse Upgrades and the FERC C59 SFAR North Structures Projects, Action Item, regular Board meeting, August 24 (Noel)
- Consideration to award a professional services contract for the preparation of an Environmental Impact Report for the Main Ditch Project, Action Item, regular Board meeting, September (Eden-Bishop)

Finance

- June 30, 2015 Financial Update, Information Item, regular Board meeting, August 10 (Price)

PUBLIC HEARING NO. 1
July 27, 2015

EL DORADO IRRIGATION DISTRICT

SUBJECT: Consideration to adopt a Negative Declaration, Approve First Amendment to Water Purchase Agreement for the 2015 El Dorado Irrigation District to Westlands Water District Temporary Water Transfer Project, and Authorize General Manager to Execute Documents to Effectuate the Transfer.

Previous Board Actions:

- January 26, 2015 – Board heard an informational presentation on water transfers and District opportunities.
- March 23, 2015 – Board approved a change order to the February 2, 2015 professional services agreement for water transfer consulting services with Tully & Young, Inc.
- Various dates in 2015 – Board held closed sessions regarding real property negotiations involving potential water rights transfers.
- April 1, 2015 - The Board approved a Water Purchase Agreement with Westlands Water District for a transfer of water in 2015 and authorized the General Manager to execute it.

Board Policies (BP),Administrative Regulations (AR), and Board Authority:

BP 3050: The District will be run in a fiscally responsible and prudent manner.

BP 5010: The Board is committed to provide a water supply based on the principles of reliability, high quality, and affordability in a cost-effective manner with accountability to the public. It is the General Manager's responsibility to ensure that the tenets of this policy are carried out in an open, transparent manner through sound planning, to assure preparedness under varying conditions, and effective management.

Prior to approving the current 2015 El Dorado Irrigation District to Westlands Water District (WWD) Temporary Water Transfer Project (Project), the Board must consider the Negative Declaration (ND) for the Project as required by the California Environmental Quality Act (CEQA), CEQA Guidelines, and EID's procedures to implement CEQA.

Summary of Issues:

On April 1, 2015, the Board approved a Water Purchase Agreement (Agreement) with Westlands Water District for a transfer of water in 2015. The sources and actions included in the Agreement were considered statutorily exempt from CEQA. Since then, staff has conducted ongoing consultations with relevant agencies, which has resulted in a modified proposal to include additional sources and a refined description of the proposed action. The modified transfer proposal includes pre-1914 water rights that are not exempt from CEQA. Therefore, staff prepared an Initial Study (IS) and proposed ND for the Project as a whole in accordance with CEQA, CEQA Guidelines, and EID's Procedures to Implement CEQA. The revisions to the transfer proposal have also resulted in a proposed amendment to the Agreement for the Board's consideration. Staff is recommending the Board adopt the proposed ND and approve the amendment.

Staff Analysis/Evaluation:

The Agreement included three components – reductions in the District's potable water demands attributable to the delivery of recycled water; reduction in demands attributable to water conservation programs; and the re-operation of Weber Reservoir. During agency consultations that followed the Board's April approval of the Agreement, the United States Bureau of Reclamation (Reclamation) and California Department of Water Resources (DWR) expressed significant resistence to utilization of water made available by Water Code Sections 1010 and 1011 through the District's extensive and long-standing recycled water program and water conservation measures. As staff advised the Board previously, such resistance was anticipated given the dearth of previous transfer examples using these sections of the Water Code. Although staff continues to believe that these laws clearly make the District's conserved supplies available for transfer, it would not be possible to arrive at an agreement with Reclamation and DWR in adequate time to seek and obtain the numerous approvals necessary to effect a transfer during the July-to-September transfer window this year.

Therefore, to carry forth a transfer proposal in 2015 that could meet this timeframe and after reviewing the improvements in water supply conditions following late spring snow and precipitation events and taking into account the new Permit 21112 water supply available in Folsom Reservoir to meet El Dorado Hills demands in 2015, staff determined that the District could make available for a transfer a portion of its pre-1914 15,080 acre-feet (AF) water rights through Project 184 while still safely meeting all anticipated customer needs, even if the drought continues into 2016. By transferring a portion of these pre-1914 water rights currently stored in Silver Lake, the District could instead meet these demands for these supplies through previously stored water in Jenkinson Lake (including about 7,000 AF of the Project 184 pre-1914 rights), and use the Silver Lake releases to generate hydropower revenue before delivering the water to Folsom Reservoir for transfer to WWD. The additional 8,500 AF of Permit 21112 supplies newly available in Folsom Reservoir in 2015 decrease the need to supply El Dorado Hills demands from the District's easterly water sources.

Because Reclamation and DWR staff seemed comfortable with the Weber Reservoir component of the original transfer proposal due to its similarity to other recent and current transfers, the updated transfer proposal continues to include this component, as well. There have been some revisions of the total transferred volume from this source, due to consideration of water license requirements and other minor revisions, but the overall proposed approach for Weber Reservoir remains unchanged.

Amended Agreement

In total, staff now proposes to transfer up to 3,100 acre-feet (AF) of water during summer and fall 2015 after considering anticipated hydrologic conditions, applicable regulatory requirements for lake levels and stream flows, and feasibility of approval within this constrained timeframe. Included with this total would be approximately 700 AF released from Weber Reservoir for the purposes of transfer. The Project 184 component of the updated transfer proposal includes approximately 2,400 AF released from Silver Lake.

The Amendment includes proposed revisions to reflect current requirements for refill agreements with Reclamation related to Weber and Jenkinson operations during refill, the need for approval by SWRCB of a Temporary Change Petition (TCP) for Weber Reservoir water, acknowledgement of the updated approach to CEQA compliance associated with the modified sources included in the transfer proposal, and updated language regarding the schedule and release of water to incorporate the modified sources and volume available for transfer. A copy of the proposed Amendment is provided in Attachment A. WWD has already signed the proposed Amendment.

The TCP for the Weber Reservoir portion of the transfer to change the Place of Use (POU) and Point(s) of Rediversion (PORD) under License 2184 to include the WWD service area and PORDs was submitted to the State Water Resources Control Board (SWRCB) on June 25, 2015. While a SWRCB petition is required, on its own the Weber Reservoir portion of the transfer would be exempt from CEQA under California Water Code (CWC) Section 1725 and CEQA Guidelines 15282(u) as long as the transfer would not injure any legal user of the water or unreasonably affect fish, wildlife, or other instream beneficial uses. However, the Weber Reservoir portion of the transfer is addressed together with the non-exempt Silver Lake portion in the IS to provide a complete description of the Project as a whole and the potential environmental impacts thereof. Transfer of the stored pre-1914 water is subject to CEQA review, but does not require a petition to the SWRCB; the SWRCB acknowledges this in its public notice of the TCP's submittal.

Environmental Review Process

The District, as lead CEQA agency, has reviewed and evaluated the proposed Project in an IS. No potentially significant environmental impacts of the Project were identified and, therefore no mitigation measures were determined to be necessary. The IS/Proposed ND is included as Attachment B.

The IS/Proposed ND for the Project was circulated for a 30-day public review period from June 22, 2015 to July 22, 2015. A Notice of Intent (NOI) to adopt the ND and a Notice of Public Hearing (NOPH) were provided as follows: State Clearinghouse, U.S. Fish and Wildlife Service, U.S. Bureau of Reclamation, California Department of Fish and Wildlife, Caltrans, SWRCB, Regional Water Quality Control Board, El Dorado County Planning Department, El Dorado County Air Quality Management District, El Dorado County Sheriff's Department, El Dorado County Board of Supervisors, Amador County Board of Supervisors, Fresno County Board of Supervisors, Kings County Board of Supervisors, Merced County Board of Supervisors, Native American Heritage Commission, California Office of Historic Preservation, Shingle Springs Band of Miwok Indians, United Auburn Indian Community of the Auburn Rancheria, Colfax-Todds Valley Consolidated Tribe, T si-Akim Maidu, WWD, and Project 184 Relicensing Settlement Agreement Signatories.

Additionally, the NOI and NOPH of the proposed transfer were published in the Mountain Democrat, Sacramento Bee, and Fresno Bee and posted at the El Dorado County Recorder-Clerk, Amador County Recorder-Clerk, Fresno County Recorder-Clerk, Merced County Recorder-Clerk, Kern County Recorder-Clerk, El Dorado County Library Placerville Branch, EID Website, and EID Headquarters.

During the public review period, EID received comments from five individuals and entities responding to the IS/Proposed ND. Staff prepared responses to Wayne Campbell, South Silver Lake Improvement Association, East Silver Lake Improvements Association, Amador County, and League to Save Sierra Lakes. The correspondence received and the District's responses to comments are provided in Attachment C. If staff receives additional late comments after the close of the comment period, which ended at 5:00pm on Wednesday July 22, 2015, those comments(s) and staff's proposed response(s), if applicable, will be provided to the Board and posted on the District's website as soon as the information is available.

Staff has carefully reviewed each of the five letters and prepared detailed responses after considering each of the points raised. A full copy of each letter along with staff's proposed responses are included as Attachment C to this item. Staff is requesting that the Board fully consider each comment and response prior to determining whether to approval the proposed ND and the Amendment.

Many of the comments received reference the District's 2004 agreement with the League to Save Sierra Lakes (LSSL). That agreement included provisions regarding operations at Silver Lake (see Attachment D.). Implementation of the proposed Project is consistent with the LSSL agreement. In the LSSL agreement, the District agreed to work in good faith and employ best efforts to meet lake level targets for Silver Lake, but the agreement also allowed exceptions to these targets for reasons beyond the control of the District or as necessary or desirable to meet one or more legitimate project purposes. Legitimate project purposes include, but are not limited to, operations in compliance with Permit 21112 or the Project 184 FERC license, and public health and safety. In 2015, the District does not anticipate meeting the LSSL agreement's September 30 Silver lake-level target, whether or not the Project is approved. If the Project is not approved, projected September 30 Silver Lake storage would be 3,852 AF (about 12.24 feet); water released from storage would be turned into the El Dorado Canal and routed to Reservoir 1 water treatment plant or Jenkinson Lake for consumptive demands or to carry over to 2016. If the Project is approved, projected September 30 Silver Lake storage would be 3,772 AF (about 12.04 feet); water released from storage would be turned into the El Dorado Canal and routed to the Project 184 powerhouse, then returned to the river for delivery to Folsom Reservoir. In either scenario, the District would meet all Silver lake level targets set forth by Permit 21112 and the Project No. 184 FERC license. Also, with or without implementation of the Project, the District anticipates meeting the October 15, 2015 lake-level target specified in the LSSL agreement.

The comments received do not require a substantial revision of the ND because no new, avoidable significant effects were identified and no mitigation measures or project revisions need to be added in order to reduce significant effects to a less-than-significant level. No changes to the ND findings and conclusions were necessary as a result of comments received. Therefore, staff requests the Board adopt the ND, approve the amendment to the water purchase agreement, and authorize the General Manager to execute it, refill agreements, and any other documents necessary to effectuate the transfer.

Board Options:

Option 1:

- Adopt the proposed Negative Declaration.
- Make the following CEQA findings:
  - Based on the whole record, there is no substantial evidence that the Project will have a significant effect on the environment.
  - The Negative Declaration reflects EID's independent judgment and analysis.
- Specify that documents or other material, which constitute the record of proceedings upon which this decision is based, shall be in the custody of the Clerk to the Board at El Dorado Irrigation District Headquarters.
- Approve the First Amendment to Water Purchase Agreement between Westlands Water District and El Dorado Irrigation District for 2015 Temporary Water Purchase; authorize the General Manager to execute it, refill agreements, and any other documents necessary to effectuate the transfer.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Staff/ General Manager's Recommendation:

Option 1.

Support Documents Attached:

A. Proposed First Amendment to Water Purchase Agreement between Westlands Water District and El Dorado Irrigation District for 2015 Temporary Water Purchase
B. Notice of Intent / Initial Study and Proposed Negative Declaration – 2015 EID to Westlands Water District Temporary Water Transfer Project, June 2015.
C. Comments received and District Response to Comments on the Initial Study and Proposed Negative Declaration – 2015 EID to Westlands Water District Temporary Water Transfer Project.
D. Resolution No. 04-97, regarding operations at Caples and Silver lakes.

Daniel Corcoran
Environmental Manager

Brian Mueller, P.E.,
Director of Engineering

Thomas D. Cumpston
General Counsel

Jim Abercrombie
General Manager

FIRST AMENDMENT TO WATER PURCHASE AGREEMENT BETWEEN WESTLANDS WATER DISTRICT AND EL DORADO IRRIGATION DISTRICT FOR 2015 TEMPORARY WATER PURCHASE

This First Amendment amends the April 1, 2015 Water Purchase Agreement ("Agreement") between Westlands Water District ("WWD"), a public agency in the State of California, and El Dorado Irrigation District ("EID"), a public agency in the State of California, effective as of July 1, 2015.

RECITALS

A. EID and WWD executed and have been performing their respective obligations under the Agreement; and

B. The quantities, components, and legal bases of the parties' proposed water transfer have changed since the Agreement was entered into; and

C. The parties wish to proceed with the Agreement, with amendments to reflect those changes in the proposed water transfer;

AGREEMENT

In consideration of the foregoing recitals and the terms and conditions contained herein, WWD and EID agree to amend the Agreement as follows:

1. Article 2(b)(i) of the Agreement is replaced with the following:

"(i) Execution of Refill Agreements between USBR and EID setting forth conditions for the operation of Weber Reservoir and Jenkinson Lake reservoir related to the conveyance of Transfer Water to WWD via the Point of Delivery;"

2. Article 2(b)(iii) of the Agreement is replaced with the following:

"(iii) Approval by the SWRCB on terms acceptable to both Parties of temporary changes in places of use and purposes of use, as necessary, of the Weber Reservoir licensed water right to the area served by the Transfer Water."

3. Subdivision (c) is added to Article 3 of the Agreement as follows:

"(c) Transfers of water other than under Water Code section 1725, *et seq*. are subject to the requirements of CEQA. EID shall be solely responsible for arranging for and shall pay all costs incurred for preparing supporting CEQA documentation for the delivery, conveyance and/or storage of Transfer Water."

4. Article 4 of the Agreement is replaced with the following:

"**4. Schedule and Release of Water.**

(a) Subject to satisfaction of the requirements of Article 2(b) and the other provisions of this Agreement, commencing on or after August 1, 2015 EID will release from its Weber Reservoir, in addition to normal operating requirements, approximately 710 acre-feet, for delivery to WWD in accordance with EID's operations schedule.

(b) The amount of water transferred from Weber Reservoir under this Agreement will be the difference between releases from Weber Reservoir with and without transfer, as reported to WWD by EID's statement of releases pursuant to Article 5 (Reporting and Verification of Water Releases), less 15% conveyance loss pursuant to Exhibit C of EID's long-term Warren Act Contract with USBR (Contract No. 06-WC-20-3315).

(c) Subject to the satisfaction of the requirements of Article 2(b) and the other provisions of this Agreement, commencing on or after August 1, 2015 EID will release from its Silver Lake reservoir approximately 2,400 acre-feet in accordance with EID's operations schedule and deliver it to WWD, rather than conducting the planned operation of conveying it to EID's Jenkinson Lake or Reservoir 1 Water Treatment Plant for consumptive use. EID will instead increase releases from its Jenkinson Lake reservoir by an identical amount to meet the consumptive needs that would otherwise be satisfied by the Silver Lake releases.

(d) EID will reduce or terminate release of Transfer Water from Weber Reservoir and delivery of Transfer Water from Silver Lake for this Agreement as soon as possible after telephone notification by USBR that the transfer is having, or is about to have, an adverse effect on a listed threatened or endangered species. However, water previously released from Weber Reservoir or Silver Lake will be considered transferred to WWD pursuant to this Agreement. EID will resume release of Transfer Water from Weber Reservoir and delivery of Transfer Water from Silver Lake as soon as possible after telephone notification by USBR that the transfer will no longer cause adverse effects on a listed threatened or endangered species. All telephone notifications will be confirmed in writing, with copies to WWD. Except for water previously released from Weber Reservoir or delivered from Silver Lake that is actually unavailable for transfer to WWD pursuant to this Article 4(d), nothing in this Article 4(d) will reduce the amount of water made available to WWD under this Agreement."

5. Subdivisions (c) and (d) are added to Article 5 of the Agreement as follows:

"(c) Consistent with the minimum instream flow and lake level obligations imposed by the Federal Energy Regulatory Commission License for Project 184, EID will draw down the storage in Silver Lake to approximately 4,082 acre-feet by September 23, 2015. Transfer Water shall be measured upon its release from Silver Lake and shall be deemed delivered to WWD at Folsom Reservoir, subject to a 15% conveyance loss borne by EID in accordance with Exhibit C to Warren Act Contract No. 15-WC-20-4654.

(d) Beginning on August 11, 2015 and continuing through September 23, 2015, EID will measure flows at Silver Lake outlet gage (A-9), plus Oyster Creek gage (A-24), less 15% contractual conveyance loss, which the parties agree will document the daily transfer of water to WWD. EID will provide WWD and USBR with a statement within 15 days of the last day of each month that includes daily operations records for the month showing storage in Silver Lake (gage A-8), flows at gages A-9 and A-24, and deliveries being made for transfer to WWD pursuant to this Agreement. EID's monthly statement will be mailed to WWD and USBR at the address provided in Article 6 (Payments) and will be attached to invoices for payment when applicable."

6. Except as expressly modified herein, the Agreement remains unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment on the date set forth above.

Westlands Water District

Dan Pope, Chief Operating Officer

El Dorado Irrigation District

Approved as to Form

Thomas D. Cumpston
General Counsel

Jim Abercrombie
General Manager

Attachment B

Initial Study/Proposed Negative Declaration

2015 El Dorado Irrigation District to Westlands Water District Temporary Water Transfer Project

Prepared for:

El Dorado Irrigation District
2890 Mosquito Road
Placerville, CA, 95667

Contact:

Dan Corcoran
Environmental Manager
530/642-4082

Prepared by:

AECOM
2020 L Street, Suite 400
Sacramento, CA 95811

60343107.1
06.18.15

June 2015

NOTICE OF INTENT
TO ADOPT A NEGATIVE DECLARATION

(Pursuant to CEQA Section 21092 and CEQA Guidelines Section 15072)

2015 EL DORADO IRRIGATION DISTRICT TO WESTLANDS WATER DISTRICT TEMPORARY WATER TRANSFER PROJECT

The El Dorado Irrigation District (EID) proposes to adopt a Negative Declaration pursuant to the California Environmental Quality Act (Section 15000 et seq., Title 14, California Code of Regulations) for the 2015 EID to Westlands Water District (WWD) Temporary Water Transfer Project (Project). Water would be released from EID facilities in western El Dorado County and northeastern Amador County; flow through El Dorado, Sacramento, San Joaquin, Stanislaus, and Merced Counties; and be used by WWD in its service area in western Fresno and Kings Counties.

EID proposes to transfer up to 3,100 acre-feet (AF) of water to WWD during summer and fall 2015. EID would make the water available through re-operations of EID reservoirs to release water otherwise planned to be consumed by EID customers and/or stored within the EID network of reservoirs. The transfer quantity includes approximately 700 AF that would be released from Weber Reservoir, and approximately 2,400 AF that would be released from Silver Lake. But for the Project, EID would otherwise retain the 700 AF in Weber Reservoir and add the 2,400 AF to storage in Jenkinson Lake or use it directly to meet summer/fall 2015 demands that would instead be met with water previously stored in Jenkinson Lake.

EID has directed the preparation of an Initial Study/Negative Declaration (IS/ND) on the proposed Project in accordance with the requirements of CEQA, the State CEQA Guidelines, and EID's guidelines for CEQA compliance. The IS describes the proposed Project and assesses the proposed Project's potentially significant adverse impacts on the physical environment. It concludes that the proposed Project would not have any significant adverse effects on the environment and, therefore, no mitigation is required or proposed.

Public Review Period: The IS/ND is being circulated for public review and comment for a review period of 31 days from release of the document to the State Clearinghouse, starting on June 22, 2015. Written comments must be received at the following address or by email or fax no later than close of business (5:00 p.m.) on July 22, 2015:

Dan Corcoran, Environmental Manager
El Dorado Irrigation District
2890 Mosquito Road
Placerville, CA 95667
E-mail: dcorcoran@eid.org
Fax: (530) 642-4382

To Review or Obtain a Copy of the Environmental Document: Copies of the IS/ND may be reviewed at EID's office at 2890 Mosquito Road, Placerville, CA 95667
Or online at http://www.eid.org/regulatory/environmental-docs-ceqa-nepa-

PROPOSED NEGATIVE DECLARATION

PROJECT TITLE: 2015 El Dorado Irrigation District to Westlands Water District Temporary Water Transfer Project

LEAD AGENCY: El Dorado Irrigation District

PROJECT LOCATION: Water would be released from El Dorado Irrigation District (EID) facilities in western El Dorado County and northeastern Amador County; flow through El Dorado, Sacramento, San Joaquin, Stanislaus, and Merced Counties; and be used by Westlands Water District (WWD) in its service area in western Fresno and Kings Counties.

PROJECT DESCRIPTION: EID proposes to transfer up to 3,100 acre-feet (AF) of water during summer and fall 2015 to WWD. EID would make the water available through re-operations of EID reservoirs to release water otherwise planned to be stored within the EID network of reservoirs. The transfer quantity includes approximately 700 AF that would be released from Weber Reservoir, and approximately 2,400 AF that would be released from Silver Lake and that would otherwise be added to storage in Jenkinson Lake or used directly to meet summer/fall 2015 demands that will instead be met with water previously stored in Jenkinson Lake.

FINDINGS: An initial study/proposed negative declaration (IS/ND) has been prepared to assess the proposed project's potential effects on the physical environment and the significance of those effects. Based on the analysis conducted in the IS, the proposed project will not have any significant adverse effects on the environment. This conclusion is supported by the following findings:

1. The proposed project would have no effects on land use and planning, mineral resources, population and housing, and transportation and traffic.

2. The proposed project would have a less-than-significant impact on aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, public services, recreation, and utilities and service systems.

3. The proposed project would not have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory.

4. The proposed project would not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

5. The proposed project would not have possible environmental effects that are individually limited but cumulatively considerable and contribute to a significant cumulative impact. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

6. The environmental effects of the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly.

INITIAL STUDY

2015 EL DORADO IRRIGATION DISTRICT TO WESTLANDS WATER DISTRCIT TEMPORARY WATER TRANSFER PROJECT

1. Project Title	2015 El Dorado Irrigation District to Westlands Water District Temporary Water Transfer Project
2. Lead Agency Name and Address	El Dorado Irrigation District 2890 Mosquito Road Placerville, CA 95667
3. Contact Person and Phone Number	Dan Corcoran, Environmental Manager El Dorado Irrigation District Phone: (530) 642-4082 E-mail: dcorcoran@eid.org
4. Project Location	Water would be released from El Dorado Irrigation District facilities in western El Dorado County and northeastern Amador County; flow through El Dorado, Sacramento, San Joaquin, Stanislaus, and Merced Counties; and be used by Westlands Water District in its service area in western Fresno and Kings Counties; see Section 2.3, "Project Location"
5. Project Sponsor's Name	El Dorado Irrigation District
6. General Plan Designation	Various, See Section 3.10, "Land Use and Planning"
7. Zoning	Various, See Section 3.10, "Land Use and Planning"
8. Project Description	EID proposes to transfer up to 3,100 acre-feet (AF) of water during summer and fall 2015 to WWD. EID would make the water available through re-operations of EID reservoirs to release water otherwise planned to be stored within the EID network of reservoirs. The transfer quantity includes approximately 700 AF that would be released from Weber Reservoir, and approximately 2,400 AF that would be released from Silver Lake and that would otherwise be added to storage in Jenkinson Lake or used directly to meet summer/fall 2015 demands that will instead be met with water previously stored in Jenkinson Lake. Additional detail is provided in Section 2, "Project Description."
9. Surrounding Land Uses and Setting	See "Environmental Setting" discussion under each issue area in Chapter 3, "Environmental Checklist."
10. Other Public Agencies Whose Approval Is Required	See Section 2.6, "Regulatory Requirements, Permits, and Approvals."

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ACRONYMS AND OTHER ABBREVIATIONS

AF	Acre-feet
ARB	California Air Resources Board
BMI	benthic macroinvertebrate
CAA	federal Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAL FIRE	California Department of Forestry and Fire Protection
CARB	California Air Resources Board (see ARB)
CWC	California Water Code
CCAA	California Clean Air Act
CDC	California Department of Conservation
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
cfs	cubic feet per second
CH_4	methane
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
Cortese List	Hazardous Waste and Substances Sites List
CRLF	California red-legged frog
CVP	Central Valley Project
CWC	California Water Code
Delta	Sacramento–San Joaquin River Delta
DOC	California Department of Conservation
DOT	Department of Transportation
DTSC	California Department of Toxic Substances Control
DWR	Department of Water Resources
EID	El Dorado Irrigation District
EIR	environmental impact report
EPA	U.S. Environmental Protection Agency
EPT	Ephemeroptera, Plecoptera, and Trichoptera
FERC	Federal Energy Regulatory Commission
FMS	Flow Management Standard
FYLF	foothill yellow-legged frog
GHG	greenhouse gas
HAZMAT	hazardous materials
HCP	Habitat Conservation Plan
HFC	hydrofluorocarbon
IPCC	Intergovernmental Panel on Climate Change

ACRONYMS AND OTHER ABBREVIATIONS

IS	initial study
Jones	Bill Jones Pumping Plant
LAR	lower American River
LUST	Leaking Underground Storage Tank
MOU	Memorandum of Understanding
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NCCP	Natural Community Conservation Plan
ND	Negative Declaration
NO_X	oxides of nitrogen
NO_2	nitrogen dioxide
PFC	perfluorocarbon
PG&E	Pacific Gas and Electric
PM	particulate matter
$PM_{2.5}$	particulate matter less than 2.5 microns in diameter
PM_{10}	particulate matter less than 10 microns in diameter
proposed project	2015 EID to WWD Temporary Water Transfer Project
PORD	Point of Rediversion
POU	Place of Use
Reclamation	U.S. Department of the Interior, Bureau of Reclamation
ROG	reactive organic gases
SF_6	sulfur hexafluoride
SFAR	South Fork American River
SNYLF	Sierra Nevada yellow-legged frog
SO_2	sulfur dioxide
SWP	State Water Project
SWRCB	State Water Resources Control Board
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WWD	Westlands Water District
WY	water year

1 INTRODUCTION

El Dorado Irrigation District (EID) has prepared this initial study/proposed negative declaration (IS/ND) in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines to address the environmental consequences of the proposed 2015 EID to Westlands Water District (WWD) Temporary Water Transfer Project (proposed project). EID is the lead agency under CEQA.

To satisfy CEQA requirements, this document includes:

- a notice of intent to adopt an IS/ND for the proposed project,
- a proposed ND, and
- an IS.

After the required public review of this document is complete, EID will consider adopting the proposed ND and will decide whether to proceed with the proposed project.

1.1 PURPOSE OF THE INITIAL STUDY

This document is an IS, prepared in accordance with CEQA (Public Resources Code, Section 21000 et seq.) and the State CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations). The purpose of this IS is to determine whether project implementation would result in potentially significant or significant effects on the environment.

An IS presents environmental analysis and substantial evidence in support of its conclusions regarding the significance of environmental impacts. Substantial evidence may include expert opinion based on facts, technical studies, or reasonable assumptions based on facts. An IS is neither intended nor required to include the level of detail provided in an environmental impact report (EIR).

CEQA requires that all State and local government agencies consider the environmental consequences of projects that they propose to carry out or over which they have discretionary authority, before implementing or approving those projects. The public agency that has the principal responsibility for carrying out or approving a project is the lead agency for CEQA compliance (State CEQA Guidelines Section 15367). EID has principal responsibility for carrying out the proposed project, and therefore is the CEQA lead agency for this IS.

EID has prepared this IS to evaluate the potential environmental effects of the proposed project and has determined that no significant project-related impacts would occur. Therefore, an ND has been prepared for this project.

1.2 SUMMARY OF FINDINGS

Chapter 3, “Environmental Checklist,” contains the analysis and discussion of potential environmental impacts of the proposed project. Based on the issues evaluated in that chapter, EID has determined that the proposed project would not result in any significant impacts and, therefore, no mitigation is required or proposed.

The proposed project would result in no impacts related to the following issue areas:

- Land Use and Planning
- Mineral Resources
- Population and Housing
- Transportation and Traffic

The proposed project would result in less-than-significant impacts related to the following issue areas:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Public Services
- Recreation
- Utilities and Service Systems
- Mandatory Findings of Significance

1.3 DOCUMENT ORGANIZATION

This document is divided into the following sections:

Table of Contents: This section outlines the organization of the IS.

Acronyms and Other Abbreviations: This section is a list of the acronyms and other abbreviations used in the IS.

Chapter 1, Introduction: This chapter briefly summarizes the proposed project and describes the purpose of the IS, presents a summary of the findings, and specifies how the document is organized.

Chapter 2, Project Description: This chapter discusses the purpose of and objectives for the proposed project, general project background, and project elements.

Chapter 3, Environmental Checklist: This chapter presents an analysis of environmental issues identified in the CEQA environmental checklist and determines whether the proposed project would result in a beneficial impact, no impact, less-than-significant impact, less-than-significant impact with mitigation incorporated, potentially significant impact, or significant impact on the environment in each resource issue area.

Chapter 4, References: This chapter lists the references used in preparation of this IS.

Chapter 5, Report Preparers: This chapter identifies the preparers of this document.

2 PROJECT DESCRIPTION

This chapter describes the 2015 El Dorado Irrigation District (EID) to Westlands Water District (WWD) Temporary Water Transfer Project (proposed project). The project location and background are described along with project objectives, project characteristics, and discretionary actions and approvals that may be required.

2.1 INTRODUCTION

EID proposes to transfer up to 3,100 acre-feet (AF) of water during summer and fall 2015 to WWD through re-operations of EID reservoirs.

With the proposed project, approximately 700 AF would be released from EID's Weber Reservoir, which stores water pursuant to Water Right License 2184 (Application 1692). This portion of the transfer would require approval of a Temporary Urgency Change Petition from the State Water Resources Control Board (SWRCB) to change the Place of Use (POU) and Point(s) of Rediversion (PORD) under License 2184 to include the WWD service area and PORDs for the water transfer. While a SWRCB petition is required, on its own the Weber Reservoir portion of the transfer would be exempt from the CEQA under California Water Code (CWC) Section 1725 and CEQA Guidelines 15282(u) as long as the transfer would not injure any legal user of the water or unreasonably affect fish, wildlife, or other instream beneficial uses. However, the Weber Reservoir portion of the transfer is addressed together with the Silver Lake portion in this document to provide a complete description of the proposed water transfer and environmental impacts thereof.

With the proposed project, approximately 2,400 AF would also be released from EID's Silver Reservoir, which stores water pursuant to a pre-1914 water right (Statement 004708). Transfer of the stored pre-1914 water is subject to CEQA review, but would not require a petition to the SWRCB.

2.1.1 EL DORADO IRRIGATION DISTRICT

EID was organized in 1925 under the Irrigation District Law (Water Code Section 20500, et seq.). EID provides water to a population of more than 100,000 people within its service area for municipal, industrial, and irrigation uses, as well as wastewater treatment and recycled water services, to meet the growing needs of its customers. It also operates recreational facilities as a condition of its Federal Energy Regulatory Commission (FERC) license. As such, EID is one of the few California districts that provide a full complement of water services.

EID is located in El Dorado County on the western slope of the Sierra Nevada Mountains. The service area is bounded by Sacramento County to the west and the community of Strawberry to the east. The area north of the communities of Coloma and Lotus establishes the northern-most part of the service area, while the communities of Pleasant Valley and South Shingle Springs establish the southern boundary. EID's contiguous service area spans 220 square miles and ranges from 500 feet in elevation, at the Sacramento County line, to more than 4,000 feet in elevation in the eastern part of EID. Two hundred pressure-regulating zones are required for reliable operation. The water system contains more than 1,295 miles of pipeline, 27 miles of ditches, 5 treatment plants, 34 storage tanks and reservoirs, and 38 pumping stations.

EID owns and operates a FERC-licensed hydroelectric power generation system consisting of a powerhouse, 5 reservoirs (Echo Lake, Lake Aloha, Caples Lake, Silver Lake, and El Dorado Forebay), and over 22 miles of

flumes, canals, siphons, and tunnels. Project facilities are located east of Placerville in El Dorado, Alpine, and Amador counties. EID also owns and operates several other water facilities including Jenkinson Lake and numerous other water rights and reservoirs acquired in the 1900's including Weber Reservoir and many pre-1914 water rights.

2.1.2 WESTLANDS WATER DISTRICT

WWD was formed in 1952 and encompasses more than 600,000 acres of farmland in western Fresno and Kings Counties. WWD serves approximately 600 family-owned farms that average 900 acres in size.

Water is delivered to WWD through the Central Valley Project (CVP), a federal water project that stores water in large reservoirs in Northern California for use by cities and farms throughout California. After it is released from CVP reservoirs, the water is typically pumped from the Sacramento-San Joaquin Delta (Delta) via U.S. Department of the Interior, Bureau of Reclamation's (Reclamation's) Bill Jones Pumping Plant (Jones) and delivered 70 miles through the Delta-Mendota Canal to San Luis Reservoir. During spring and summer, the water is released from San Luis Reservoir and delivered to WWD farmers through the San Luis Canal and the Coalinga Canal. Once it leaves the CVP canals, water is delivered to farmers through 1,034 miles of underground pipe and more than 3,300 water meters.

WWD farmers produce more than 60 commercial food and fiber crops sold for the fresh, dry, canned, and frozen food markets, both domestic and export. More than 50,000 people live and work in the communities dependent on the WWD's agricultural economy. The communities in and near the WWD's boundaries include Mendota, Huron, Tranquillity, Firebaugh, Three Rocks, Cantua Creek, Helm, San Joaquin, Kerman, Lemoore, and Coalinga.

2.2 PURPOSE AND OBJECTIVES

The purpose of the proposed project is to transfer a portion of water to WWD that otherwise would be consumed by EID customers and/or stored within the EID network of reservoirs during 2015.

The specific project objectives are to:

- Transfer approximately 700 AF from Weber Reservoir to WWD; and
- Transfer approximately 2,400 AF from Silver Lake to WWD.

WWD is interested in augmenting its water supply through this transfer based on the non-availability of their CVP contract water (zero percent south-of-Delta contracted CVP allocations in 2015) to provide their agricultural customers a critical water supply for irrigation of their crops during the 2015 growing season. Transfer Water (i.e., up to 3,100 AF of water proposed for transfer from EID's Weber Reservoir and Silver Lake to WWD) that EID provides to WWD would be used entirely within the WWD service area for irrigation of agricultural crops.

2.3 PROJECT LOCATION

The EID service area is located in western El Dorado County and the EID reservoirs relevant to the proposed project are located in western El Dorado County and northeastern Amador County (Figure 2-1).

Source: Tully & Young, Esri, DeLorme, USGS and NPS 2015

Figure 2-1. Water Transfer Overview

Weber Reservoir is located approximately 5.5 miles southeast of Placerville in El Dorado County, within Sections 17 and 18 of Township 10N, Range 12E of the Camino United States Geological Survey (USGS) 7.5-minute topographic quadrangle. Weber Reservoir is located on North Fork Weber Creek, tributary to Weber Creek, tributary to South Fork American River, thence Folsom Reservoir.

Jenkinson Lake is located in Pollock Pines in El Dorado County, off Sly Park Road and Mormon Emigrant Trail. Jenkinson Lake is within Sections 8, 9, 10, 16, 17, and 18 of Township 10N, Range 13 of the Sly Park 7.5-minute quadrangle. Jenkinson Lake is located on Park Creek and receives inflow from Park, Hazel, and Camp Creeks, all of which are tributary to the North Fork Cosumnes River.

Silver Lake is located approximately 3 miles southwest of Kirkwood in Amador County, off State Route 88. Silver Lake is within Sections 32 and 33 of Township 10N, Range 17E and Sections 4, 5, and 8 of Township 9N, Range 17E of the Caples Lake 7.5-minute quadrangle and within Section 8 of Township 9N, Range 17E of the Tragedy Spring 7.5-minute quadrangle. Silver Lake is located on Silver Fork American River, tributary to South Fork American River, thence Folsom Reservoir.

The flow path of the Transfer Water is shown in Figure 2-1. Water released from Folsom Reservoir would be re-operated via Lake Natoma into the lower American River (LAR). Water released from Lake Natoma flows for an additional approximately 22 miles to the confluence with the Sacramento River. The Sacramento River flows approximately 55 miles where it meets the San Joaquin River at the head of the Sacramento-San Joaquin Delta. From this location, Transfer Water would enter the tidal portion of the San Joaquin River and would be diverted 45 miles away at the Jones intake facility. Utilization of the Delta Cross Channel, when available, would decrease the total distance to the PORD by approximately 18 miles.

Water would be rediverted at the Jones intake facility and conveyed south for approximately 70 miles via the Delta Mendota Canal to San Luis Reservoir. Transfer Water may be temporarily stored in San Luis Reservoir and then delivered to WWD via the San Luis Canal, or it may be used immediately by WWD.

The WWD service area is located in western Fresno and Kings Counties and is shown in Figure 2-1.

2.4 PROPOSED PROJECT

EID proposes to transfer up to 3,100 AF of water to WWD during summer and fall 2015. EID would make the water available through re-operations of EID reservoirs to release water otherwise planned to be consumed by EID customers and/or stored within the EID network of reservoirs. Specifically, the transfer quantity is derived from the following re-operations:

1. Approximately 700 AF would be released from Weber Reservoir that would otherwise be maintained in storage.

2. Approximately 2,400 would be released from Silver Lake that would otherwise be added to storage in Jenkinson Lake or used directly to meet summer/fall 2015 demands that will instead be met with water previously stored in Jenkinson Lake.

The proposed project would result in the temporary decreased storage of approximately 700 AF in Weber Reservoir and approximately 2,400 AF in Jenkinson Lake, and the temporary increased storage of approximately 2,400 AF in Folsom Reservoir before the water is transferred by Reclamation to WWD.

Figure 2-2, 2-3 and 2-4 illustrate the proposed Weber Reservoir and Silver Lake re-operations.

As part of the proposed project, EID and Reclamation would enter into a refill agreement for Weber Reservoir and Jenkinson Lake with conditions acceptable to both parties that CVP and WWD water system operations would not be adversely affected during the 2016 refill period by the transfers of previously stored water in 2015.

To accomplish this transfer, the following temporary (one year or less) changes in POU and PORD are being sought by Petition to the SWRCB pursuant to EID Water Right License 2184 (Application 1692) and consistent with CWC Sections 1725-1732:

1. The temporary addition of the Reclamation CVP Jones intake facility;

2. The temporary addition of San Luis Reservoir (SLR), a Reclamation CVP facility, as a point for the temporary storage and rediversion of the Transfer Water by WWD under License 2184; and

3. The temporary addition of the WWD service area to License 2184 authorizing consumptive and beneficial uses of Transfer Water within the WWD service area.

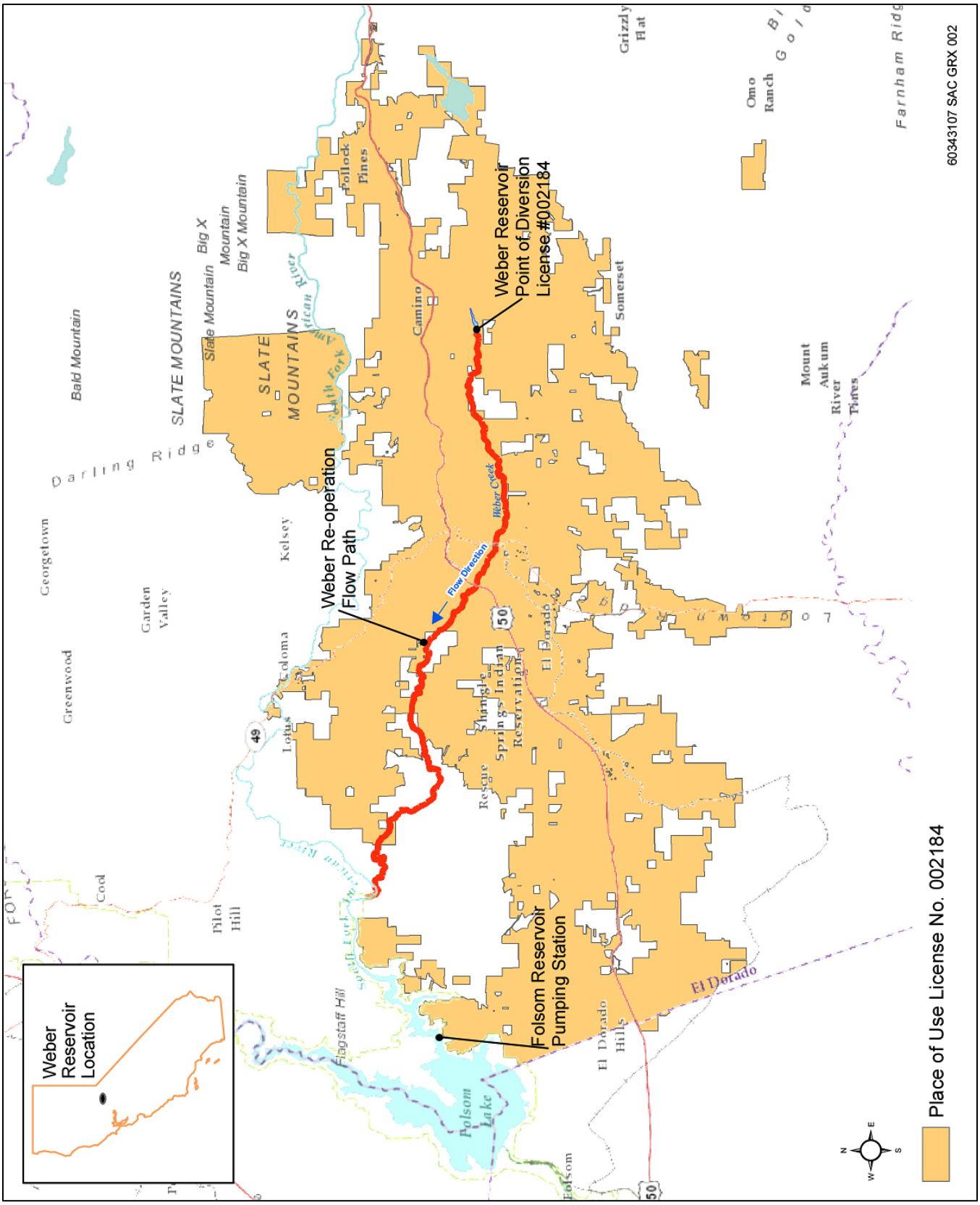
2.4.1 WEBER RESERVOIR RE-OPERATION

For approximately a decade, EID has made discretionary releases from Weber Reservoir to provide non-federal supplies for its own use through a Warren Act Contract at Folsom Reservoir. Due to the availability of other supplies in 2015 that have not previously been available and strategic management of reservoir operations, EID does not anticipate releasing stored water currently available in this reservoir during 2015. Therefore, absent the transfer, EID would only make minimum releases as required by law in 2015. For the transfer, EID would re-operate Weber Reservoir to draw it down under a schedule approved by Reclamation and deliver this water to Folsom Reservoir for transfer to WWD.

Release of approximately 700 AF from Weber Reservoir would occur starting September 1 and end on or about September 21, with flows essentially consistent during the entire three-week period.

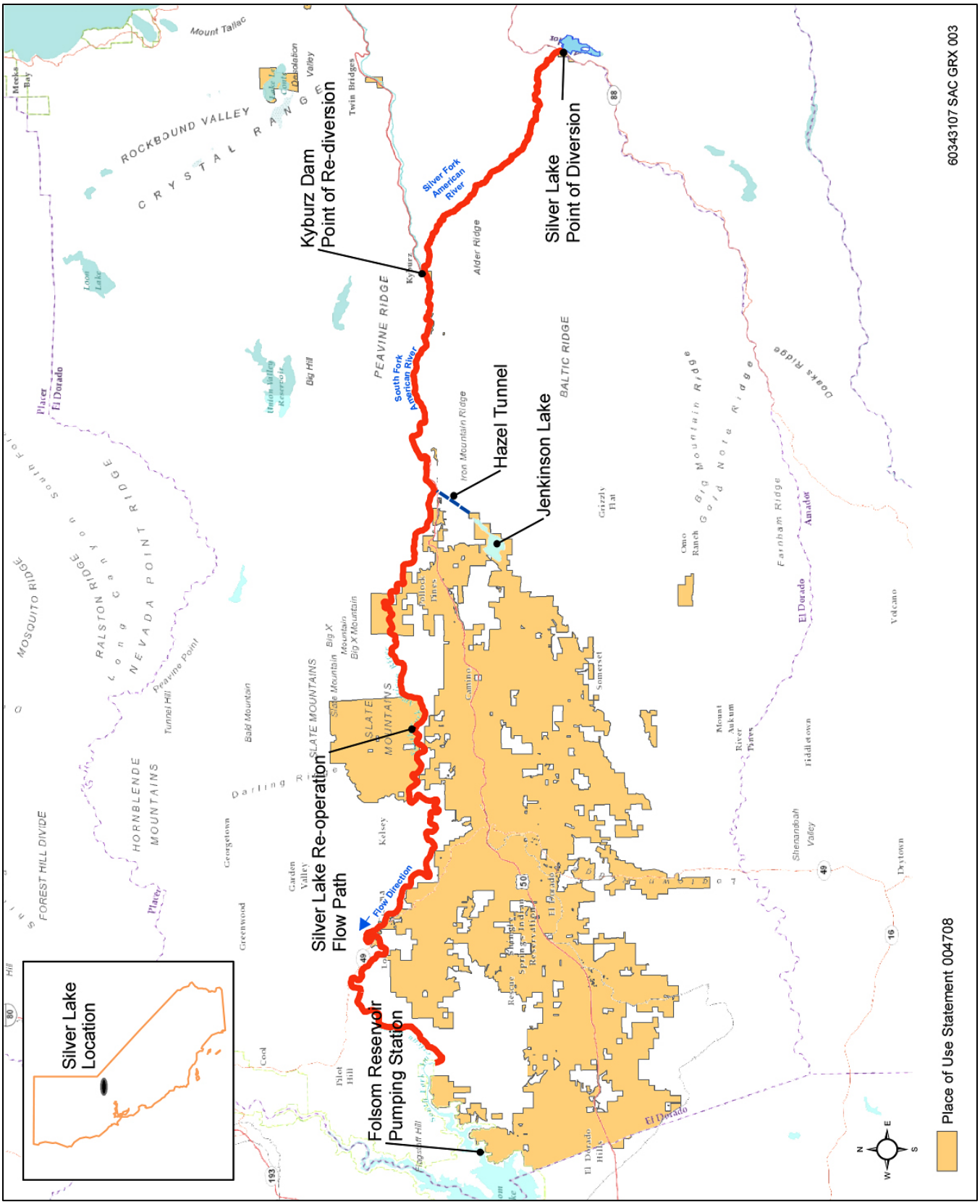
EID would obtain SWRCB approval of temporary changes to its Weber Reservoir licensed water right (License 2184; Application 1692) under CWC Section 1725, et seq. and would enter into a refill agreement with Reclamation to protect Folsom Reservoir storage in 2016. As described in Section 2.4.3 below, WWD is responsible for obtaining a Warren Act Contract and conveyance agreement with Reclamation to allow the delivered transfer water to be collected at Folsom Reservoir and conveyed to WWD.

The capacity of Weber Reservoir is 1,125 AF and EID's water right authorizes diversion of up to 1,000 AF per year, and requires minimum storage of 200 AF on September 1 annually, and minimum releases not less than 1 cubic foot per second (cfs) to protect and enhance fish, wildlife, and recreation in Weber Creek downstream of Weber Reservoir when active reservoir storage is available. With the proposed transfer of approximately 700 AF from Weber Reservoir, the September 1 storage requirement would be met, and the planned carryover storage



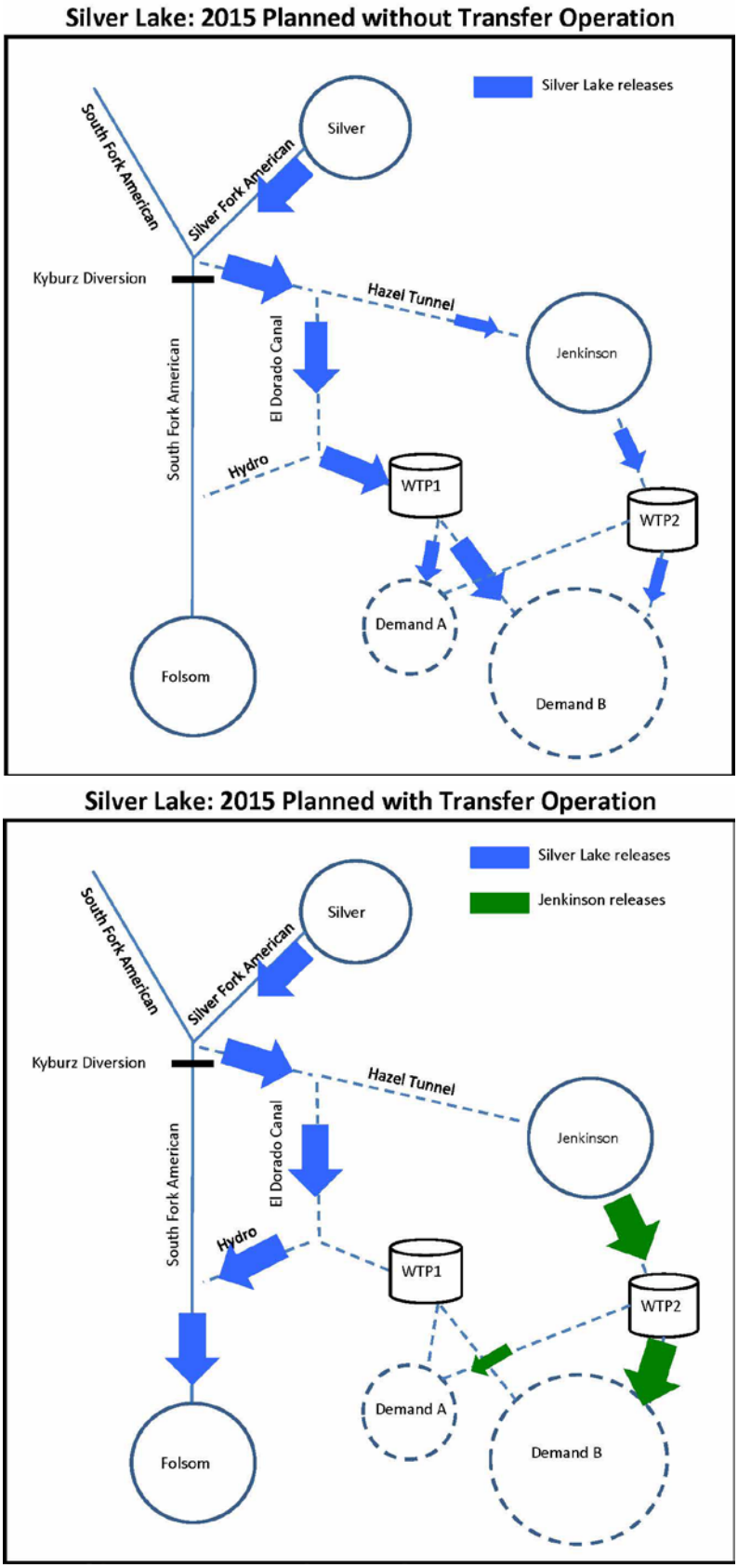
Source: Tully & Young 2015

Figure 2-2. Proposed Weber Reservoir Re-Operation



Source: Tully & Young 2015

Figure 2-3. Proposed Silver Lake Re-Operation



Source: Tully & Young 2015

Figure 2-4. Silver Lake Water Transfer Schematic

would be managed to ensure sufficient continued outflow releases beyond October 1. Based upon modeling of recent hydrology, Weber Reservoir storage would likely drop to approximately 110 AF, but may go as low as 80 AF depending on fall weather patterns, prior to refilling during the fall and winter of 2015/2016.

2.4.2 SILVER LAKE/JENKINSON LAKE RE-OPERATION

The transfer also would include approximately 2,400 AF made available through the re-operation of water previously stored in EID's Silver Lake pursuant to pre-1914 water rights, and managed during the year between Silver Lake and Jenkinson Lake. EID operates Jenkinson Lake and upstream Project 184 reservoirs, including Silver Lake, cooperatively so as to optimize available water supplies and provide desired carry-over for subsequent years.

EID's 2015 operation plan is to re-divert in summer and early fall water previously stored under Silver Lake's pre-1914 water rights for immediate consumptive use and/or delivery into Jenkinson Lake (which is within the Cosumnes River watershed). This planned without-transfer action would re-divert releases of water previously stored in Silver Lake via EID's Kyburz Diversion Dam and El Dorado Canal, from which it would flow either directly to EID's water treatment plant or into Jenkinson Lake via the Hazel Creek Tunnel.

Under the proposed transfer, EID would instead use water already stored in Jenkinson Lake to meet demands during this time period in lieu of using water from Silver Lake, and EID would also not operate the Hazel Creek Tunnel to replenish Jenkinson Lake from Silver Lake. This re-operation would allow water previously stored in Silver Lake to instead be released and re-diverted at Folsom Reservoir between August 1 and September 30, 2015 for transfer to WWD. EID would draw on Jenkinson Lake storage for meeting demands, resulting in a lower than planned end-of-season storage in Jenkinson Lake. The decrease in Jenkinson Lake storage would be approximately equal to the water released from Silver Lake for transfer.

Silver Lake has a capacity of 8,640 AF and Jenkinson Lake has a capacity of 41,033 AF.

Transfer of the Silver Lake water stored under a pre-1914 water right (S004708) would not require a petition to the SWRCB. September releases from Silver Lake would be conducted in accordance with all applicable requirements and coordinated with Reclamation. As described in Section 2.4.3 below, WWD is responsible for obtaining a Warren Act Contract and conveyance agreement with Reclamation to allow the delivered transfer water to be collected at Folsom Reservoir and conveyed to WWD.

2.4.3 TEMPORARY STORAGE IN FOLSOM RESERVOIR AND FLOW PATH OF TRANSFER WATER

Because Folsom Reservoir is a POD and PORD under EID's water right for Weber Reservoir, the use of Folsom Reservoir to temporarily store and subsequently release Transfer Water would be covered under a Warren Act Agreement between WWD and Reclamation. Folsom Reservoir would be the Point of Delivery from EID to WWD.

Water released from Folsom Reservoir would be re-operated via Lake Natoma into the LAR. From the LAR, water would flow to the Sacramento River then the San Joaquin River then to the PORD at the Jones intake facility.

Water would be rediverted at the Jones intake facility and conveyed south via the Delta Mendota Canal to San Luis Reservoir. Transfer Water may be temporarily stored in San Luis Reservoir and then delivered via the San Luis Canal, thence the Coalinga Canal, or it may be used immediately by WWD.

2.4.4 ABSENT AN APPROVED TRANSFER

Absent approval from state and federal agencies for this proposed transfer to WWD, EID would: (1) maintain a higher end-of-season storage level in Weber Reservoir, and (2) re-divert all available supplies from Silver Lake for immediate consumptive use or delivery to Jenkinson Lake to maintain a higher end-of-season storage level in Jenkinson. Silver Lake would reach the same end-of-season level with or without a transfer. Absent an approved transfer approximately 3,100 AF, less water would enter Folsom Reservoir during summer and fall 2015.

2.4.5 SCHEDULE

The proposed Water Transfer is scheduled to take place between August 1 and September 30, 2015. Water would begin to be transferred to Folsom Reservoir for storage as soon as federal and state regulatory approvals are received, and WWD and EID have coordinated with Reclamation.

Reclamation would provide the Transfer Water from the Point of Delivery to WWD on a schedule that is mutually agreeable and/or beneficial to Reclamation, WWD, and the environment such that it would not disrupt normal CVP or State Water Project (SWP) operations and would adhere to all current flow standards for the LAR from Lake Natoma to the confluence with the Sacramento River, as well as the most up-to-date requirements for the Delta as directed by the SWRCB.

WWD would coordinate with Reclamation Central Valley Operations staff to determine the timing and flow rate of Transfer Water releases from the Point of Delivery for rediversion at the Jones intake facility. Reclamation could release the Transfer Water: (1) on top of (in addition to) projected operations resulting in increased LAR flows; (2) as part of operations consistent with the Flow Management Standard (FMS) resulting in increased (by 3,100 AF) end-of-September Folsom Reservoir storage; or (3) some combination of (1) and (2). Ultimately, the water would be released by Reclamation to assist with balancing Folsom Reservoir storage and downstream conditions.

2.5 PUBLIC TRUST DOCTRINE AND CALIFORNIA WATER RIGHT LAW

Under the public trust doctrine, certain resources are held to be the property of all citizens and subject to continuing supervision by the State. Originally, the public trust was limited to commerce, navigation, and fisheries, but over the years the courts have broadened the definition to include recreational and ecological values. In a landmark case, the California Supreme Court held that California water right law is an integration of both public trust and appropriative right systems, and that all appropriations may be subject to review if “changing circumstances” warrant their reconsideration and reallocation.

The SWRCB is required to consider the effects of the proposed project on public trust resources and protect those resources where feasible. The SWRCB is a key responsible agency for the proposed project. Under the public trust doctrine, the SWRCB must balance the potential value of a proposed or existing water diversion with the impact it may have on the public trust. This IS includes a section (Section 3.18) that analyzes the effects on public trust resources from the proposed temporary water transfer.

2.6 REGULATORY REQUIREMENTS, PERMITS, AND APPROVALS

As the lead agency, EID has the principal responsibility for approving and carrying out the proposed project and for ensuring that the requirements of CEQA, the State CEQA Guidelines, and all other applicable regulations are met. The following permitting agencies also may have permitting approval or review authority over portions of the proposed project:

- SWRCB: Temporary Urgency Change Petition for License 2184 (Application 1692) approval
- Reclamation: Warren Act Contract with WWD and Refill Agreement with EID
- California Department of Fish and Wildlife: Concurrence that the proposed project would not result in unreasonable effects on fish and wildlife
- California Regional Water Quality Control Board: Notification of the proposed project consistent with CWC Sections 1725-1732

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3 ENVIRONMENTAL CHECKLIST

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:		
The environmental factors checked below would be potentially affected by this proposed project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.		
☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology and Soils
☐ Greenhouse Gas Emissions	☐ Hazards and Hazardous Materials	☐ Hydrology and Water Quality
☐ Land Use and Planning	☐ Mineral Resources	☐ Noise
☐ Population and Housing	☐ Public Services	☐ Recreation
☐ Transportation and Traffic	☐ Utilities and Service Systems	☐ Mandatory Findings of Significance

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☒ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

☐ I find that although the proposed project COULD have a significant effect on the environment, there WILL NOT be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date: June 22, 2015
Dan Corcoran	Environmental Manager
Printed Name	Title
El Dorado Irrigation District	
Agency	

3.1 AESTHETICS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

3.1.1 ENVIRONMENTAL SETTING

The proposed project would transfer up to 3,100 AF in 2015 through existing waterways and infrastructure from Silver Lake in Amador County and Weber Reservoir in El Dorado County to the WWD service area in Fresno and Kings Counties. State Highway 50 in El Dorado County and State Highway 88 in Amador County are Officially Designated State Scenic Highways (Department of Transportation [DOT] 2015). No designated state scenic highways are located within the WWD service area. The lower American River (LAR) (from Lake Natoma to the confluence with the Sacramento River) is designated under the National Wild and Scenic Rivers Act of 1968 (United States Fish and Wildlife Service [USFWS] 2015).

3.1.2 DISCUSSION

a) Have a substantial adverse effect on a scenic vista?

No Impact. The temporary water transfer would occur entirely within existing waterways over approximately 60 days in summer and fall 2015 and would use existing water conveyance infrastructure. The relatively small volume of water transferred would not result in substantial visual changes to the streams and rivers that carry Transfer Water (i.e., up to 3,100 AF of water proposed for transfer from EID's Weber Reservoir and Silver Lake to WWD)from Weber and Silver lakes, where the water would be released. In Weber Creek, a release from Weber Reservoir of an estimated 10 cubic feet per second (cfs) would be below the maximum summer release rate seen in the past five years of 10.5 cfs (see Table 3-2 in Section 3.4, "Biological Resources"), and would result in a temporary increase in average water depth of approximately 3 inches as measured at a point located immediately downstream of Weber Reservoir. In the Silver Fork American River, a maximum release of approximately 85 cfs from Silver Lake beginning September 16 would be well below the maximum release rate seen during September in the last five years of approximately 133 cfs (see Table 3-1 in Section 3.4, "Biological Resources"), and would result in a temporary increase in average water depth of approximately 1.5 feet as measured at a point located downstream of Silver Lake (which would not be visually significant given the stream width is approximately 15 to 30 feet wide). Given the existing volumes of water in Folsom Reservoir and downstream areas, the small volume of Transfer Water (approximately 3,100 AF) would not result in visual changes to these downstream areas

and would be within the range of conditions experienced during the past five years. Water would be used to support continued agricultural operations within the WWD service area. The proposed project would not change a scenic vista or have a substantial adverse effect on a scenic vista. No impact would occur.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less-than-Significant Impact. The temporary water transfer would not substantially damage scenic resource within a state scenic highway. A small stream reach between the confluence of the Silver Fork and South Fork American River (SFAR) and the Kyburz diversion dam is located adjacent to Highway 50, an Officially Designated State Scenic Highway. The proposed project would temporarily increase, not decrease, flows modestly in this portion of the stream visible from Highway 50; any such increase would be minor and would not cause any water flows to increase above seasonal levels when compared to the past five years. Impact would be less than significant.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less-than-Significant Impact. The proposed project would not substantially degrade the existing visual character or quality of the project sites or their surroundings. The proposed project would not reduce flows and would temporarily increase flows modestly in the affected stream reaches; therefore, no negative impact would occur. The impact would be less than significant.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No Impact. No new sources of light or glare that could adversely affect day or nighttime views are proposed. No impact would occur.

3.2 AGRICULTURE AND FORESTRY RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☒	☐

3.2.1 ENVIRONMENTAL SETTING

Water stored in Weber Reservoir is typically used for municipal, industrial, fire protection, fish and wildlife protection and/or enhancement, and recreation purposes. Water stored in Silver Lake is either directly used or conveyed to Jenkinson Lake and typically serves irrigation, domestic, industrial, power generation, fire protection, fish and wildlife protection and/or enhancement, and recreation purposes.

Agricultural uses and zoning occur in both the EID and WWD service areas, and the lands include areas that are designated as Prime Farmland by the California Department of Conservation (DOC) (DOC 2010a, 2010b, 2010c).

Under the California Land Conservation Act of 1965, also known as the Williamson Act, local governments can enter into contracts with private property owners to protect land (within agricultural preserves) for agricultural and open space purposes. Lands under active Williamson Act contracts are located in both the EID and WWD service areas (DOC 2009, 2012a, 2013a).

3.2.2 DISCUSSION

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. As discussed above, lands within the EID and WWD service areas are designated by the DOC as Prime Farmland. Water would be temporarily transferred with the proposed project via existing waterways and infrastructure and would be used for continued agricultural irrigation, including on Prime Farmland, within the WWD service area. The proposed project would not convert farmland to nonagricultural uses, and potentially would keep some farmland from becoming fallowed due to the drought conditions. No impact would occur.

b) Conflict with existing zoning for agricultural use or a Williamson Act contract?

No Impact. The transferred water would be used in areas zoned for agricultural use. Lands under active Williamson Act contracts are located within the EID and WWD service areas, but the proposed project would not conflict with existing zoning for agricultural uses or a Williamson Act contract. The proposed project would increase available water supplies to irrigate Williamson Act lands within the WWD service area. No impact would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No Impact. Although there is timberland in the vicinity of the EID reservoirs, the proposed project would not affect existing timberlands and therefore not conflict with existing zoning for, or cause rezoning of, forestry resources. No timberland is located in WWD service area. No impact would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. Section 12220(g) of the California Public Resources Code defines forestland as land that can support 10 percent native tree cover and woodland vegetation of any species (including hardwoods) under natural conditions, and that allows for management of one or more forest resources (e.g., timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation) and other public benefits. The proposed project would not affect existing forest land and therefore not result in the loss of forestland or conversion of forestland to nonforest uses. No impact would occur.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Less-than-Significant Impact. As discussed in Questions a through d above, the proposed project would not result in other changes in the physical environment that could result in the conversion of farmland to non-agricultural use or the conversion of forestland to non-forest uses. Because Jenkinson Lake water supplies are used in part for irrigation, it is conceivable that farm land could be converted to non-agricultural use if Jenkinson Lake did not refill to normal levels in 2016 due to the transfer. Jenkinson Lake is a relatively small impoundment with a high probability of refill, even under drought conditions, given the projected with-transfer carryover storage level. In addition, Weber Reservoir and Silver Lake (from which water is typically transferred to Jenkinson Lake) have refilled in all of the most recent dry hydrologic years. Therefore, the risk of impacts to carryover storage that would result in impacts from conversion of farmland to non-agricultural use or conversion of forest land to non-forest use would be negligible. The Transfer Water would augment existing WWD water supply for use in the WWD service area and would be used for irrigation of agricultural crops. No impact would likely occur, although there is a small chance of a less-than-significant impact to occur if another critically dry year occurs in water year 2016.

3.3 AIR QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations.				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

3.3.1 ENVIRONMENTAL SETTING

The EID service area is located in the Mountain Counties Air Basin which lies along the northern Sierra Nevada, close to or contiguous with the Nevada border, and covers an area of roughly 11,000 square miles. The El Dorado County Air Quality Management District attains and maintains air quality conditions in El Dorado County and the Amador County Air Pollution Control District attains and maintains air quality conditions in Amador County.

The WWD service area is located in the San Joaquin Valley Air Basin, which includes all of Fresno and Kings Counties as well as several other Central Valley counties. The San Joaquin Valley Air Pollution Control District implements air quality management strategies to attain and maintain Central Valley air quality standards.

GENERAL AIR QUALITY ENVIRONMENTAL SETTING

The federal Clean Air Act and the California Clean Air Act required the U.S. Environmental Protection Agency (EPA) and California Air Resources Board (ARB) to establish health-based air quality standards at the federal and state levels. National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) were established for the following criteria pollutants: carbon monoxide (CO), ozone, sulfur dioxide (SO_2), nitrogen dioxide (NO_2), particulate matter less than 10 microns in diameter (PM_{10}), particulate matter less than 2.5 microns in diameter ($PM_{2.5}$), and lead. These standards have been established with a margin of safety to protect the public's health. Both EPA and ARB designate areas of the state as attainment, nonattainment,

maintenance, or unclassified for the various pollutant standards according to the federal Clean Air Act (CAA) and the California Clean Air Act (CCAA), respectively.

An "attainment" designation for an area signifies that pollutant concentrations did not violate the NAAQS or CAAQS for that pollutant in that area. A "nonattainment" designation indicates that a pollutant concentration violated the standard at least once, excluding those occasions when a violation was caused by an exceptional event, as identified in the criteria. A "maintenance" designation indicates that the area previously had nonattainment status and currently has attainment status for the applicable pollutant; the area must demonstrate continued attainment for a specified number of years before it can be redesignated as an attainment area. An "unclassified" designation signifies that data do not support either an attainment or a nonattainment status.

Under the NAAQS, the EID and WWD service areas are designated as nonattainment for 8-hour ozone, and the western portion of the EID service area and all of the WWD service area are designated as nonattainment for $PM_{2.5}$. Under the CAAQS, the EID and WWD service areas are designated as nonattainment for ozone and $PM_{10,}$ and the WWD service area is designated as nonattainment for$PM_{2.5}$ (California Air Resources Board [CARB] 2013).

3.3.2 DISCUSSION

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less-than-Significant Impact. Air quality plans describe air pollution control strategies to be implemented by an air district, city, county, or region. The primary purpose of an air quality plan is to maintain and/or achieve attainment of a CAAQS or NAAQS. No construction activities are proposed with the project and no long-term operational or maintenance activities are proposed. The Transfer Water would augment existing WWD water supply for use in the WWD service area and would be used for irrigation of agricultural crops. Therefore, farming operations in WWD would be slightly increased as a result of the proposed transfer, particularly when considered cumulatively with other proposed water transfers involving WWD this summer. Even with these transfers, however, there will be substantial decreases in the normal level of farming operations (and resulting air quality emissions) in WWD because of the drought. The proposed project would not generate new emissions that would conflict with or obstruct implementation of an air quality plan. The impact would be less than significant.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less-than-Significant Impact. For the reasons described in Question a, the proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. The impact would be less than significant.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less-than-Significant Impact. The analysis of cumulative effects focuses on whether implementing a specific project would result in cumulatively considerable emissions to a significant cumulative impact. By its very nature, air pollution mainly is a cumulative impact. The proposed project would not generate new air quality emissions,

but increased farming operations in the WWD service area would occur that would otherwise not be possible during the current drought conditions as a result of the proposed, particularly when considered with other proposed water transfers involving WWD this summer. Even with these transfers, however, there will be substantial decreases in the normal level of farming operations in WWD because of the drought and reduced farming-related emissions. Therefore, the proposed project would not result in a cumulatively considerable incremental contribution to a significant cumulative impact. The impact would be less than significant.

d) Expose sensitive receptors to substantial pollutant concentrations?

Less-than-Significant Impact. Some people are especially sensitive to air pollutant emissions and need to be given special consideration when evaluating air quality impacts from projects. These people include children, older adults, persons with preexisting respiratory or cardiovascular illness, and athletes and others who engage in frequent exercise. Sensitive receptors include residences, schools, playgrounds, child care centers, athletic facilities, long-term health-care facilities, rehabilitation centers, convalescent centers, and retirement homes. The proposed project would not generate new pollutant concentrations. The impact would be less than significant.

e) Create objectionable odors affecting a substantial number of people?

Less-than-Significant Impact. Human response to odors is subjective, and sensitivity to odors varies greatly. Typically, odors are regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from psychological (e.g., irritation, anger, anxiety) to physiological (e.g., circulatory and respiratory reactions, nausea, vomiting, headaches). The proposed project would not create new objectionable odors. The impact would be less than significant.

3.4 BIOLOGICAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, or the National Marine Fisheries Service	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

3.4.1 ENVIRONMENTAL SETTING

Searches of California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB) for the Sly Park and Camino 7-5 minute quadrangles and the surrounding quadrangles (including Aukum, Caldor, Fiddletown, Garden Valley, Old Iron Mountain, Omo Ranch, Placerville, Pollock Pines, Riverton, and Slate Mountain) and the California Native Plant Society's (CNPS) online Inventory of Rare and Endangered Vascular Plants of California were conducted to identify sensitive fish, wildlife, and plant species that could be affected by the proposed project (CDFW 2015 and CNPS 2015).

Aquatic resources are summarized below for each water body affected by the proposed transfer. Relevant scientific findings for West Slope Sierra Nevada streams that are applicable to changed flows conditions that would result from the Water Transfer are as follows:

- Proposed Silver Lake re-operations are consistent with historic operations and multiple agreements, in particular, the FERC relicensing Settlement Agreement of EID's Hydroelectric Project 184. Adherence to minimum pool requirements and timing of releases described in that agreement would continue to protect habitat for those fish and amphibian species that are resident to Silver Lake and its tributaries as well as the Silver Fork American River. Rainbow trout (*Oncorhynchus mykiss*) and brown trout (*Salmo trutta*) (according to Gerstung's computed average [Gerstung 1973] for Sierran streams) likely spawn in the smaller tributaries where suitable habitat is more abundant. Since rainbow trout are spring-spawners and brown trout are fall spawners, smaller fry, which are more vulnerable to increased flows, of both species are typically absent during the summer and fall months when the water transfer is proposed. The relatively small increase in flow will likely not adversely affect larger fry of either species, or affect brown trout redds (egg nests).

- The relatively small increase in flow in August and September would likely not adversely affect FYLF breeding success or cause scour to benthic macroinvertebrate (BMI) producing riffles and spring-spawning rainbow trout redds. Brown trout are fall spawners, and elevated spring flows typically do not affect brown trout production (Moyle 2002).

- Pulse flow (and recreation flows) during August and September have not been found to affect FYLF adult, juvenile, or tadpole abundance or distribution in before-and-after pulse flow investigations. During these months, FYLF are thought to be less vulnerable to high flows because egg masses have hatched out and tadpoles are more developed (Pacific Gas and Electric [PG&E] 2005).

AQUATIC RESOURCES IN WATER BODIES AFFECTED BY THE PROPOSED WATER TRANSFER

The EID reservoirs relevant to the proposed Water Transfer and the areas downstream of the reservoirs are characterized as open water habitat, perennial drainages, and canals. These habitats provide cover and foraging habitat for a variety of aquatic and water-dependent wildlife and resident native and non-native fish. No migratory fish species are able to access the SFAR (including Silver Fork of the American River) or Weber Creek due to the presence of downstream migratory blockages (dams); Nimbus Dam on Lake Natoma and Folsom Lake Dam upstream of Lake Natoma.

Silver Lake

Sierra Nevada yellow-legged frog (SNYLF) (*Rana sierrae*) are present in tributaries to and along the southeast shorelines of Silver Lake (ECORP 2012). SNYLF breeding coincides with spring snow melt, and is dependent upon water temperature. Breeding occurs shortly after snow melt when adults emerge from hibernation, and generally extends from May into summer. Eggs are laid in ponds, isolated pools, and lakes that do not freeze over, as the tadpole stage may occur for several years.

Rainbow trout, lake trout or mackinaw (*Salvelinus namaycush*), and brown trout are found in Silver Lake. Rainbow trout is the only native trout species. All trout species are important recreational fisheries, and rainbow and lake trout are particularly valued in Silver Lake by anglers.

Silver Fork American River and South Fork American River

SNYLF are present in the Silver Fork basin above 6,000 feet elevation, though they have not been observed in the mainstem Silver Fork of the American River (Silver Fork). SNYLF activity coincides with spring snow melt, and is dependent upon water temperature. Breeding occurs shortly after snow melt when adults emerge from

hibernation, and generally extends from May into summer. Eggs are laid in ponds, isolated pools, and lakes that do not freeze over, as the tadpole stage may occur for several years. Eggs and tadpoles are not present in the Silver Fork.

Rainbow trout, brook trout (*Salvelinus fontinalis*), and brown trout are found in the Silver Fork (ECORP 2013). Rainbow trout, a spring spawner, is the only native trout species in the American River basin. Brown and brook trout are non-native, fall-spawning species. All trout species are important recreational fisheries; both rainbow and brown trout are particularly valued in the upper Silver Fork by anglers. Rainbow trout are the dominant trout species in the Silver Fork. The BMI community in the Silver Fork and SFAR is diverse and abundant, and includes a high percentage of non-tolerant (sensitive) species, including Ephemeroptera, Plecoptera, and Trichoptera (EPT) species. The presence of non-tolerant BMIs, in particular EPT species, is indicative of good water quality conditions.

Native fish species that are present in SFAR include rainbow trout, Sacramento sucker (*Catostomus occidentalis*), California roach (*Hesperoleucus symmetricus*), speckled dace (*Rhinichthys osculus*), Sacramento pikeminnow (*Ptychocheilus grandis*), hardhead minnow (*Mylopharodon conocephalus*), and prickly sculpin (*Cottus asper*) (ECORP 2013). Hardhead minnow is a US Forest Service species of concern. Non-native fish species include brown trout and brook trout. Rainbow trout are the dominant trout species in the SFAR.

FYLF are present in SFAR. In 2011, egg masses were observed in late July during the receding limb of the SFAR hydrograph (Garcia and Associates 2011) downstream from Kyburz diversion dam. Tadpoles were observed largely in August 2011.

Weber Reservoir

The fish fauna of Weber Reservoir predominantly consists of rainbow trout and several non-native centrarchid (bass and sunfish) species. Other native fish species that may potentially be present in Weber Reservoir include Sacramento sucker, California roach, and prickly sculpin. Non-native fish speciesmay include brown trout, largemouth bass (*Micropterus salmoides*), smallmouth bass (*M. dolomieu*), spotted bass (*M. punctulatus*), bluegill (*Lepomis macrochirus*), green sunfish (*L. cyanellus*), and common carp (*Cyprinus carpio*).

No special-status fish or amphibian species are present in Weber Reservoir. California red-legged frog (CRLF) (*Rana draytonii*) were historically (but not currently) sighted in lower Weber Creek. However, the only current population of CRLF in El Dorado County is present in the upper Weber Creek watershed in a 63-acre area known as Spivey Pond, owned by the American River Conservancy. Bullfrogs and non-native predatory fish are abundant in Weber Reservoir, which precludes the presence of CRLF in the reservoir. CRLF breeding occurs from mid-December through early April along the margins and shallow parts of natural or manmade ponds, or wide slow sections of streams without predatory, non-native fish species. Breeding sites require inundation into summer for tadpoles to reach a size for metamorphosis.

Weber Creek

No special-status fish or amphibian species are currently known to be present in Weber Creek. CRLF are present in the American River basin, and have been historically (but not currently) sighted in lower Weber Creek (see discussion of Weber Reservoir).

Rainbow trout, a spring spawner, is the only native trout species in Weber Creek, with non-native brown trout, a fall spawner, potentially present. Other fish species that may occur in Weber Creek are as described above for Weber Reservoir, however Sacramento sucker, California roach, and prickly sculpin are likely the more abundant species, along with the numerically dominant rainbow trout. The BMI community in Weber Creek is somewhat less diverse and abundant than compared to other west slope streams, due at least partially to consistently low stream flows (ECORP 2003). BMI species are the primary prey for trout and native fish species. Though most BMI species are present as various instars (life history stages) throughout the year, BMI production is highest in spring.

Jenkinson Lake

The aquatic resources residing in Jenkinson Lake, and especially the fish community, are similar to those found in Weber Reservoir.

3.4.2 DISCUSSION

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, or the National Marine Fisheries Service?

Less-than-Significant Impact.

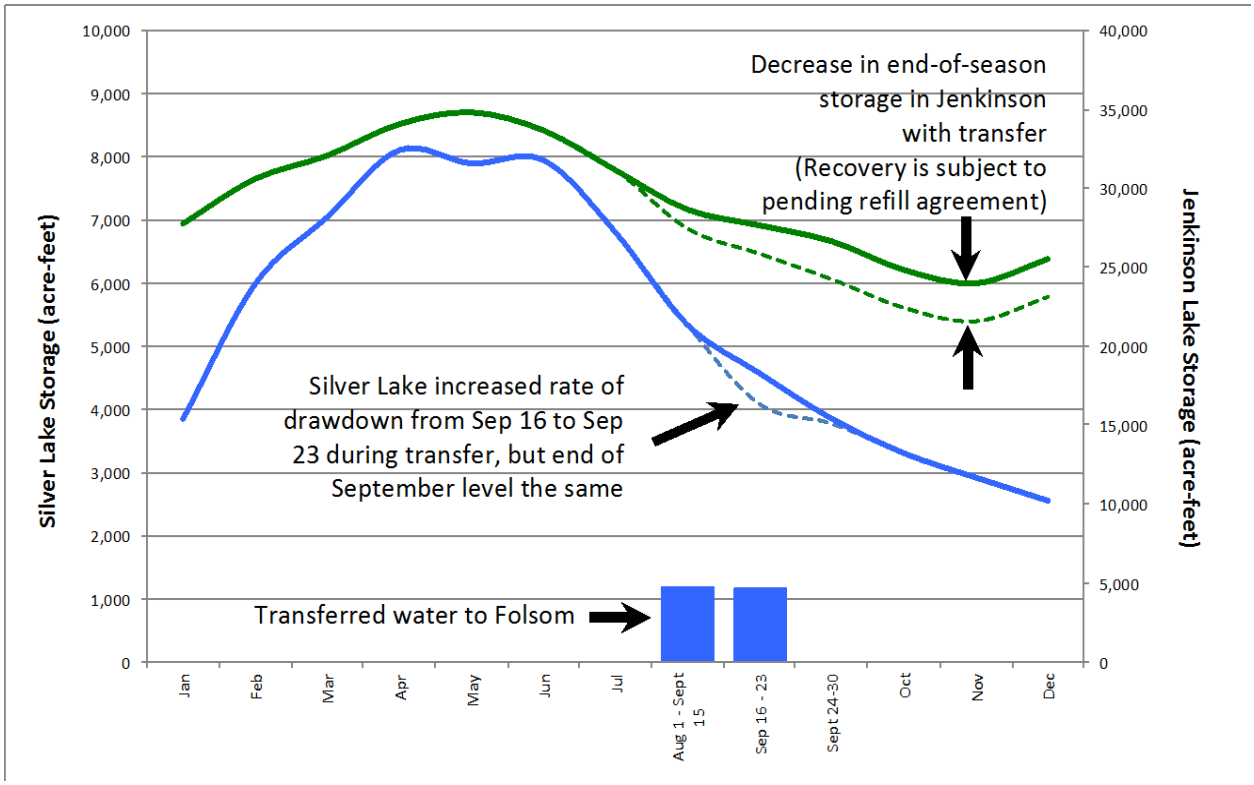
WATER TRANSFER EFFECTS ON SILVER LAKE

The targeted 2,400 AF Water Transfer from Silver Lake was modeled with the concept of providing transfer release flow at rates less than the observed maximum monthly flow that has occurred during the past five years (since 2010) in Silver Fork. Transfer water would be released from Silver Lake such that the transfer release rate from August 1 through September 23 would be less than observed maximum monthly rate flow during that same time period over the past five years (i.e., 133.3 cfs in September 2011); the maximum modeled transfer release rate would be approximately 84.9 cfs over the 8-day time period between September 16 and 23 (Table 3-1 and Figure 3-1).

Approximately 1,500 AF of water would be released from Silver Lake into the Silver Fork during August and through September 15, consisting of 'minimum release plus leakage' flows (13.8 cfs average flow)[1]. As such, storage in Silver Lake during the August 1 through September 15 time period was calculated to be approximately 5,333 AF, both with and without transfer flows. During September 16 through 23, 2015, resulting storage in Silver Lake would be reduced to approximately 4,082 AF, as compared to approximately 4,569 AF without the transfer release. During the following week (September 24 through 30), storage in Silver Lake, with and without transfer release, was calculated to be 3,772 and 3,852 AF, respectively.

1 As described in Section 2, the proposed transfer would result in releases from Silver Lake being directed to Folsom Reservoir rather than diverted for direct consumption or diversion to storage in Jenkinson Lake. As a result, the minimum flow releases required by EID's operating license agreement, coupled with leakage recognized as part of the contributing flows into Silver Fork American River would contribute the initial quantities of the anticipated transfer to WWD. These flows would be augmented by higher releases during the September 16 through September 23 period, when EID is allowed to increase releases above the minimum flow and leakage rates.

Table 3-1. Silver Lake Reservoir Releases 2010 through 2014 Historical Data and Planned Reservoir Operations (all values in CFS)													
								Transfer Period					
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug 1 to Sep 15	Sep 16 to Sep 23	Sep 24 to Sep 30	Oct	Nov	Dec
Maximum	46.8	98.1	41.9	250	262.7	672.1	286.6	33.1	133.3	139.1	208.4	33.9	208.5
Minimum	5.7	3.5	0.5	4.9	23	19	13.7	9.4	10.2	20.3	5.3	5	4.9
Average	17.9	18.4	14.9	46.5	79.2	104.6	44.8	15.9	52.7	50.6	21.9	10.9	27
2015 Actual	9.5	29.3	18	17.2	20	21.1			---				
2015 Planned without Transfer Condition													
Released from Silver Lake							18.3	13.8	49.9	48.6	7.5	6.7	6.2
Routed to Jenkinson or directly to WTP							18.3	13.8	49.9	48.6	7.5	6.7	6.2
Increased Jenkinson release to meet WTP demand							0	0	0	0	0	0	0
2015 Planned with Transfer Condition													
Released from Silver Lake							18.3	13.8	84.9	8.1	7.5	6.7	6.2
Routed to Jenkinson or directly to WTP							18.3	0	0	8.1	7.5	6.7	6.2
Increased Jenkinson release to meet WTP demand							0	13.8	84.9	0	0	0	0
Source: Tully & Young 2015													



Source: Tully & Young 2015

Figure 3-1. Silver Lake and Jenkinson Lake Storage Overview

WATER TRANSFER EFFECTS ON THE SILVER FORK AMERICAN RIVER

Approximately 1,500 AF of water is expected to be released from Silver Lake into the Silver Fork during August and through September 15, consisting of 'minimum release plus leakage' flows, resulting in a 13.8 cfs maximum flow through September 15. The remaining 900 AF (calculated as the remaining transfer from the total Silver Lake target of 2,400 AF) would be released from September 16 through 23, resulting in maximum Silver Fork streamflow of approximately 84.9 cfs, well under the maximum rate that has historically occurred during that time period over the past five years (133.3 cfs in September 2011) (Table 3-1).

Slight differences in wetted channel width and wetted area along the stream margins are expected to occur between the proposed Water Transfer and historic (over the past five years) conditions, as average water depth at 84.9 cfs is calculated to increase by approximately 1.5 feet over depths observed at minimum flow (4 cfs). Slight increases in depths and water velocities to microhabitats (riffles, pools, runs) in Silver Fork would be apparent, but would not significantly affect existing cover values for fish, or negatively affect the quality of food-producing (BMIs) riffles in those habitats due to the high level of habitat complexity that exists throughout Silver Fork. Increases in depth and water velocities would be within the range of depths and velocities that currently occur in Silver Fork during this time period. Direct adverse effects to aquatic resources would also be negligible, since potentially adverse effects to existing instream habitats would not be expected to occur.

The temporary elevation of streamflows during the proposed water transfer would be coupled with suitable ramping rates as indicated in the Hydroelectric Project 184 Settlement Agreement. Ramping rates at the beginning and end of the transfer release would restrict increases in water depth in Silver Fork to 1 foot per hour up to a 75 cfs release, and to 0.5 feet per hour up to a 175 cfs release. This technically-based license requirement, previously approved by the state and federal resource agencies, would result in continued protection of aquatic resources in the Silver Fork, and in particular would result in a negligible adverse effect on resident populations of rainbow and brown trout.

WATER TRANSFER EFFECTS ON THE SFAR BELOW KYBURZ DIVERSION DAM

The confluence of the Silver Fork with SFAR is immediately above the Kyburz diversion dam. Proposed Water Transfer flows to this point would mimic historic flows, and would continue to be diverted at Kyburz diversion dam. With the proposed project, instead of being directed for consumptive use, the transfer release flow would be discharged back into the SFAR through the El Dorado Powerhouse just upstream from Slab Creek Reservoir, and then travel downstream to Folsom Reservoir. As in Silver Fork, the water transfer would have negligible effects to aquatic resources in the SFAR downstream of the El Dorado Powerhouse and extending to the confluence with Folsom Reservoir, since streamflows would increase by a maximum of 84.9 cfs over base flow for approximately 8 days. That increase is approximately 50 cfs less than the historic maximum increase in flow of 133.3 cfs as released during that time period from Silver Lake.

WATER TRANSFER EFFECTS ON JENKINSON LAKE

Without the proposed project, summer and early fall water that has been stored in Silver Lake is delivered through the Hazel Creek Tunnel (via EID's Kyburz Diversion Dam and El Dorado Canal), either directly to EID's water treatment plant or into Jenkinson Lake. Under the proposed project, EID would instead use water already stored in Jenkinson Lake to meet demands during this time period in lieu of water from Silver Lake, and Jenkinson Lake would not be replenished with water from Silver Lake during this time period. This would allow water stored in

Silver Lake to instead be released to Folsom Reservoir between August 1 and September 30, 2015 for transfer to WWD. EID would draw on Jenkinson Lake storage for meeting demands, resulting in a lower than planned end-of-season storage in Jenkinson Lake.

Jenkinson Lake has a capacity of 41,033 AF, though current storage is less than 35,000 AF. Storage in Jenkinson Lake at the beginning of August 2015 (and prior to releases associated with the proposed project) is expected to be approximately 31,100 AF. As a result of the Water Transfer during August, resulting storage in Jenkinson Lake would decrease by approximately 1,200 AF compared to August 31 storage without the Water Transfer. By September 30, 2015, storage would decrease by approximately 2,400 AF compared to September 30 storage without the Water Transfer (i.e., approximately 24,200 AF total storage in Jenkinson Lake, as compared with approximately 26,600 AF storage without the proposed transfer).

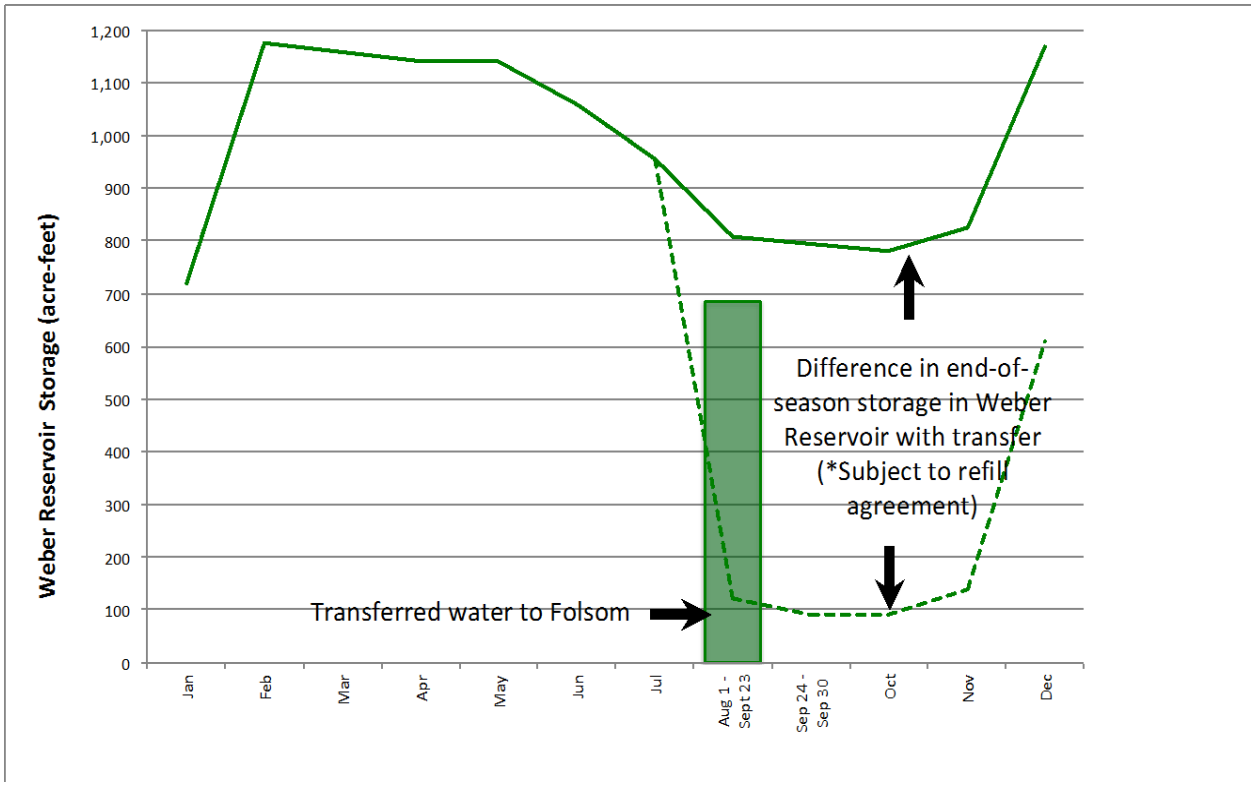
Storage in Jenkinson Lake during the September time period was lower in 1994 (17,100 AF) than currently expected for 2015, and was relatively similar in 1993 (26,600 AF) and 1997 (27,500). Since 1990, refill to full storage has occurred during the immediate winter months in all years except for 1993, indicating that Jenkinson Lake would easily refill following the Water Transfer. Potential for adverse effects to aquatic resources in the Cosumnes River drainage downstream from Jenkinson Lake (e.g., Park Creek, Camp Creek, and North Fork Cosumnes River) would not be expected during the winter period of refill due to inflow into those streams from numerous tributary streams. Streamflow volume in those streams is largely dependent upon rainfall. Rainfall typically occurs in the winter and is often minimal during summer and late fall when the Water Transfer would occur. Therefore, differences in wetted channel width and wetted area along those stream margins, as well as to aquatic habitats during the period of refill, would be minimal to negligible.

WATER TRANSFER EFFECTS ON WEBER CREEK

The proposed Water Transfer would likely have temporary beneficial effects to aquatic resources in Weber Creek, due to an increase in magnitude of the low flows currently released from Weber Reservoir; minimum reservoir release to Weber Creek is approximately 1 cfs throughout the year, depending on the previous month's inflow and reservoir storage conditions. The maximum flow observed during the proposed transfer period (August 1 through September 23) over the past five years was 10.5 cfs (in 2011), with an average monthly flow of 3.8 cfs over that time period. The entire Weber Reservoir Water Transfer would be approximately 700 AF, and would occur from August 1 through September 23, resulting in maximum streamflows in Weber Creek of approximately 10.0 cfs during the Water Transfer. Average monthly flows after September 23 and for the remaining months in 2015 (through December) were calculated to be at minimum flow (about 1 cfs) (Table 3-2 and Figure 3-2).

Differences in wetted channel width and wetted area along the stream margins between the proposed Water Transfer and historic (over the past five years) conditions would be negligible, as average water depth was calculated to increase by about 3 inches over depths observed at minimum flow (1 cfs). Such changes in depths and water velocities to microhabitats (riffles, pools, runs) in Weber Creek would not significantly affect existing cover values for fish, or negatively affect the quality of food-producing (BMIs) riffles in those habitats. Direct adverse effects to aquatic resources would also be negligible, as potential effects to existing instream habitats would be minimal to negligible.

Table 3-2. Weber Reservoir Releases2010 through 2014 Historical Data and Planned Reservoir Operations (all values in CFS)												
								Transfer Period				
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug 1 to Sep 23	Sep 24 to Sep 30	Oct	Nov	Dec
Maximum	94.8	82.3	134.2	99.6	68.8	46.4	20.7	10.5	9.5	8.2	3.3	148.1
Minimum	1.2	1.3	1.5	1.2	0.9	1.1	0.9	1.1	1.1	0.9	0.8	0.9
Average	13.1	17.1	40.8	36.2	21.9	14.1	3.6	3.8	4.2	1.9	1.6	19.3
2015 Actual	2.3	14.1	25.8	1.3	1.2	1.1			---			
2015 Planned without Transfer Condition												
Released from Weber Reservoir							1.3	1	1	1	1.1	1.1
2015 Planned with Transfer Condition												
Released from Weber Reservoir (max)							1.3	10	1	1	1.1	1.1



Source: Tully & Young 2015

Figure 3-2. Weber Reservoir Storage Overview

In addition to the magnitude of flows, the ramping rate of increased or decreased flows may also have the potential to adversely affect aquatic resources if it occurs at a rate that could immediately displace or strand fish or other aquatic resources. The Weber Dam and Reservoir Operations Manual (EID 2005) identifies a ramping rate from the reservoir such that changes in Weber Creek in-stream depth would not exceed 0.5 feet per hour as measured at Weber outlet gage W-3. This rate was approved by CDFW as being suitable for minimizing or preventing stranding or displacement of those fish species present below Weber Dam. The Water Transfer would follow this specified ramping rate. Further, potential effects of ramping would be ameliorated with distance downstream from the release point.

WATER TRANSFER EFFECTS ON WEBER RESERVOIR

The targeted approximately 700 AF Water Transfer from Weber Reservoir was modeled with the concept of providing transfer release flow at rates less than the observed maximum flow (10.5 cfs in September 2011) that has occurred during the past five years (since 2010) in Weber Creek (Table 3-2). Modeling results indicate that approximately 700 AF more than minimum required releases can be released from Weber Reservoir beginning on August 1 and ending on or about September 23 while maintaining releases at rates less than the observed historic maximum flow for that time period (10.5 cfs) in Weber Creek at Weber outlet gage W-3 while also transferring all water by September 30. The maximum release rate during the period of Water Transfer release would be approximately 10.0 cfs.

Storage in Weber Reservoir at the beginning of August 2015 is expected to be approximately 915 AF. With the water transfer occurring through September 23, 2015, the resulting storage would decline to approximately 121 AF by September 23. A minimum of 200 AF will be maintained as of September 1 per SWRCB, Division of Water Rights Order WR 2007-0035-DWR. Traditionally, Weber Reservoir easily refills as evident even during the most recent historically dry periods of 2014 and 2015 when the reservoir refilled. Actual refill during winter 2015 will be subject to an agreement to be entered into with the U.S. Bureau of Reclamation. However, even using hydrologic conditions from 2013/14 and 2014/15, Weber Reservoir would easily refill and sufficient carryover storage is expected to be available in future years to provide required minimum flows.

WATER TRANSFER EFFECTS BELOW FOLSOM RESERVOIR

Transfer Water may slightly decrease the temperature of the water entering Folsom Reservoir, although any increase is anticipated to be nominal given the small volume of water being transferred. Reclamation would be responsible for coordination and scheduling of the volume and timing of releases from the Point of Delivery to the Point of Rediversion so that optimal thermal conditions are realized in the receiving water bodies consistent with existing state and federal regulations, endangered species acts, and all biological opinions in effect at the time of the transfer. These releases from Folsom Reservoir first enter the LAR which in turn flows into the Sacramento River. During the summer months, stream flows in the American River, Sacramento River, and Sacramento-San Joaquin Delta are typically dominated by Central Valley Project (CVP) and State Water Project (SWP) deliveries, as well as temporary water transfers. This is largely due to the fact that the normal, historical unimpaired hydrology of the American and Sacramento rivers, as well as those of the Delta and its tributaries, would typically support a declining hydrograph during these summer months. Benefits to the aquatic environment downstream of Folsom Reservoir as a result of the Water Transfer are anticipated to be nominal even in a year like 2015 when CVP/SWP deliveries are significantly cut given the small volume of water being transferred. Assuming the total Transfer Water was released either in August or in September 2015 from Folsom Reservoir, the proposed project's releases from Folsom Reservoir would account for between approximately 1.5 percent and 2.6 percent of projected LAR flows during August and September 2015(respectively) under Reclamation's Central Valley Operations 50 percent operational forecast, or between approximately 3.2 percent and 7.4 percent of projected LAR flows during August and September 2015 (respectively) under the 90 percent operational forecast (USBR 2015).

SUMMARY

In total, approximately 3,100 AF would be transferred from Silver Lake and Weber Reservoir, through release into Silver Fork or Weber Creek, SFAR, LAR, and into the Sacramento River and Delta from August through

September 23, resulting in a maximum increase of approximately 85 cfs over base flow in Silver Fork and SFAR below the El Dorado Powerhouse, and 9.0 cfs over minimum flow (1 cfs) in Weber Creek (10.0 cfs total maximum flow). Differences in wetted channel width and wetted area along the stream margins between the proposed Water Transfer and historic (over the past five years) conditions would be minimal to negligible, as average water depth is expected to increase only approximately 3 inches in Weber Creek and approximately 1.5 feet in Silver Fork. Such changes in depths and water velocities to microhabitats (riffles, pools, runs) would not significantly affect existing cover values for fish, or negatively affect the quality of food-producing (BMIs) riffles in those habitats. Direct adverse effects to aquatic resources would also be negligible, as potential effects to existing instream habitats would be minimal to negligible. Isolated pools of relatively small size have the potential to form in reaches immediately below the Weber Reservoir and SFAR release points during the down-ramping phase, but they would be expected to have negligible effects on aquatic resources given that all ramping rates would be followed for the Water Transfer. Potential changes to channel width and wetted area, and formation of isolated pools, are further reduced with distance downstream from the release point, and in particular, are negligible downstream from Folsom Reservoir.

The relatively small changes in streamflow during the proposed Water Transfer and the low down-ramping rate would likely have a negligible effect on resident populations of rainbow and brown trout, hardhead minnow, and other fish species, in SFAR downstream of El Dorado Powerhouse and upstream of Camino Powerhouse, Weber Creek below Weber Reservoir, Weber Reservoir, Silver Lake, and Jenkinson Lake, as well as Folsom Reservoir, LAR, and areas downstream of LAR.

Therefore, all impacts to aquatic resources, in particular, to candidate, sensitive, or special-status species, from the proposed transfer would be less than significant.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

Less-than-Significant Impact. Because the proposed project would be temporary and would not result in fluctuations in the reservoir and streamflow levels that are outside of historic range, the potential for adverse effects on riparian habitat would be minimal. Such potential impacts would be limited primarily to vegetation immediately adjacent to Jenkinson Lake and Weber Reservoir; however, vegetation would not be substantially affected by the proposed single-year water transfer because water levels typically fluctuate based on precipitation and the transfer would occur during the summer and early fall when the reservoirs are typically drawn down on an annual basis. Plant species that occur within the transfer channels and reservoir high water line are acclimated to historic fluctuations in water levels. One special-status plant species, brownish beaked rush (*Rhynchospora capitellata*) is known to occur in marsh habitats in the region. However, the shorelines of the EID reservoirs and the banks of project creeks/canals are mostly steep and preclude the development of extensive marsh vegetation. Therefore, brownish beaked rush is not expected to occur. Other special-status plant species know to occur in the region are found in upland habitats that would not be affected by the project. Temporary increases in the downstream areas also would not result in levels that are greater than historic conditions and would not cause adverse effects on riparian habitat. The impact would be less than significant.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less-than-Significant Impact. The proposed project would not result in any construction activities or fill of wetlands or Waters of the U.S. The impact would be less than significant.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less-than-Significant Impact. The proposed project would provide slightly more water (approximately 3,100 AF) in Weber Creek, SFAR, LAR, lower Sacramento River, and into the Delta. This slight increase in flow, primarily spread over the month of August and 23 days in September, would have negligible effects on river flows and resulting movements or migrations of any fish or wildlife species. Reduced reservoir elevations in Weber Reservoir would also not significantly affect movements or migrations of any fish or wildlife species, especially given that Weber Reservoir typically has little to no inflow during the August to September timeframe of the proposed Water Transfer.. Adherence to minimum pool requirements (Division of Water Rights Order WR 2007-0035-DWR) would further protect habitat for those fish species that are resident to Weber Reservoir. Reduced reservoir elevations in Silver Lake and Jenkinson Lake would also not significantly affect movements or migrations of any fish or wildlife species. Therefore, the proposed transfer project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. The impact would be less than significant.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. No impact would occur.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The proposed project would not conflict with a habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. No impact would occur.

3.5 CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

3.5.1 ENVIRONMENTAL SETTING

Native American and Euro-American peoples have inhabited and traveled through present-day El Dorado, Amador, Fresno, and Kings Counties for thousands of years. Their long record of occupation and activities in the area has left numerous prehistoric and historic-era remains on the landscape, including scattered artifacts, the remains of seasonal and long-term occupation, human interments, buildings, structures, and in some cases heavily altered landscapes.

3.5.2 DISCUSSION

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

Less-than-Significant Impact. No new ground-disturbing activities are proposed with the project. It is not anticipated that the proposed project would cause a substantial adverse change in the significance of a historical resource given that changes in reservoir water levels and streamflow levels as a result of the Water Transfer would be within historical ranges, water would be transferred using existing waterways and infrastructure, and water delivered to WWD would be used to maintain existing agricultural activities. The impact would be less than significant.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less-than-Significant Impact. No new ground-disturbing activities are proposed with the project. It is not anticipated that the proposed project would cause a substantial adverse change in the significance of an archaeological resource given that changes in reservoir water levels and streamflow levels as a result of the Water Transfer would be within historical ranges, water would be transferred using existing waterways and infrastructure, and water delivered to WWD would be used to maintain existing agricultural activities. The impact would be less than significant.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less-than-Significant Impact. No new ground-disturbing activities are proposed with the project. It is not anticipated that the proposed project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature given that changes in reservoir water levels and streamflow levels as a result of the Water Transfer would be within historical ranges, water would be transferred using existing waterways and infrastructure, and water delivered to WWD would be used to maintain existing agricultural activities. No paleontological resources are known in the area. The impact would be less than significant.

d) Disturb any human remains, including those interred outside of formal cemeteries?

Less-than-Significant Impact. No new ground-disturbing activities are proposed with the project. It is not anticipated that the proposed project would disturb any human remains given that changes in reservoir water levels and streamflow levels as a result of the Water Transfer would be within historical ranges, water would be transferred using existing waterways and infrastructure, and water delivered to WWD would be used to maintain existing agricultural activities. The impact would be less than significant.

3.6 GEOLOGY AND SOILS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

3.6.1 ENVIRONMENTAL SETTING

The EID service area is located in the Sierra Nevada geomorphic province, which consists of a northwest-trending mountain range approximately 400 miles long and 40–100 miles wide. The WWD service area is located in the Great Valley geomorphic province, which is an alluvial plain about 400 miles long and 50 miles wide.

The EID and WWD service areas are not located in an Alquist-Priolo Earthquake Fault Zone or in mapped landslide or liquefaction zones (DOC 2015). Weber Reservoir, Jenkinson Lake, and Silver Lake are located in the vicinity of several local faults that are not considered active, including the Spring Valley fault, Jenkinson West fault, Jenkinson East fault, and the Waterhouse Peak fault.

3.6.2 DISCUSSION

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)

Less-than-Significant Impact. Surface fault rupture is most likely to occur on active faults (i.e., faults showing evidence of displacement within the last 11,700 years). Damage from surface fault rupture is generally limited to a linear zone a few yards wide. No Alquist-Priolo earthquake fault zones are mapped within the EID or WWD service areas and no active faults are located in the vicinity of the existing EID reservoirs. Agricultural activities would not change in the WWD with the proposed project that would be at new risk from fault activity. Surface fault rupture could occur in the area given the proximity to known faults, but the faults are not active and the proposed project would not expose people or structures to potential substantial adverse effects from fault rupture. The impact would be less than significant.

ii) Strong seismic ground shaking?

Less-than-Significant Impact. No modification to EID dams and no new structures are proposed. Each dam in included in an ongoing dam safety program by the Department of Water Resources Division of Dam Safety to ensure the facility meets all current dam safety standards. Silver Lake Dam is additionally part of the Project 184 Dam Safety Program under the authority of the Federal Energy Regulatory Commission. The proposed project would not expose people or structures to potential substantial adverse effects from strong seismic ground shaking. The dams would be operated in a manner consistent with historical operations. The impact would be less than significant.

iii) Seismic-related ground failure, including liquefaction?

Less-than-Significant Impact. No modification to EID dams and no new structures are proposed. In addition, the EID and WWD service areas are not in mapped liquefaction zones. The proposed project would not expose people or structures to potential substantial adverse effects from seismic-related ground failure. The impact would be less than significant.

iv) Landslides?

No Impact. The proposed project does not have the potential to expose people or structures to potential substantial adverse effects from landslides. None of the facilities involved with the proposed project are located within an area prone to landslides. No impact would occur.

b) Result in substantial soil erosion or the loss of topsoil?

Less-than-Significant Impact. No activities are proposed that could result in substantial soil erosion or the loss of topsoil. The reservoirs and waterways involved would be operated within the range of historical conditions. Water would be transferred with the proposed project via existing waterways and infrastructure, and would be used for continued agricultural irrigation in the WWD service area. The proposed project would potentially keep some

farmland from becoming fallowed due to the drought conditions, thereby potentially reducing the risk of soil erosion or loss of topsoil that may otherwise occur. The impact would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

No Impact. None of the facilities involved with the proposed project are located within geologic units or on soil that would be unstable as a result of the project. No impact would occur.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?

No Impact. The proposed project would not create substantial risks to life or property as a result of expansive soils since the proposed temporary water transfer would use existing waterways and infrastructure and the WWD service area where water would be used is not located in an area mapped with expansive soils (Fresno County 2000). No impact would occur.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. The proposed project would not include wastewater treatment. No impact would occur.

3.7 GREENHOUSE GAS EMISSIONS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

3.7.1 ENVIRONMENTAL SETTING

Certain gases in the earth's atmosphere, classified as greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. A portion of the solar radiation that enters Earth's atmosphere is absorbed by the earth's surface, and a smaller portion of this radiation is reflected back toward space. Infrared radiation (i.e., thermal heat) is absorbed by GHGs; as a result, infrared radiation released from the earth that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the "greenhouse effect," is responsible for maintaining a habitable climate on Earth.

Global warming is the name given to the increase in the average temperature of Earth's near-surface air and oceans since the mid-twentieth century. Increases in GHG concentrations in Earth's atmosphere are thought to be the main cause of human-induced climate change. As discussed above, some GHGs occur naturally and are necessary for keeping Earth's surface habitable. However, increases in the concentrations of these gases in the atmosphere during the last 100 years have decreased the amount of solar radiation that is reflected back into space, intensifying the natural greenhouse effect and resulting in the increase of global average temperature. GHG emissions associated with human activities are highly likely to be responsible for intensifying the greenhouse effect and have led to a trend of unnatural warming of the earth's atmosphere and oceans, with corresponding effects on global circulation patterns and climate (Intergovernmental Panel on Climate Change [IPCC] 2013).

The principal GHGs are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), sulfur hexafluoride (SF_6), perfluorocarbons (PFCs), and hydrofluorocarbons (HFCs). The primary human-made processes that release these gases are the burning of fossil fuels for transportation, heating, and electricity generation; agricultural practices that release CH_4, such as livestock grazing and crop residue decomposition; and industrial processes that release smaller amounts of high global warming potential gases, such as SF_6, PFCs, and HFCs. Deforestation and land cover conversion also have been identified as contributing to global warming by reducing Earth's capacity to remove CO_2 from the air and altering Earth's albedo (or surface reflectance), allowing more solar radiation to be absorbed.

CRITERIA FOR DETERMINING SIGNIFICANCE OF EFFECTS

Any single project would be unlikely to create a significant GHG impact. However, the cumulative effect of human activities has been clearly linked to quantifiable changes in the composition of the atmosphere, which in

turn have been shown to be the main cause of global climate change (IPCC 2013). Therefore, the environmental effects of GHG emissions from the proposed project are addressed cumulatively in this document.

3.7.2 DISCUSSION

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less-than-Significant Impact. No construction-related activities are proposed and no GHG exhaust emissions would be directly generated by the proposed project. Farming activities generate GHG emissions; however, given that the purpose of the proposed project is to provide WWD with water due to zero allocation of CVP water, the proposed project would not increase normal farming activities and would not result in a change in GHG emissions compared to baseline conditions.

The proposed project would not involve long-term maintenance or operational activities and the proposed project would not substantially increase the generation or use of electricity, water, wastewater, or solid waste.

The proposed project would generate minimal GHG emissions that have previously been associated with production of the agricultural lands to be served by the proposed project in other years. Additionally the proposed project would result in increased generation of hydroelectric power associated with the Silver Lake aspect of the project with water that would otherwise not be used for hydroelectric generation purposes. The power would be sold to PG&E, which would replace power that PG&E would otherwise need to acquire from other sources that could generate GHG emissions. The impact would be less than significant.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less-than-Significant Impact. The proposed project would not conflict with plans, policies, or regulations prepared or established to reduce GHG emissions. The proposed project's incremental contribution to the cumulative impact of increasing atmospheric levels of GHGs would be less than cumulatively considerable. The impact would be less than significant.

3.8 HAZARDS AND HAZARDOUS MATERIALS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

3.8.1 ENVIRONMENTAL SETTING

Schools in the vicinity of the EID reservoirs include Camino Elementary School, located approximately 1.5 miles north of Weber Reservoir, Pleasant Valley Middle School, located approximately 1.5 miles south of Weber Reservoir, and Sierra Ridge Middle School, located approximately 1.5 miles north of Jenkinson Lake.

Several schools are located within the WWD service area, including Mendota High School, Columbia College, Neutra Elementary School, Akers Elementary School, Chestnut High School, and Huron Middle School.

The nearest public airport and private airstrip to the EID reservoirs are Placerville Airport, approximately 4 miles northwest of Weber Reservoir, and Perryman Airport, approximately 3 miles southwest of Weber Reservoir. The William Robert Johnston Municipal Airport and Naval Air Station Lemoore are located within 2 miles of the WWD service area. Airports in the WWD service area include William Robert Johnston Municipal Airport, San Joaquin Airport, Harris-Agro West Airport, West Side Field Station Airport, Harris Ranch Airport, Willet Field, and Stone Land Company Airport.

The Hazardous Waste and Substances Sites List (Cortese List) is compiled by the California Department of Toxic Substances Control (DTSC) in accordance with Section 65962.5 of the California Government Code. A search of the Cortese List and a search for sites with reported hazardous material spills, leaks, ongoing investigations, and/or remediation near the project sites were performed using the DTSC online EnviroStor database (DTSC 2015). In addition, a search was conducted using the State Water Resources Control Board's (SWRCB's) GeoTracker database (SWRCB 2015). The searches identified two sites immediately west of Jenkinson Lake with completed cleanup and closed cases: Sly Park Resort (a Leaking Underground Storage Tank (LUST) Cleanup Site, RB Case # 090030) and Sly Park Ranger Station (a Cleanup Program Site). The searches also identified three sites near Silver Lake with completed cleanup and closed cases: Kay's Silver Lake Resort (a LUST Cleanup Site, RB Case # 030048), Silver Lake Family Camp (a LUST Cleanup Site, RB Case # 030065), and Bear River Lake Resort (a LUST Cleanup Site, RB Case # 030064). LUST and other cleanup sites are also located in the WWD service area.

3.8.2 DISCUSSION

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less-than-Significant Impact. The proposed Water Transfer would not require use of acutely hazardous materials or substances. Agricultural activities could involve the use and storage of hazardous materials (e.g., fuels, fertilizers, insecticides), but use and storage would not increase as a result of the proposed project. Additionally, use of agricultural chemicals would be required to comply with the county Agricultural Commissioner's Office requirements. Compliance with the usage, safe handling, and disposal requirements identified by the manufacturer along with compliance with applicable federal, state, and local regulations would limit the potential for an accident condition to occur that involves the release of hazardous materials into the environment. For these reasons, the proposed project would not create a significant hazard to the public related to hazardous materials. The impact would be less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?

Less-than-Significant Impact. Please refer to the discussion under Question a above. The proposed project would not create a significant hazard to the public involving the release of hazardous materials. The impact would be less than significant.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less-than-Significant Impact. No existing or proposed schools are located within 0.25 mile of the EID reservoirs. Schools are located within the WWD service area, but the proposed Water Transfer would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. Agricultural activities in the WWD service area could involve the use and storage of hazardous materials (e.g., fuels, fertilizers, insecticides), but use and storage would not increase as a result of the proposed project. The impact would be less than significant.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less-than-Significant Impact. The EID reservoirs are not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. LUST and other cleanup sites are located in the WWD service area, but general ongoing agricultural activities would not change as a result of the proposed project, and the proposed project would not create a significant hazard to the public or the environment. The impact would be less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No Impact. No airports are located near the EID reservoirs but several airports are located within the WWD service area; however, the proposed project would not create a hazard associated with airport operations for people residing or working in the area of the proposed project. No impact would occur.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact. No private airstrips are located near the EID reservoirs, but a private airstrip is located in the WWD service area; however, the proposed project would not create a safety hazard associated with airport operations for people residing or working in the area of the proposed project. No impact would occur.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. Land-based emergency response routes and plans would not be affected by the proposed project and in-water navigation would not be interrupted by the proposed project. Implementation of the proposed project would not significantly impair or interfere with emergency access to local roads and evacuation routes, or significantly reduce emergency response. No impact would occur.

h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The California Department of Forestry and Fire Protection (CAL FIRE) classifies the areas near the EID reservoirs as high to very high fire hazard severity zones (CAL FIRE 2007). No very high fire hazard

severity zones are mapped WWD service area (CAL FIRE 2007). The proposed project would not add structures that could be exposed to fire risk. In the event of a fire, existing access roads could be used to accommodate fire-fighting crews and equipment. No features of the proposed project would add to the existing high to very high fire danger in the EID service areas of the proposed project. No impact would occur.

3.9 HYDROLOGY AND WATER QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or off-site erosion or siltation?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐
j) Result in inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒
k) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, such that surface water elevations are reduced and negatively affect diversions for beneficial uses?	☐	☐	☒	☐

3.9.1 ENVIRONMENTAL SETTING

HYDROLOGY

Without the Water Transfer, water from Silver Lake would flow down the Silver Fork American River and be diverted at the Kyburz diversion dam just downstream of the Silver Fork confluence with SFAR for immediate treatment and consumption by EID customers and/or storage in Jenkinson Lake. With the proposed transfer, this water from Silver Lake would instead be sent to the El Dorado Powerhouse and returned to the SFAR and then Folsom Reservoir. In the last five years, a maximum release rate of 133 cfs has been recorded in Silver Fork downstream of Silver Lake during the timeframe of the proposed project. Water from Weber Reservoir flows down Weber Creek, which confluences with SFAR, thence Folsom Reservoir. In the last five years a maximum release rate of 10.5 cubic feet per second (cfs) has been recorded in Weber Creek downstream of Weber Reservoir during the timeframe of the proposed project. See Tables 3-1 and 3-2 and Figures 3-1 and 3-2 in Section 3.4, "Biological Resources" for additional information.

Terms in Water Right License 2184 and a Memorandum of Understanding (MOU) between EID and CDFW require maintenance of a minimum of 200 AF of reserve storage in Weber Reservoir on September 1 in order have enough reserve storage for minimum instream flow releases into Weber Creek during the dry months of September through November. When storage is greater than 200 AF, the required instream flow is greater than or equal to 1 cubic foot per second (cfs) and is determined by a formula utilizing the monthly average inflow for the previous calendar month. When storage is equal to or less than 200 AF, the required instream flow is 1 cfs. When storage is equal to or less than 80 AF (which is the dead pool, when water surface in the reservoir is at or below the outlet pipe elevation), the outlet valve remains open and reservoir releases are equal to inflow unless the reservoir level were to fall below the level of the outlet works (EID 2005).

WATER QUALITY

The SWRCB requires water providers to conduct a source water assessment to help protect the quality of water supplies. The assessment describes where a water system's drinking water comes from, the types of polluting activities that may threaten the quality of the source water, and an evaluation of the water's vulnerability to the threats.

Updated assessments of EID's drinking water sources were most recently completed in 2013. EID source water is considered most vulnerable to recreation, residential sewer, septic system, and urban runoff activities, which are associated with constituents detected in the water supply. EID source water is also considered most vulnerable to illegal activities, dumping, fertilizer, pesticide and herbicide application, forest activities, and wildfires. EID's water quality monitoring program includes taking samples of raw and treated water throughout the year from many locations in EID's service area. Analyses cover more than 100 different constituents. No maximum contaminant level violations were detected in the most recent reported samplings (EID 2014).

3.9.2 DISCUSSION

a) Violate any water quality standards or waste discharge requirements?

No Impact. The proposed project would not violate any water quality standards or waste discharge requirements. The proposed Water Transfer would use existing reservoirs, streams, and rivers operating within all applicable

requirements. Given the low ambient flow conditions during the drought, and the relatively small amount of transfer water released, there would not be any existing water quality standards or waste discharge requirements that would not be met. The small amount of the transfer (approximately 3,100 AF) being added to Folsom Reservoir would not violate water quality standards or waste discharge requirements. Agricultural activities in the WWD service area would not change as a result of the proposed project, and no new violations in water quality standards or waste discharge requirements would occur. No impact would occur.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

No Impact. No substantial effects on groundwater hydrology would occur from proposed project. No impact would occur.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or off-site erosion or siltation?

Less-than-Significant Impact. The proposed project would not substantially alter the existing drainage pattern of the site or area. The proposed Water Transfer would use existing reservoirs, streams, and rivers, and flows from the Water Transfer would be well within stream bankfull conditions.

In Weber Creek, a release from Weber Reservoir of an estimated 10 cfs would be below the maximum summer release rate seen in the past five years of 10.5 cfs (see Table 3-2 in Section 3.4, "Biological Resources"), and would result in a temporary increase in average water depth of approximately 3 inches as measured at a point located immediately downstream of Weber Reservoir. In the Silver Fork American River, a maximum release of approximately 85 cfs from Silver Lake beginning September 16 would be well below the maximum release rate seen during September in the last five years of approximately 133 cfs (see Table 3-1 in Section 3.4, "Biological Resources"), and would result in a temporary increase in average water depth of approximately 1.5 feet as measured at a point located downstream of Silver Lake (with average stream widths of approximately 15 to 30 feet).

Given the low ambient flow conditions during the drought, and the relatively small amount and flow rates of Transfer Water released, there would not be any substantial on-or off-site erosion or siltation. The small amount of the transfer (approximately 3,100 AF) would not alter any drainage patterns or the course of a stream or river, in a manner which would result in substantial on-or off-site erosion or siltation. Agricultural activities in the WWD service area would not change as a result of the proposed project, and no new on- or off-site erosion or siltation would occur. The impact would be less than significant.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding?

Less-than-Significant Impact. The proposed project would not substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding and would not impact flood flows or impose additional flood hazards. The proposed project would release a relatively small amount of water during the

summer and early fall of a prolonged drought. As discussed in Section 3.4, "Biological Resources" Question a, the proposed project would temporarily provide slightly more water in Weber Creek, SFAR, Folsom Reservoir, LAR, lower Sacramento River, and into the Delta. This temporary and slight flow increase would have negligible effects on river flows. The impact would be less than significant.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

No Impact. The proposed project would not affect any stormwater drainage systems and, therefore, would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems. The proposed project also would not provide any substantial additional sources of polluted runoff. No impact would occur.

f) Otherwise substantially degrade water quality?

Less-than-Significant Impact. All water quality standards would be met with the Water Transfer and the proposed project would not substantially degrade water quality. The proposed Water Transfer would use existing reservoirs, streams, and rivers. Given the low ambient flow conditions during the drought, and the relatively small amount and flow rates of Transfer Water released, there would not be any degradation of water quality. The small amount of the transfer (approximately 3,100 AF) being added to existing streams and rivers would not degrade but would improve water quality. Agricultural activities in the WWD service area would not change as a result of the proposed project, and no water quality degradation would occur. The impact would be less than significant.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact. The proposed project would not place housing within a 100-year flood hazard area. No impact would occur.

h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?

No Impact. No structures are proposed with the project and the proposed project would present no risk of impeding or directing flood flows. No impact would occur.

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

Less-than-Significant Impact. Because of the minimal Sierra Nevada snowpack and excess storage capacity in upstream reservoirs during the current drought conditions, the likelihood of flood flows occurring during the proposed water transfer period are highly unlikely, especially given the August and September time period of the proposed project. Additionally, flows from the Water Transfer would be well within stream bankfull conditions. The proposed project would present no risk to impeding or directing flood flows and would not risk exposing people or structures to significant risk from flooding. The impact would be less than significant.

j) Result in inundation by seiche, tsunami, or mudflow?

No Impact. The proposed project would not result in inundation by seiche, tsunami, or mudflow. No impact would occur.

k) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, such that water elevation is reduced and negatively affects diversions for beneficial uses?

Less-than-Significant Impact. The proposed Weber Reservoir transfer volume of approximately 700 AF above minimum releases in water year (WY) 2016 would occur in accordance with anticipated refill agreement criteria, and would meet all water rights requirements in WY 2015 and 2016, based on historical gaging data. Silver Lake would have the same resulting fall storage with and without the proposed Water Transfer. Jenkinson Lake would have a lowered end-of-September storage of about 2,400 AF compared to the without-transfer condition. The high refill capacity of EID's reservoirs and lakes ensures that sufficient carryover storage is available in future years to provide required minimum flows, not adversely impact instream aquatic resources through the proposed Water Transfer (see Section 3.4, "Biological Resources" Question a), and not adversely impact downstream water users. In addition, as part of the proposed project, EID and Reclamation would enter into a refill agreement for Weber Reservoir and Jenkinson Lake with conditions acceptable to both parties that CVP and WWD water system operations would not be adversely affected during the 2016 refill period by the transfer of previously stored water in 2015. Reclamation would provide the Transfer Water from the Point of Delivery to WWD on a schedule that is mutually agreeable and/or beneficial to Reclamation, WWD, and the environment such that it would not disrupt normal CVP SWP operations and would adhere to all current flow standards for the LAR from Lake Natoma to the confluence with the Sacramento River, as well as the most up-to-date requirements for the Delta as directed by the SWRCB.

No legal user of water would be injured with the proposed project because EID's transfer of water would only slightly increase, not decrease, streamflow in Weber Creek and the South Fork American River below the El Dorado Powerhouse. Any such increase would be minor and would not cause any water flows to increase above seasonal levels when compared to the past 5 years, nor would the increased flows violate regulatory flow requirements as Reclamation would adhere to their CVP Biological Opinion and other standards for the LAR and the diversion of Transfer Water at the Jones intake facility would comply with current standards and all state and federal regulations and permits that apply to the proposed Point(s) of Rediversion. The 3,100 AF of proposed Transfer Water is currently in storage in accordance with EID's water rights and, with or without this proposed transfer, would not be available to any other legal user of water. The Water Transfer would not affect EID's ability to meet future obligations.

Agricultural activities in the WWD service area would not change as a result of the proposed project, and would not substantially alter the existing drainage pattern of the site or area.

Therefore, proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, such that water elevation is reduced and negatively affects diversions for beneficial uses. The impact would be less than significant.

3.10 LAND USE AND PLANNING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

3.10.1 ENVIRONMENTAL SETTING

Land use in the EID service area is varied and includes residential, commercial, industrial, public facilities, research and development, agricultural lands, open space, and recreational areas (EID 2013). Land use in the WWD service area is primarily agricultural. The proposed project would result in the temporary availability of water to WWD, which would not result in any land use changes.

3.10.2 DISCUSSION

a) Physically divide an established community?

No Impact. Implementing the proposed project would not physically divide an established community. No impact would occur.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The proposed project would not result in the change in land use and would not conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. No impact would occur.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. The proposed project would not conflict with a habitat conservation plan or natural community conservation plan. No impact would occur.

3.11 MINERAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

3.11.1 ENVIRONMENTAL SETTING

Mineral resource areas are mapped in the vicinity of Jenkinson Lake (California Department of Conservation [CDC] 2003). Sand, gravel, and oil have been mapped in the vicinity of the WWD service area (Fresno County 2000).

3.11.2 DISCUSSION

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. Although mineral resources are mapped in the vicinity of Jenkinson Lake, no ground-disturbing activities are proposed near Jenkinson Lake and the lower than originally projected fall 2015 Jenkinson Lake water level as a result of the proposed project would not impact mineral resources. Mineral resources in the vicinity of the WWD service area would not be impacted. The proposed project would not require the use of mineral resources and would not result in the loss of availability of a known mineral resource. No impact would occur.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. Although mineral resources are mapped in the vicinity of Jenkinson Lake, no ground-disturbing activities are proposed near Jenkinson Lake and the lower than originally projected fall 2015 Jenkinson Lake water level as a result of the proposed project would not impact mineral resources. Mineral resources in the vicinity of the WWD service area would not be impacted. No loss of locally important minerals would occur with the proposed project. No impact would occur.

3.12 NOISE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

3.12.1 ENVIRONMENTAL SETTING

Noise and vibration sources in the vicinity of the EID reservoirs and waterways used to convey the water are dominated by vehicular traffic on local area roadways, recreational activities, and natural sources (i.e., wildlife vocalizations, wind, and birds). Noise sources in the WWD service area include equipment for agricultural production and road and air traffic.

3.12.2 DISCUSSION

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?

No Impact. No temporary or permanent increase in ambient noise levels would result from the proposed project compared to existing conditions. No impact would occur.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

No Impact. No temporary or permanent increase in groundborne vibration would result from the proposed project compared to existing conditions. No impact would occur.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

No Impact. The proposed project would not introduce any permanent sources of noise. In addition, it would not alter the local environment, such as by increasing the noise production/exposure associated with existing, permanent sources of noise in the area of the proposed project. No impact would occur.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less-than-Significant Impact. No increase in ambient noise levels would occur in the EID service area as a result of the proposed project. Because of the existing rural and agricultural land uses in the WWD service area, ambient noise in the area is generally low. Agricultural noise sources would continue to be intermittent in nature. The impact would be less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The proposed project would not affect any airport operations and would not expose people on- or off-site to excessive noise levels. No impact would occur.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The proposed project would not affect any airstrip operations. Thus, implementing the proposed project would not expose people on- or off-site to excessive noise levels. No impact would occur.

3.13 POPULATION AND HOUSING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing homes, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

3.13.1 ENVIRONMENTAL SETTING

EID serves nearly 110,000 residents in El Dorado County, primarily in the residential, commercial, and industrial sectors, although agriculture remains a significant water user. WWD serves approximately 600 family-owned farms in Fresno and Kings Counties.

3.13.2 DISCUSSION

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact. The proposed project would not result in a long-term or permanent water supply that would allow construction of new homes or businesses or extending roadways or other infrastructure that could increase the population in the vicinity of the proposed project. Implementing the proposed project would not directly or indirectly induce substantial population growth. The proposed project potentially would keep some farmland from becoming fallowed due to the drought conditions, but it would not expand agricultural activities beyond existing levels. No impact would occur.

b) Displace substantial numbers of existing homes, necessitating the construction of replacement housing elsewhere?

No Impact. Implementation of the proposed project would not displace existing housing or necessitate construction of replacement housing elsewhere. No impact would occur.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. Implementing the proposed project would not displace people or necessitate construction of replacement housing elsewhere. No impact would occur.

3.14 PUBLIC SERVICES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐

3.14.1 ENVIRONMENTAL SETTING

The EID reservoirs relevant to the proposed project are located within unincorporated areas of El Dorado and Amador Counties, and are within the jurisdiction of the Sheriff's Departments and Fire Protection Districts of those counties. Fresno and Kings County Sheriff's Departments and Fire Protection Districts operate in the WWD service area.

School districts in the vicinity of the EID reservoirs include Pollock Pines Elementary School District, Camino Union School District, and Gold Oak Elementary School District. School districts in the WWD service area include Mendota Unified School District, Central Union School District, and Coalinga-Huron School District.

EID owns and operates several recreational facilities, including facilities at Jenkinson Lake and Silver Lake (Sly Park Recreation Area). Several recreational areas are located in the WWD service area, including fishing access and Mendota Wildlife Management Area.

3.14.2 DISCUSSION

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Fire protection?

No Impact. The proposed project would not generate new residents and it would not it include construction of any structures that would require additional fire protection services. No impact would occur.

Police protection?

No Impact. The proposed project would not require changes in law enforcement services. It would not include any new housing, businesses, or other development that would increase demand for police protection services and facilities. No impact would occur.

Schools?

No Impact. The proposed project would not provide any new housing that would generate new students in the community. Therefore, the proposed project would not increase the demand for school services and facilities. No impact would occur.

Parks?

Less-than-Significant Impact. The proposed project would not provide any new housing that would generate new residents who would require new or expanded park facilities. The proposed project would temporarily draw down water levels in Jenkinson Lake within Sly Park Recreation Area by approximately 2,400 AF, but water levels would not drop below levels compared to historical conditions and no impacts to recreational opportunities at the lake would occur. Water levels at Silver Lake would be the same with or without the project, and Weber Reservoir is not open to the public for recreational uses. No impact on recreational areas in the WWD service area would occur. The impact would be less than significant.

Other public facilities?

Less-than-Significant Impact. No public facilities exist in the vicinity that would be affected by the proposed project. As part of the proposed project, EID and Reclamation would enter into a refill agreement for Weber Reservoir and Jenkinson Lake with conditions acceptable to both parties that CVP and WWD water system operations would not be adversely affected during the 2016 refill period by the transfers of previously stored water in 2015. The impact would be less than significant.

3.15 RECREATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☒	☐

3.15.1 ENVIRONMENTAL SETTING

EID owns and operates several recreational facilities, including facilities at Jenkinson Lake and Silver Lake. Sly Park Recreation Area at Jenkinson Lake includes 640 surface acres of water; 10 picnic areas; 9 miles of shoreline, hiking, and equestrian trails; two boat ramps; 191 individual campsites; and nine group camping areas. Water skiing, wake boarding, canoeing, kayaking, fishing, cruising, and sailing are allowed within Jenkinson Lake. Sly Park Recreation Area was used by over 600,000 visitors in 2013 (EID 2013). Fish species in Jenkinson Lake include but are not limited to brown trout, rainbow trout, and largemouth bass. Day use and camping are also available around Silver Lake, and fishing and boating are allowed within the lake. Fish in Silver Lake include but are not limited to brown trout, rainbow trout, and lake trout.

The South Fork American River provides rafting, kayaking, and fishing opportunities, and trails in the vicinity provide opportunities for hiking, running, mountain biking, and equestrian use. Several recreational areas are located in the WWD service area, including fishing access and Mendota Wildlife Management Area.

3.15.2 DISCUSSION

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less-than-Significant Impact. Implementing the proposed project would not cause physical deterioration of existing recreational facilities. The proposed project would result in temporary lower elevation levels in Jenkinson Lake and Weber Reservoir and slightly increased flows downstream of Weber Reservoir (but within historical levels) primarily spread over August and approximately the first 23 days in September during the Water Transfer (see Tables 3-1 and 3-2 and Figures 3-1 and 3-2 in Section 3.4, “Biological Resources”). Given the small scale of the project and short-term nature of the water transfer, these temporary changes would not result in significant impacts to recreational uses. No impact on recreational areas in the WWD service area would occur. The proposed project would not increase the population by introducing new housing or employment opportunities, and thus it would not contribute to increased use of existing regional or local parks, marinas, or other recreational facilities, causing their deterioration. The impact would be less than significant.

b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

Less-than-Significant Impact. No recreational facilities are proposed and the project would not require the construction or expansion of recreational facilities. The temporary water transfer would occur primarily over August and approximately the first 23 days in September and would result in slightly increased flows downstream of Weber Reservoir (but within historical levels).

The proposed project would not have a substantial adverse effect on recreation. EID recreation facilities and recreation opportunities downstream of the reservoirs would continue with the proposed project, and the proposed project would involve a relatively small amount of water that would be transferred over a short duration of time. No impact on recreational areas in the WWD service area would occur. The impact would be less than significant.

3.16 TRANSPORTATION AND TRAFFIC

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

3.16.1 ENVIRONMENTAL SETTING

Roads in the vicinity of the EID reservoirs include Weber Road near Weber Reservoir; Sly Park Road, Mormon Emigrant Trail, Lakewood Drive, and Lakewood Lane around Jenkinson Lake; and State Route 88, Kit Carson Road, Kays Road, West Lake Road, and Plasse Road around Silver Lake. Roads in the WWD service area are primarily rural in character. Interstate 5 runs in a north-south direction along the western boundary of the WWD service area.

3.16.2 DISCUSSION

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant

components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

No Impact. The proposed project would not adversely affect traffic or transportation patterns. No impact would occur.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

No Impact. The proposed project would not increase traffic or cause a substantial change in existing traffic patterns. Therefore, the proposed project would not add sufficient trips to degrade levels of service and would not conflict with an applicable congestion management program. No impact would occur.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The proposed project would not interfere with air traffic patterns. No impact would occur.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The proposed project would not include any change to roadway design or introduce incompatible uses. Thus, the safety of the local transportation network would not be affected. No impact would occur.

e) Result in inadequate emergency access?

No Impact. Implementation of the proposed project would not require any road closures and no traffic flow would be significantly interrupted on any roadway. The proposed project would not impair or interfere with emergency access to local roads, and would not result in traffic delays that could substantially increase emergency response times or reduce emergency vehicle access. No impact would occur.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

No Impact. The proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, nor would it otherwise decrease the performance of such facilities. No impact would occur.

3.17 UTILITIES AND SERVICE SYSTEMS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

3.17.1 ENVIRONMENTAL SETTING

EID serves nearly 110,000 residents in El Dorado County and WWD serves approximately 600 family-owned farms in Fresno and Kings Counties.

3.17.2 DISCUSSION

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

No Impact. The proposed project would not result in the need for wastewater service. In addition, the proposed project would not include any new development that would require wastewater treatment. Thus, the proposed project would not result in wastewater discharges that would exceed Regional Water Quality Control Board's requirements. No impact would occur.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No Impact. The proposed project would not include changes to water treatment requirements for EID or WWD. The proposed project would not require wastewater service. Thus, expansion of existing or construction of new water or wastewater facilities would not be required. No impact would occur.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No Impact. The proposed project would not create or contribute runoff that would exceed the capacity of any stormwater drainage systems. Furthermore, the proposed project would not include construction of new impervious surfaces or other development that would require new stormwater drainage facilities or expansion of existing facilities. No impact would occur.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Less-than-Significant Impact. No new water supplies would be required for the proposed project. In addition, the proposed project would not include any new development that would require public water supplies. Thus, no new or expanded water supply entitlements would be needed. The proposed project would provide up to 3,100 AF to WWD to augment its water supply based on the unavailability of their CVP contract water as a result of drought conditions. The water would be used within the WWD service area in support of ongoing agricultural operations. The proposed project would not affect EID's ability to meet future obligations. The impact would be less than significant.

e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?

No Impact. The proposed project would not result in changes to wastewater generation. Thus, the proposed project would not exceed a wastewater treatment provider's capacity. No impact would occur.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

No Impact. Any solid waste generated during proposed project activities would be in the WWD service area, and would be incidental and no different than current conditions. The impact would be less than significant.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

No Impact. Any solid waste generated during agricultural activities would be in the WWD service area, would be incidental, and would be disposed in local landfills. Transportation and disposal would be in accordance with all applicable federal, state, and local statutes and regulations. No impact would occur.

3.18 PUBLIC TRUST RESOURCES

Under the public trust doctrine, certain resources are held to be the property of all citizens and subject to continuing supervision by the State. Public trust resources may include, but are not limited to, fish, wildlife, other aquatic dependent species, riparian areas, and recreation. This Initial Study evaluates potential impacts from the proposed transfer on public trust resources. All impacts were found to be less than significant, or there would not be any impact at all. No mitigation measures are required because the Water Transfer has been proposed according to existing laws and regulations. The proposed project is being implemented during an ongoing and severe drought. The ability to transfer water from a user with temporary water supplies to another user in need of additional water supplies because of the ongoing drought has been recognized and encouraged by the State of California. The proposed project can be implemented without causing any unreasonable impacts to fish, wildlife, and other instream beneficial uses. Therefore, the proposed project is compatible with and complies with the public trust doctrine.

3.19 MANDATORY FINDINGS OF SIGNIFICANCE

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c)	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Authority: Public Resources Code Sections 21083, 21083.5.
Reference: Government Code Sections 65088.4.
Public Resources Code Sections 21080, 21083.5, 21095; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

3.19.1 DISCUSSION

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?

Less-than-Significant Impact. The analysis conducted in this IS concludes that implementation of the proposed project would not have a significant impact on the environment. As evaluated in Section 3.4, "Biological Resources," impacts on biological resources would be less than significant. Therefore, the proposed project would not substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or reduce the number or restrict the range of an endangered, rare, or threatened species.

As discussed in Section 3.5, "Cultural Resources," the proposed project would not eliminate important examples of the major periods of California history or prehistory, and impacts on cultural resources would be less than significant.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less-than-Significant Impact. As discussed in this IS, the proposed project would result in less-than-significant impacts or no impacts on aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and services systems.

The temporary nature of the proposed project, with short-term, minimal changes in hydrology and no construction activities or long-term operations and maintenance activities, result in no impacts or less-than-significant (mostly negligible) environmental impacts on the physical environment. None of the proposed project's impacts make cumulatively considerable, incremental contributions to significant cumulative impacts. To the contrary, the proposed project provides benefits to agricultural production by keeping more highly productive farmland in production while providing slightly higher flows during a drought in several streams within the American River watershed. Overall, these are beneficial effects during a drought and can be conducted without significant direct, indirect, or cumulative impacts.

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Less-than-Significant Impact. The proposed project would result in less-than-significant impacts and would not cause substantial adverse effects on human beings, either directly or indirectly. The impact would be less than significant.

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Attachment C

2015 El Dorado Irrigation District to Westlands Water District Temporary Water Transfer Project

Response to Comments on the
Initial Study/Proposed Negative Declaration

El Dorado Irrigation District

July 2015

TABLE OF CONTENTS

Attachments

1. Response to Comments Received from Wayne Campbell, June 26, 2015

Comment 1

In the fourth year of drought, why is El Dorado Irrigation District (EID) considering sending 3,100 acre-feet (AF) of water to Fresno and Kings counties? The environmental document prepared for the project does not highlight the positive impact this release would have for the residents of this county. While there will not be an environmental impact from the project, the backlash EID will receive may outweigh benefits.

Response 1

On January 12, 2015, the EID Board approved a five-year Warren Act contract with the U.S. Bureau of Reclamation (Reclamation) that allows EID to divert up to 8,500 AF of Project 184 water—not previously available to EID—from Folsom Reservoir for consumptive use.

With this new supply, EID now has water rights from Folsom Reservoir that greatly exceed the water demands in the area. The surplus is caused not just by the new supply, but also by the water EID customers have been conserving, or replacing with recycled water, for years. If EID does not put the surplus water to beneficial use (delivering it to customers or marketing it to downstream entities), it risks losing the benefit to Reclamation; Reclamation would sell the surplus water to another entity in need of water. In order to avoid losing the water to Reclamation if the proposed transfer were not to proceed, EID would divert the water for immediate use and for carry-over storage in Jenkinson Lake as described in Section 2.4.4 of the Initial Study/proposed Negative Declaration (IS/ND). However, current supply conditions are such that these supplies are not necessary to meet anticipated demands and it is possible that the District would be unable to use the carry-over water in 2016 through reservoir spill or other conditions. Not only would EID customers benefit from the water transfer sale, there is also a future benefit of maximizing the beneficial use of EID's water rights to preserve them for the future.

Page 2-5 of the IS/ND notes that the availability of other water supplies in 2015 that have not been previously available, and strategic management of reservoir operations, make the water transfer feasible; reservoir re-operations are further described in the IS/ND on pages 2-5 through 2-9.

Comment 2

Why was no press release issued for invitation to comment beyond the legal notices published in the Mountain Democrat and Sacramento Bee?

Response 2

EID released the IS/ND for the proposed project through a Notice of Intent to the public on June 22, 2015, and provided a 30-day comment period. In addition, the District issued a Notice of Public Hearing on July 8, 2015 regarding the July 27, 2015 public hearing for adoption of the proposed Negative Declaration. All legally required notices of these documents were provided. These notices were also issued electronically to all customers who have signed up to receive eNews of such notices from the District. Anyone wishing to receive notices regarding the District operations is encouraged to register via the District's website.

In addition to the specific required notices, the proposed project has been in the public eye throughout 2015. The EID Board reviewed options for pursuing a water transfer at a noticed public meeting on January 26, 2015. The EID Board approved a transfer agreement for the proposed project, conditioned upon regulatory approvals and the completion of environmental analysis, at another noticed public meeting on April 1, 2015. EID issued a press release about its April 1 action, and its May/June customer newsletter featured a lengthy story about the proposed project. Both of these documents were also posted on EID's website. The proposed project has been the subject of front-page news stories, an editorial, letters to the editor in the local newspaper, and a Sacramento television channel news report.

Comment 3

Under no circumstances should 3,100 acre-feet be released to other counties unless EID reservoirs are at a minimum 95 percent capacity, especially after the County refused to pursue more water earlier in June 2015. To do so would be irresponsible especially when EID's own projections show declining storage throughout May and the rest of the month, a steady decline in inflow, and increase in the outflow by as much as 40 percent. Please reconsider the project.

Response 3

EID has carefully considered the proposed project, and as noted in Response 1, additional water supplies in 2015 not previously available and reservoir re-operations would make the project feasible from a water availability perspective. Additionally, the forecasting tool developed and used in the IS/ND allowed EID to conduct a site-specific analysis that evaluates the potential effects on Silver Lake, Jenkinson Lake, and Weber Reservoir as a result of the proposed project based on summer operations and refill data for the previous 5 years (2010 through 2014), which includes some of the driest years are record. That analysis confirms that adequate supplies would be available should drought conditions continue into 2016.

Differences in projected reservoir capacities with and without the proposed project are summarized in the IS/ND in Tables 3-1 and 3-2 and illustrated in Figures 3-1 and 3-2. As described in the IS/ND on pages 3-14, 3-17, and 3-19, Silver Lake would reach the same end-of-season level with or without the proposed transfer; with the transfer, Jenkinson Lake would decrease by approximately 1,200 AF compared to August 31 storage without the transfer and would decrease by approximately 2,400 AF compared to September 30 storage without the transfer; and with the transfer, Weber Reservoir would decrease from approximately 915 AF at the beginning of August 2015 to approximately 121 AF by September 23 with the transfer, compared to a without-transfer storage of about 800 AF at that time.

Review of historical operations of Jenkinson Lake back to 1990 covering a wide range of hydrologic conditions, including those of extreme drought conditions in 2014 and 2015, has demonstrated that Jenkinson Lake would provide adequate supplies for District customers in 2016 even if drought conditions would persist into another year. Historically, Weber Reservoir also easily refills, as evident even during the most recent historically dry periods of 2014 and 2015 when the reservoir refilled and spilled following the preceding year's drawdown.

In addition, Article 6(a)(i)(4) of the Water Transfer Agreement between EID and Westlands Water District (WWD) further assures that the transfer will not adversely affect water supplies needed by EID's customers. That contract article allows EID to cancel, on three days' notice, the transfer of any water supplies that the EID Board determines are necessary to meet needs in El Dorado County.

2. Response to Comments Received from Ted B. Breck, President, South Silver Lake Homeowners' Association, July 8, 2015

Comment 1

The IS and ND are deficient because neither document EID's operational compliance with the 1999 EID-Amador County Settlement Agreement, the 1999 EID- League to Save Sierra Lakes Settlement Agreement, the 1999 EID-Association Settlement Agreement, and the 2006 Order Issuing New License for Project 184-065 ("Order"). The Settlement Agreements' and Order's mandated minimum flows, releases, and surface levels impinging upon Silver Lake are not described and the documents claim that no change in the protocol for EID's managing of Silver Lake during the crucial recreation season from August 1 ending September 15 will occur. Without specifying what EID has agreed to in the Settlement Agreements and what the Order requires opens an informational void which can be filled only through an Environmental Impact Report. Specifically, the EID-Amador County Settlement Agreement referenced above restricts any releases from Silver Lake until after Labor Day in any given year.

The Association's position is that an Environmental Impact Report (EIR) is required unless the water transfer documents plainly and clearly establish that EID will conduct the transfers in a manner consistent with the Settlement Agreements and the Order, given the environmental impacts to Silver Lake that would occur if EID does not do that.

Response 1

As noted in the IS/ND on page 1-1, the IS was prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) and the State CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations). The IS evaluated the potential environmental effects of the proposed project and determined that no significant project-related impacts would occur. Therefore, preparation of an EIR is not warranted and a ND is the appropriate finding for the proposed project.

Page 2-9, 3-12, and 3-14 of the IS/ND notes that the proposed Silver Lake re-operations are consistent with historic operations and all applicable agreements and requirements, including the 2006 Federal Energy Regulatory Commission (FERC) Order Issue a New License to EID, and the 2003 Relicensing Settlement Agreement of EID's Hydroelectric Project 184. The relicensing Settlement Agreement and the FERC license both incorporated the requirements of the 1999 Amador County settlement agreement referenced by the commenter. Magnitude and timing of releases and adherence to minimum pool requirements of those agreements and Water Rights Permit 21112 would all be adhered to. EID concludes that its Silver Lake operations will comply with all applicable regulatory and contractual requirements, including those cited by the commenter, with or without the proposed project.

IS/ND Section 2.4.4 states, "Absent approval from state and federal agencies for this proposed transfer to WWD, EID would…re-divert all available supplies from Silver Lake for immediate consumptive use or delivery to Jenkinson Lake to maintain a higher end-of-season storage level in Jenkinson. Silver Lake would reach the same end-of-season level with or without the transfer." See page 2-9 of the IS/ND for further operational details.

No releases beyond required minimum flow releases plus leakage would occur from Silver Lake prior to Labor Day, as described on page 3-14 of the IS/ND. Minimum release plus leakage flow would total

approximately 1,500 AF from August 1 through September 15. Storage in Silver Lake during the August 1 through September 15 time period was calculated to be approximately 5,333 AF, both with and without the proposed transfer. Higher releases would occur during the September 16 through September 23 period, when EID is allowed to increase releases above the minimum flow and leakage rates. Proposed transfer water would be released from Silver Lake at flow rates less than the observed maximum monthly flow rate that has occurred during that same time period over the past five years (since 2010).

As stated on page 3-14 of the IS/ND, Silver Lake storage on September 30, 2015 with implementation of the proposed project is projected to be 3,772 AF (or about 12.0 to 12.1 feet) and without implementation of the proposed project is projected to be 3,852 AF (or about 12.2 to 12.3 feet). The minor difference in projected storage is the result of differing rates of Silver Lake leakage in September, which varies as a function of storage level.

The Settlement Agreement with League to Save Sierra Lakes (LSSL Agreement) was reached in 2004, not 1999. As part of that agreement, EID agreed to work in good faith and employ best efforts to meet specified lake level targets for Silver Lake. The LSSL Agreement also allows the District to deviate from those targets, however, as necessary or desirable to meet one or more legitimate project purposes. Legitimate project purposes specifically include operations in compliance with Water Rights Permit 21112 and the Project No. 184 FERC license, as well as public health and safety. The District's proposed 2015 Silver Lake operations are for legitimate project purposes, as the LSSL Agreement defines them.

Continuously since February 2014, the District has found that the current drought conditions constitute an emergency because of the adverse impacts to public drinking water supplies. As substantiated in the IS/ND and discussed below, planned September 30 and October 15 Silver Lake levels will be the same with or without the proposed transfer, and will comply with all water rights requirements, the relicensing Settlement Agreement, and the FERC license, whether or not the proposed project is implemented. Without the proposed transfer, the water released from Silver Lake would enhance carryover storage in EID's Jenkinson Lake, bolstering EID's consumptive water supplies in the event of continued drought in 2016. With or without project implementation, EID's proposed operations for legitimate project purposes excuse it from meeting the September 30, 2015 lake-level target specified in the LSSL Settlement Agreement. The projected Silver Lake levels with the proposed transfer will, however, meet the minimum September 30 lake level target (12.0 feet) specified in the Project No. 184 FERC license, as well as the September 30 lake level requirements (11.3 feet average, 6.3 feet minimum) of Permit 21112.

EID does anticipate meeting the October 15, 2015 lake-level target specified in the Settlement Agreement. With or without project implementation, the October 15, 2015 Silver Lake level is projected to be between approximately 3,515 and 3,535 AF (or about 11.3 to 11.5 feet) as estimated from Figure 3-1 on page 3-15 of the IS. Neither the Project No. 184 FERC license nor Permit 21112 have an October 15 lake level target. The FERC license has a November 1 license target of 7.4 feet, and Permit 21112 has an October 31 lake level requirement of 7.4 feet average, 3.0 feet minimum.

Comment 2

EID's release of any Silver Lake water beyond its contractual and FERC parameters reduces the Lake's volume and surface level resulting in serious environmental impacts on the Lake and its environment, including depletion of fish habitat; less lake surface for the boaters, swimmers and other water recreational users during the most active months of July and August; changes in the intricate ecology of

the shoreline as the shoreline recedes and becomes mudflat; impacts to the pristine beauty and accessibility of the lake as the lake shrinks during the summer recreation season; and water quality degradation caused by accelerated releases from pollutants that will stay in the retained water in greater concentration.

These environmental issues about EID's use of Silver Lake have been in contention between these parties before, culminating in the Third District Court of Appeal's decision in County of Amador v. El Dorado County Water Agency, El Dorado Irrigation District, et al., 76 Cal. App. 4th 931 (1999), in favor of the Association et al. The Association requests that an EIR be prepared to review the Silver Lake depletion together with the operational standards established by the Settlement Agreements and the Order.

Response 2

The IS/ND evaluated potential project impacts on environment issue areas consistent with CEQA Guidelines Appendix G: Environmental Checklist Form, including aesthetics, biological resources, hydrology and water quality, and recreation. The IS/ND documents that the proposed transfer would not result in significant impacts in and around Silver Lake. As stated at page 3-14 of the IS/ND and in Response 1, above, no discretionary releases will occur from Silver Lake prior to September 15; with or without the proposed transfer, the only releases prior to September 15 will be those required by the Project No. 184 FERC license relicensing Settlement Agreement, and Amador County settlement agreement. Therefore, none of the impacts referenced in the comment will occur during that time. Between September 16 and September 23, higher Silver Lake releases would occur with the proposed transfer than without it. However, the flow rate of those higher releases would be within the range of releases made from Silver Lake during that time period since 2010, and the projected difference in Silver Lake level by September 30, with or without the transfer, would be about 0.2 feet, or 2.4 inches. Silver Lake would reach the same end-of-season level with or without the proposed transfer, and Silver Lake is drawn down annually for regular operations. Please see Response 1, above, for additional information.

3. Response to Comments from Sue Dee Shenk, President, East Silver Lake Improvement Association, July 10, 2015

Comment 1

The East Silver Lake Improvement Association is concerned that the proposed transfer of water from Silver Lake to the Westlands Water District is in violation of the 1999 EID-Amador County Settlement Agreement, the 1999 EID- League to Save Sierra Lakes Settlement Agreement, the 1999 EID-Association Settlement Agreement, and the 2006 Order Issuing New License for Project 184-065. The Settlement Agreements' and Order's mandated minimum flows, releases, and surface levels impacting Silver Lake are not described in the IS or ND. Specifically, the EID-Amador County Settlement Agreement referenced above restricts any releases from Silver Lake until after Labor Day in any given year.

These environmental issues about EID's use of Silver Lake have been in contention between these parties before, culminating in the Third District Court of Appeal's decision in County of Amador v. El Dorado County Water Agency, El Dorado Irrigation District, et al., 76 Cal. App. 4th 931 (1999), in favor of the

Association. The Association requests that an EIR be prepared to review the Silver Lake depletion together with the operational standards established by the Settlement Agreements and the Order.

Response 1

Please see the responses to Comments from South Silver Lake Homeowners' Association, above.

4. Response to Comments from Amador County, July 22, 2015

Comment 1

Thank you for the opportunity to provide comments on the Initial Study and Proposed Negative Declaration for the 2015 El Dorado Irrigation District to West lands Water District Temporary Water Transfer Project. The comments from the County of Amador deal primarily with the potentially significant impacts associated with the portion of the proposed Transfer that would release water from Silver Lake for the purpose of sending that water to Westlands Water District for agricultural uses. The County contends that the Initial Study is inadequate because it fails to sufficiently describe and discuss the binding agreements and license conditions that establish the setting against which this proposed Transfer must be evaluated. Further, there is a fair argument that the proposed Transfer may have potentially significant adverse environmental impacts, which preclude adoption of a negative declaration for the proposed Transfer and require that an Environmental Impact Report ("EIR") be prepared.

Response 1

As elucidated in the IS and these responses to comments, the District disagrees that the IS is inadequate and/or there is a fair argument that the Project may result in potentially significant impacts. Therefore, a ND is the appropriate finding for the Project.

Comment 2

Inadequate Initial Study
A primary function of an Initial Study is provide the lead agency with sufficient information to use as a basis for deciding whether to prepare an EIR or a negative declaration. (CEQA Guidelines § 15063(b)(l).) Among several other things, an Initial Study must include a description of the project, identification of the environmental setting, and an examination of whether the project is consistent with zoning, plans, or other applicable land use controls. (CEQA Guidelines§. 10563(d).)

The Initial Study is inadequate for failing to describe and discuss the numerous settlement agreements and licenses that very strictly regulate water releases and other aspects of EID's operations at Silver Lake.

Many of these binding provisions provide focus on the summer months, when recreational use of Silver Lake is at its peak, during which the proposed Transfer will occur. These are binding upon EID in its operation of its facilities at Silver Lake and constitute an important part of the environmental setting for this proposed Project and must be described and discussed.

The County is a party to two such agreements relevant here. One, executed in April of 1999, involves various applications by El Dorado Irrigation District to the State Water Resources Control Board (the "1999 Agreement") and the other, executed on April 30, 2003, relates to EID's relicensing by the Federal Energy Regulatory Commission (the "Relicensing Settlement"). Paragraph 3 of the 1999 Agreement

provides that "[a]t all times that EID ... is the owner and/or operator of Project 184, it shall operate Silver Lake as follows:

> *To protect Silver Lake's summer recreational uses and scenic beauty, EID or the other El Dorado Party shall not release prior to Labor Day of each year water from the lake for consumptive use, power production, rediversion or other purposes excluding any nondiscretionary releases required by FERC License 184 or the State Division of Safety of Dams."*

The nature and scope of releases from Silver Lake are similarly restricted by the terms of the Relicensing Settlement Agreement. That Agreement provides that "[n]otwithstanding any other provision of this section, [EID] shall not release prior to Labor Day of each year water from Silver Lake for consumptive use, power production, rediversion, maintenance, or other purposes, excluding any non-discretionary releases required by FERC or the State Division of Safety of Dams." (Relicensing Settlement Agreement, p. 75, lines 14-16.) Releases are further restricted pursuant to that Agreement during the period from Labor Day through September 15th of each year, unless a Stage I, 2, or 3 Emergency Notice is issued during this time period by the Independent System Operator. (!d., lines 17-19.) As such, only after September 15th of each year may any discretionary releases be made, and even then certain limitations regarding maintaining minimum lake levels still apply.

These above-described restrictions regarding discretionary releases are also included in EID's Federal Energy Regulatory Commission (FERC) License regarding Project 184-065. In addition, although not a party, the County is aware of at least one other settlement agreement, between EID and the League to Save Sierra Lakes, which contains terms that control or otherwise impact the proposed water transfer. None of the various restrictions and conditions are specifically discussed in the Initial Study.

From the County's perspective, these settlement agreements were negotiated to resolve litigation initiated by the County and others to require EID to operate its facilities in a manner that prevents negative impacts to recreational uses at Silver Lake and to protect the area's scenic beauty. The FERC license conditions were imposed for the same purpose. Any violation of the terms of these provisions would constitute prima facie evidence of potentially significant environmental impacts. All of these settlement terms and license conditions constitute the setting for this proposed Transfer, and this Project cannot be accurately evaluated without an accurate description of the conditions under which it will be carried out. For that reason, the current Initial Study is inadequate.

Response 2

Please see the Responses to Comments from South Silver Lake Improvement Association, above, and Response 1 to Amador County. The IS/ND states that the transfer will meet all applicable requirements. This includes all of the agreements referred to in the comment, and the District considered all of those agreements in the preparation of the IS/ND. The proposed project does not include any discretionary releases from Silver Lake prior to September 16, which complies with the provisions of the 1999 and 2003 agreements cited in the comment, as well as with the terms of the Project No. 184 FERC license.

Comment 3

Adoption of a Negative Declaration Not Appropriate

CEQA requires that a local agency consider and analyze the potential environmental impacts of a proposed project in an EIR except in certain limited circumstances. (See Cal. Pub. Resources Code § 21100 et seq.) The presumption in favor of an EIR is embodied in the "fair argument standard," which provides that an agency must prepare an EIR whenever substantial evidence in the record supports a "fair argument" that a project may have a significant effect on the environment. (Quail Botanical Gardens Foundation, Inc. v. City of Encinitas (1994) 29 Cal.App.4th 1597, 1601-02; Stanislaus Audubon Society, Inc. v. County of Stanislaus (1995) 33 Cal.App.4th 144, 150.)

A negative declaration may be prepared for a proposed project only" [i]f there is no substantial evidence that a project may have a significant effect on the environment .... " (Quail Botanical Gardens Foundation,Inc., supra, 29 Cal.App.4th at 1602.) "Significant effect on the environment" is defined as "a substantial or potentially substantial, adverse change in the environment." (Cal. Pub. Resources Code § 21 068; 14 CCR §15382.) If any aspect of the project may cause a significant impact on the environment, an EIR must be prepared despite the fact that the overall effect of the project is beneficial. (14 CCR § 15063(b).) Here, the record establishes that there may be potentially substantial changes in the environment and therefore an EIR is required.

The current record is not sufficient to allow EID to determine that the negative declaration is appropriate for the proposed transfer. First, as more thoroughly discussed above, the Initial Study fails to describe the critical circumstances under which the transfer is intended to occur. As is clear from the various agreements and license conditions imposed to protect against significant impacts to the environment in and around Silver Lake, EID is prohibited from making any discretionary releases from Silver Lake prior to September 15th of each year and is also required to maintain certain minimum lake levels on certain dates. In addition, and also not discussed anywhere in the Initial Study, is the fact that water transfers through the Delta may only occur up until September 30th of each year based upon applicable CVP/State Water Project Operation Biological Opinions.

All of these restrictions are intended to avoid potentially significant environmental impacts, and without a sufficiently adequate and appropriate discussion in the Initial Study, there is no sufficient basis to conclude that a Negative Declaration is appropriate.

Second, the Initial Study completely lacks any discussion of the potential impacts to recreation at Silver Lake as a result of the proposed Transfer. The importance of Silver Lake, in terms of its recreational value to the County of Amador and its residents cannot be understated and has been long-since recognized by the State Water Resources Control Board. (Decision 1635, pp. 52-53, I 09.) Despite this fact, Section 3.15.2 of the Initial Study regarding recreation contains no discussion of the potential impacts to recreation from the proposed release of 2,400 AF of water from Silver Lake between August I and September 30 2015. Indeed, recreational activities at Silver Lake are an important source of revenue for Amador County as recognized by the SWRCB. (SWRCB Order WR 2001 -22, p. 17 citing Decision 1635, p. 1 09.) This year from September 11th through 13th, the Amador County Sheriff's Office is hosting the annual California Search and Rescue Exercise (SAREX) sponsored by the State Office of Emergency Services at Silver Lake. The County anticipates that approximately 400 attendees will be at the event from various law enforcement agencies throughout California and it is estimated that it will generate approximately $75,000-$100,000 in revenue for the County. Some of the search and rescue exercises will take place on Silver Lake; therefore, any proposed transfers that may impact lake levels could potentially have a direct negative effect on this event.

Third, the Initial Study also fails to include any discussion of the potential impacts of the proposed Transfer on the scenic vistas along Highway 88 past Silver Lake. Highway 88 from the Dew Drop Ranger Station to the Nevada State line, which includes the Silver Lake area, has been designated a State Scenic Highway. While Section 3.1.2 of the Initial Study briefly discusses potential impacts to the Silver Fork of the American River, there is no discussion of the potential impacts to Silver Lake itself as a result of the proposed release of 2,400 AF of water from Silver Lake between August 1 and September 30 2015.

Response 3

Please see the responses to Comments from South Silver Lake Improvement Association, above, and Response 1 to Amador County.

Pages 2-9 and 2-10 of the IS/ND identifies the September 30 completion date for the proposed transfer. The proposed project's schedule accounts for this by completing Silver Lake releases on September 23. The District is aware that water transfers through the Delta typically must be accomplished between July 1st and September 30th annually due to all associated requirements, which is why pages 3-14 through 3-20 of the IS/ND describe that the EID reservoir releases will be completed by September 23, 2015.

As noted in the response to the comment above, the proposed project does not include any discretionary releases from Silver Lake prior to September 16. Therefore, there would be no lake-level impacts from the proposed project on recreation or scenic vistas prior to September 16. From September 16-30, releases from Silver Lake will be made whether or not the proposed transfer occurs. Releases between September 16 and September 23 would be greater with the proposed transfer than without it, and vice-versa for September 23 through September 30. (IS/ND at p. 3-15, Table 3.1.) The projected September 30 storage at Silver Lake without the proposed transfer is 3,852 acre-feet (AF), and 3,772 AF with the transfer. (IS/ND at p. 3-14.) The 80 acre-foot difference in storage represents a difference in water surface elevation of approximately 0.2 feet, or 2.4 inches, which would be indiscernible from Highway 88. September 30 storage and lake levels comply with all applicable requirements, with or without the proposed transfer. For additional discussion of these points, please see the IS/ND at pp. 3-14 to 3-16, and Responses to Comments from South Silver Lake Improvement Association.

Comment 4

Pursuant to Public Resources Code section 21 092.5(b) please notify the County of any hearing or public meeting relating to this proposed Transfer. In addition, in the event responses to comments are prepared, please provide a copy of those responses to the County. Notices and/or responses may be sent to the Amador County Counsel's Office at 810 Court Street, Jackson, California 95642.

Response 4

The District has verified that Amador County Counsel's Office received a certified copy of the Notice of Intent to adopt the ND on June 26, 2015 and a certified copy of the Notice of Public Hearing on July 10, 2015. The District will provide any further notification(s), if applicable, to Amador County Counsel's Office for the proposed project. The District will also transmit a copy of this Response to Comments to Amador County Counsel's Office.

5. Response to Comments from League to Save Sierra Lakes, July 22, 2015

Comment 1

Thank you for the opportunity to comment on the above matter. We find that the Initial Study, the draft Negative Declaration and the Petition for Transfer are flawed. The following comments show that there are significant deficiencies and unknown impacts associated with this Initial Study and the Project; under such circumstances CEQA would demand the preparation of an Environmental Impact Report.

The environmental documentation is narrowly focused, insufficient and incomplete. The State Water Resources Control Board (SWRCB) cannot approve the Petition for Change Involving Water Transfer LBP2015-028 without adequate compliance with CEQA.

Response 1

Please see the response to Comment 1 from Amador County, above. Water Code section 1729 statutorily exempts the SWRCB's action on the Petition for Change from the requirements of CEQA.

Comment 2

There is no discussion in the Initial Study and Petition for Change Involving Water Transfer of the role of the Settlement Process in the FERC Project 184 relicensing process.

This FERC relicensing process was a "collaborative" process which means that prior to FERC issuing a license, all parties including EID, local, state and federal agencies and stake holders came to a common agreement on the terms of the FERC license; that common agreement was the FERC Project 184 Settlement Agreement which took several years of meetings to arrive at. During this process Amador County reached a settlement of its lawsuit against El Dorado and the League to Save Sierra Lakes and its 25 aligned parties reached its settlement of over 10 years of lawsuits against El Dorado.

The El Dorado Project/FERC Project No. 184 El Dorado Relicensing Settlement Agreement, The Amador County Settlement Agreement and the League to Save Sierra Lakes SSL Settlement Agreement were all central to a satisfactory conclusion of the collaborative FERC relicensing process. Particularly, those agreements established flow regimes and lake levels that were acceptable to all parties.

Of particular concern is an intended violation of the LSSL Settlement Agreement by EID. That settlement agreement calls for EID to maintain Silver Lake at a level of 13.0 ft on the measuring gauge at the dam on September 30 during critical and dry years. 13.0 ft equates to a lake volume of 4,156 AF. In transferring 2,400 AF out of Silver Lake, EID will lower the lake volume to 3,772 AF, a level on the stick of 12.0 ft.

This is of concern to the LSSL because a prime motivation of the League in the settlement processes was to maintain high lake levels in the long, shallow southern end of Silver lake in late summer and fall. A LSSL Settlement Agreement mandated lake volume of 4,156 AF on September 30 represents a depth of 3.8 ft in the channel at the southern tip of Treasure Island. With this transfer, EID would lower the lake at that point to 2.8 ft, a decrease in depth of over 26%, a clear violation of the LSSL Settlement Agreement.

On Page A-5 of the Petition it is stated: "EID will conduct all September releases from Silver Lake in accordance with all applicable requirements…"

We maintain that the lake release levels contained in the Amador County Settlement Agreement and the LSSL Settlement Agreement ARE "applicable requirements" that EID must honor. EID willingly entered into these settlement agreements and in exchange for Amador County and the League and its aligned parties dropping their legal actions against El Dorado, El Dorado agreed to maintain high lake levels in the Fall at Silver Lake.

The Amador County Settlement Agreement with El Dorado and the League to Save Sierra Lakes and its 25 aligned parties Settlement Agreement with El Dorado settled long standing lawsuits against El Dorado and these settlement agreements were approved by the court. The lawsuits referred to and the ensuing settlement agreements were no small matter, were integral to the FERC Collaborative Settlement Agreement process and cannot be casually brushed aside by El Dorado.

The El Dorado Project/FERC Project No. 184 El Dorado Relicensing Settlement Agreement, The Amador County Settlement Agreement and the LSSL Settlement Agreement are central to the operating parameters of this water transfer to Westlands and must be fully discussed and analyzed in the IS and the Petition.

The omission of the Settlement Agreements' discussion and analysis constitutes a flaw in the execution of the CEQA process for this project and is grounds for mandatory redrafting and recirculating a revised and complete Initial Study and resubmitting a revised and complete Petition for Change Involving Water Transfer that fully explores the role in the project of The El Dorado Project/FERC Project No. 184 El Dorado Relicensing Settlement Agreement, The Amador County Settlement Agreement and the LSSL Settlement Agreement.

Without a full disclosure of the settlements and their restrictions the Initial Study is incomplete; a determination that a Negative Declaration suffices to satisfy CEQA requirements cannot be made and therefore an Environmental Impact Report must be prepared.

A violation of the flow regimes or lake levels stipulated in any of these settlement agreements constitutes a potentially significant environmental impact and therefore triggers the requirement for an Environmental Impact Report in order to comply with CEQA and to proceed with the Project.

Response 2

Please see the responses to Comment 1 from South Silver Lake Homeowners' Association and response to Comment 1 from Amador County, above.

Comment 3

The Initial Study (IS) and the draft Negative Declaration fail to explore project alternatives or modifications.

There are no alternatives to the projected transfer discussed in the Initial Study or the draft Negative Declaration. Likewise there is no discussion of modifications to the proposed project which might be environmentally relevant to the effects of the project.

A SMALLER PROJECT ALTERNATIVE WAS NOT DISCUSSED IN THE IS.

An alternative would involve a reduced sale to Westlands of slightly less water that would allow EID to maintain a higher September 30 Silver Lake level that would fulfill all of EID's Settlement Agreement lake level commitments.

The water transfer consists of a total of 3,100 AF, 700 AF from Weber Reservoir and 2,400 AF from Silver Lake.

EID states that with the sale of 2,400 AF of Silver Lake water to Westlands, Silver Lake will be at a volume of 3,772 AF on September 30, 2015. The EID-LSSL Settlement Agreement calls for Silver Lake to be at 4,156 AF on September 30, 2015. There is a difference of 384 AF.

This difference of just 384 AF is the difference between an average water depth in the channel at the southern tip of Treasure Island on September 30, 2015 of 3.8 ft with the LSSL lake level being met and 2.8 ft with the 384 AF taken out for sale to Westlands.

By transferring to Westlands 2,716 AF instead of 3,100 AF, just 384 AF less, EID would not violate the EID-LSSL Settlement Agreement September 30 lake level. EID would forego a small portion of its revenue from the water sale but honor its legal commitment in its Settlement Agreement with the League and its 25 aligned parties.

This is a viable alternative to the proposed project but there is no mention of it in any of the pertinent documentation. Since this a long standing and major sticking point for Amador County and the League to Save Sierra Lakes and its 25 aligned parties, its omission constitutes grounds for redrafting and recirculating a revised and complete Initial Study and resubmitting a revised and complete Petition for Change Involving Water Transfer and clearly exploring this alternative and reasons for rejecting it, if any.

Furthermore, the League to Save Sierra Lakes finds that dropping of water levels in Silver Lake from a volume of 4,156 AF to 3, 772 AF (3.8 ft depth to 2.8 ft depth, a drop of 26%) will render this section of a recreational lake to be unusable by motor boats. This alone constitutes a potentially significant impact and therefore EID must prepare an Environmental Impact Report.

AN ALTERNATIVE INVOLVING A DIFFERENT ROUTING OF WATER IN THE SOUTH FORK OF THE AMERICAN RIVER WAS NOT DISCUSSED IN THE IS.

The project proposes to take the water out of the South Fork of the American River at Kyburz and run it through its 22.3 mile long El Dorado canal to Forebay Reservoir then down penstocks into the 21 megawatt powerhouse and thence out into the South Fork of the American River for its journey to Westlands.

An alternative would be to bypass the 22.3 mile canal and leave the water in the South Fork of the American River all the way to Folsom Reservoir. The American River is running at extreme low flows due to 4 years of drought and the case could be made that this additional water would be highly beneficial to the fishery biology of such a long stretch of sensitive and stressed river habitat, especially late in the season when the river is quite low. The IS does not discuss this alternative.

EID could counter that its water rights permits and licenses do not allow it to do this but that does not allow an agency to a priori dismiss an alternative nor to relieve the agency of its CEQA obligation to explore that alternative.

EID could seek a remedy from the state for changing points of diversion or at the very least, after it fully discusses an alternative explain why that alternative is burdensome or even impossible to implement. EID does not mention anywhere this alternative. Nor does it discuss these issues.

Response 3

CEQA requires the identification of alternatives during the preparation of an Environmental Impact Report if an IS identified potentially significant impacts associated with a project that cannot be mitigations to a less-than-significant level. No such requirement exists when an IS identifies no potentially significant impacts associated with a proposed project and a ND is prepared.

The District has not verified the statements in this comment regarding water depth at the southern tip of Treasure Island at various storage levels. However, water depth at that location is not representative of water depth in Silver Lake. The southern end of Silver Lake is much shallower than the main portion of the reservoir north of Treasure Island. Baseline reservoir operations produce storage levels of 3,772 AF each fall. In 2015, the District anticipates that with the proposed transfer, 3,772 AF storage would be reached on September 30. The same storage level was reached on October 3, 2011, October 7, 2012, October 18, 2013, and October 12, 2014.

This comment also suggests that the District forego authorized diversions into its Project No. 184 hydroelectric project and instead bypass all Silver Lake releases at its Kyburz Diversion Dam to enhance aquatic habitat below the diversion dam. The District already provides minimum flows in that river reach in accordance with a streamflow regime prescribed by the Project No. 184 FERC license. The prescribed streamflow regime has been determined by resource agencies to be protective of the aquatic environment in all year types. The biological benefit of additional flows is speculative. Project No. 184 is licensed for power operations by FERC, and hydropower is in short supply in the west in 2015. Further, baseline Project No. 184 operations in late summer/fall are to maintain flows below Kyburz Diversion Dam at license-specified minimum and to use the balance of reservoir releases and natural flows for consumptive and hydroelectric generation purposes. It would be imprudent, inconsistent with baseline operations, and contrary to the FERC license for the proposed transfer operation to bypass the flows and to forego power generation.

Comment 4

This water transfer is the first stage of a multi-stage, multi-year project.

This assault on Silver Lake water is financially tempting and most likely will become a yearly event.

Indeed, even in good years Westlands will always be a willing buyer since it needs 1,400,000 AF of water yearly. Westlands' website shows that over the last 28 years only once has Westlands had all the water it needs and on average gets only 78.8% of its needed water regardless of water year type. This means that on average Westlands needs an additional 297,000 AF of water yearly and surely EID can help fill that need with future water transfers.

EID sees this as the first stage of a multi stage, multi-year project as evidenced in the May-June 2015 issue of the Waterfront where we find the following quote near the end; "If we can't gain timely approvals this year, at least this experience will be a template for future transfers." This indicates that this year's project for a temporary transfer is contemplated as the first phase of a longer project spanning multiple years.

CEQA requires at least reference to if not full discussion and complete disclosure of a temporary project contemplated as the first of future water transfer projects. That would trigger the need for a revised CEQA process, and with unknown future impacts, an appropriate draft EIR must be prepared.

Response 4

As described in the IS/ND and Water Purchase Agreement, the proposed transfer to WWD is limited to 2015 and a maximum of 3,100AF. The District seeks to maximize non-rate revenue from all potential sources, including water transfers, when such opportunities arise. However, the District has made no plan or commitment of resources to any larger or longer-term water transfer project. If the District pursues water transfers in any future year, the source(s) and quanity(ies) would be contingent on hydrologic conditions and the proposed transfer would be reviewed under CEQA if a transfer partner is identified and a project description is formulated.

Comment 5

Required Refill Agreements are not discussed in the Initial Study and draft ND.

In numerous places in the IS (pages 3-19, 3-37 and 3-44) and in the Petition (A-12) there are references to the necessity of future Refill Agreements for the refilling of Weber and Jenkinson Reservoirs in 2016 that will be needed. These agreements are integral to the project, the project is dependent on these future refill agreements yet there is no disclosure as to the nature and operation of these agreements nor the process by which these future agreements are arrived at. The CEQA "Project" is dependent on future refilling of the reservoirs via these "refill agreements" involving the participation of the U.S. Department of Reclamation yet there is no CEQA disclosure of these agreements between EID and Reclamation. Refilling of the reservoirs is assumed in the IS and the Petition yet there is no disclosure of the particulars or potential environmental effects of the refilling effectuated by these future agreements.

The omission of the refill agreements' discussion and analysis constitutes a flaw in the execution of the CEQA process for this project and is grounds for mandatory redrafting and recirculating a revised and complete Initial Study and resubmitting a revised and complete Petition for Change Involving Water Transfer that fully explores the role in the project of the refill agreements.

Response 5

As described on page 2-5, 3-37, and 3-44 of the IS/ND, as part of the proposed project, EID and Reclamation would enter into a refill agreement for Weber Reservoir and Jenkinson Lake with conditions acceptable to both parties that CVP and WWD water system operations would not be adversely affected during the 2016 refill period. No refill agreement will be required for Silver Lake. As described in response to Comment 3 from Wayne Campbell, based upon review of historical reservoir operations and review of publicly available refill agreements previously executed by Reclamation, the District concluded that Weber Reservoir and Jenkinson Lake would refill, and therefore refill agreements would not result in potentially significant effects.

Comment 6

The Initial Study (IS) and the Draft Negative Declaration fail to disclose that central to the existence of the PROJECT is the water rights doctrine of "USE IT OR LOSE IT".

The Waterfront is the EID newsletter sent out to all its ratepayers. The May-June issue of the Waterfront consisted of 4 pages and the water transfer story showed up on 3 of the 4 pages. The central part of the newsletter contained an interview with EID's two most knowledgeable employees and spokespersons on this project, Jim Abercrombie, Executive Director and Tom Cumpston, General Counsel.

In the interview there was much emphasis on "use it or lose it"; all of a sudden EID is in danger of losing this water if they do not use it. They intimate that storing this water for next year, as they have done for years, is not a "beneficial" use of the water and they could lose that water to the Bureau of Reclamation which could sell it and Reclamation would gain financially from its sale rather than EID. EID claims selling the water to Westlands is a "beneficial" use of the water and it is better for EID to take advantage of the {financial) opportunity. This frames the sale as EID being forced to sell the water to Westlands; the devil made us do it.

That Waterfront interview strongly suggests that "use it or lose it" is a major if not the major impetus and motivator behind the sale. The Waterfront newsletter is sent out with billing statements to all of the nearly 110,000 people EID serves within its service area. Because of the wide circulation of the Waterfront newsletter, one has to assume that its content is well thought out before being disseminated to so many customers. "Use it or lose it" was a major focus in convincing its customers that EID must sell the water to Westlands.

EID states that the water being transferred to Westlands is surplus water and that the U.S. Bureau of Reclamation could take surplus water and sell it to another entity that is in need of water. Specifically, the interview of Abercrombie and Cumpston in the Waterfront states: "Under state law, any entity who receives a water right must 'perfect' it by putting it to some beneficial use. If they don't use it, the entity loses it. If EID does not put the surplus water to beneficial use (delivering it to customers or marketing to downstream entities), it risks losing the benefit to Reclamation. That means Reclamation then takes it over and sells it to another entity that is in need of water."

If these claims in the EID Waterfront newsletter are true, then the CEQA project description needs to be revised {and recirculated) to accurately reflect this major factor of the project.

If these claims are not true then the CEQA project was misrepresented to the entire customer base of EID. From a practical standpoint, the public expects a factual consistency between what it is told by EID in its newsletter and in its CEQA Initial Study, all of which were published at the same time in May-June of 2015. Indeed the public does not split hairs and draw fine lines separating one document from another. 110,000 EID customers expect and deserve consistency in the presentation of "facts".

Whether the claims are true or not true, the Project Description must be redrafted to accurately reflect the project and clear up any misconceptions.

Assuming the Waterfront newsletter claim is factual, "Use it or lose it" is germane to the very nature of the Project. It is not brought up in the draft Negative Declaration nor its Initial Study (IS) nor in the Petition for Transfer to SWRCB. This is a CRITICAL motivator for the sale; the Initial Study and the SWRCB Petition for Transfer are faulty for not discussing and fully analyzing the main reason why the "Project" exists.

CEQA and its guidelines require a full description of the "Project" and certainly the reasons why a "Project" is being undertaken is integral to the Project Description, the Initial Study and the subsequent Negative Declaration. The project was sold to the nearly 110,000 people EID serves within its service area on the basis of "Use it or Lose it" therefore "Use it or Lose it" should be prominent in the Project Description, the Initial Study and the subsequent Negative Declaration.

These errors and omissions constitute grounds for redrafting and recirculating a revised and complete Initial Study and resubmitting a revised and complete Petition for Change Involving Water Transfer.

Response 6

Please see the response to Comment 1 from Wayne Campbell, above. References to the forfeiture doctrine of California water law (characterized as "Use it or Lose it" in the comment") refer to Permit 21112 consumptive water supplies. Those supplies are not part of the proposed transfer. Rather, the additional 8,500 AF of Permit 21112 supplies newly available in Folsom Reservoir in 2015 decrease the need to supply El Dorado Hills demands from the District's easterly water sources versus previous years. Therefore, by transferring a portion of the pre-1914 water rights currently stored in Silver Lake, the District could instead meet these decreased demands for these supplies through previously stored water in Jenkinson Lake, including about 7,000 AF of the Project No. 184 pre-1914 rights directly diverted from the South Fork American River and transferred to Jenkinson Lake via Hazel Creek Tunnel earlier in 2015. This operation enables the District to use the Silver Lake releases to generate hydropower revenue before delivering the water to Folsom Reservoir for transfer to WWD, while maximizing its exercise of Permit 21112 water rights from Folsom Reservoir.

Comment 7

The IS, the Draft Negative Declaration and the Petition for Change fail to disclose that financial gain is a prime reason for the project.

The 3,100 AF involved in this transfer is being sold to Westlands by EID for $700 an AF, what the Sacramento Bee calls "a princely sum." That amounts to $2,170,000 plus probably several hundred thousand dollars from electricity sales since this same water will be run through the powerhouse which has not been used recently since the drought has not provided water for hydropower generation.

Since EID customers have been conserving water, revenues are down and this water sale is a convenient revenue replacement.

In the May- June issue of the Waterfront Newsletter discussed above under "Use it or Lose it", the EID General Counsel Tom Cumpston is quoted as saying " ...if EID does not need the water and someone is going to sell it, it might as well be EID customers that benefit from the sale, instead of the Federal government."

That same article speaks of using this new revenue from the Westlands water sale for offsetting drought-related shortfalls due to loss of water sales, offsetting loss of Hydroelectric generation revenue due to the drought, using the Westlands sale money for the funding of capital projects and debt retirement.

There is no discussion in the Project Description, the Initial Study, the Draft Negative Declaration nor in EID's Petition for Change Involving Water Transfer (LBP2015-028) of financial gain as a reason for or result of the project.

Certainly close to $2,400,000 in revenue is a major impetus for EID selling this water to Westlands and that revenue generation deserves prominence in the Project Description for there would be no Project if there was no financial gain to the seller, EID.

This omission constitutes grounds for redrafting and recirculating a revised and complete Initial Study and resubmitting a revised and complete Petition for Change Involving Water Transfer and clearly stating in those documents the role that financial gain plays in the existence of the Project.

Response 7

According to the CEQA Guidelines, economic and social changes resulting from a project shall not be treated as significant effects on the environment (CEQA Guidelines §15064(e)). The fact that the District obtains revenue for the sale of retail or wholesale water, water treatment service, hydroelectric power, recreation services, surplus property, or in this case transfer of water to another purveyor should be an expected outcome of any District operation to cover its operating costs. It would not be considered a significant effect on the environment.

Corcoran, Daniel

From: Wayne Campbell <ofc.campbell@hotmail.com>
Sent: Friday, June 26, 2015 9:37 AM
To: Corcoran, Daniel
Cc: nstack@mtdemocrat.net
Subject: Regarding 2015 Temporary Water Transfer - Notice of Intent, Initial Study/Proposed Negative Declaration

Dear sir:

In this fourth year of drought, I am struggling to understand why we would be considering sending 3,100 acre-feet of our water to Fresno and Kings counties. The environmental impact report submitted by your consultants at the Sacramento firm AECOM does not highlight the positive impact this release would have for the residents of this county. We can agree that there will not be an environmental impact; however, the backlash your agency will receive may outweigh whatever benefit EID stands to receive as part of this water release.

While I applaud the legal notice of release published in both the Mountain Democrat and The Sacramento Bee (both small and buried in the papers on pages B11 and 3E, respectively), I struggle also to understand why there was no press release issued for higher visibility and invitation to comment. This appears to be a poor choice by EID.

Under no circumstances do I believe we should release 3,100 acre-feet of water to other counties unless we are at a minimum 95% capacity across the board at all storage locations, especially after the county refused to pursue more water earlier this month. To do so would be irresponsible especially when EID's own projections show declining storage throughout May and the rest of the month, a steady decline in inflow, and increase in outflow by as much as 40%. Please reconsider this project.

References:

1. EID 2015 Temporary Water Transfer - Notice of Intent, Initial Study/Proposed Negative Declaration http://www.eid.org/Home/Components/RFP/RFP/301/138

2. EID May 2015 Streamflow and Water Storage Forecast http://www.eid.org/home/showdocument?id=4970

3. EID June 2015 Streamflow and Water Storage Forecast http://www.eid.org/home/showdocument?id=4966

Sincerely,
Wayne Campbell, Concerned Citizen of El Dorado County
(916) 817-6740
ofc.campbell@hotmail.com

July 8, 2015

Mr. Dan Corcoran
Environmental Manager
El Dorado Irrigation District
2890 Mosquito Road
Placerville, CA 95667
dcorcoran@eid.org

Comments of South Silver Lake Homeowners' Association on EID's Initial Study/Proposed Negative Declaration re Transfer of Silver Lake Water to Westlands Water District

Dear Mr. Corcoran:

This letter contains the South Silver Lake Homeowners' Association's (""Association") comments on EID's Initial Study ("IS") and Proposed Negative Declaration ("ND") for the transfer of water stored in Silver Lake, California, to the Westlands Water District in Fresno and Kings counties. The Association contends that the IS and the ND are deficient and that the preparation of an Environmental Impact Report ("EIR") is required as a matter of law.

The IS and the ND are deficient because in neither document EID's operational compliance with the 1999 EID-Amador County Settlement Agreement, the 1999 EID- League to Save Sierra Lakes Settlement Agreement, the 1999 EID-Association Settlement Agreement, and the 2006 Order Issuing New License for Project 184-065 ("Order") is reviewed or established. None of those Settlement Agreements is even mentioned and the Settlement Agreements' and Order's mandated minimum flows, releases, and surface levels impinging upon Silver Lake are not set forth except that EID denies that any change in the protocol for its managing of Silver Lake during the crucial recreation season from August 1 ending September 15 will occur. Without specifying what EID has agreed to in the Settlement Agreements and what the Order requires opens an informational void which can be filled only through an EIR. Specifically, the EID-Amador County Settlement Agreement referenced above restricts any releases from Silver Lake until after Labor Day in any given year.

Further, the Association's position is that an EIR is required unless the water transfer documents plainly and clearly establish that EID will conduct the transfers in a manner consistent with the Settlement Agreements and the Order – given the environmental impacts to Silver Lake, set forth below, that would occur if EID does not do that.

EID's release of any Silver Lake water beyond its contractual and FERC parameters reduces the Lake's volume and surface level resulting in serious environmental impacts on the Lake and its environment.

Reduction in Silver Lake water volume depletes fish habitat. As EID knows, Silver Lake's cold water pool is the proper environment for all species of trout, and the reduction of the pool and contraction of the surface warms the water and depletes the beneficial fish habitat and the fish releases mandated by the Settlement Agreements and Order.

Silver Lake provides recreational opportunities for urban dwellers and Association members, their families, and guests that are unparalleled in the central Sierra. As the Lake recedes because of drawdowns for the proposed transfer, less lake surface is available for the boaters, swimmers and other water recreational users during the most active months of July and August.

The intricate ecology of the shoreline is changed by premature releases as the shoreline recedes and becomes mudflat.

The pristine beauty of the most beautiful—and accessible—lake in the central Sierra is injured as the Lake shrinks during the summer recreation season.

The purity of the Lake's water will be degraded by accelerated releases; pollutants will stay in the retained water in greater concentration with accelerated releases.

These environmental issues about EID's use of Silver Lake have been in contention between these parties before, culminating in the Third District Court of Appeal's decision in County of Amador v. El Dorado County Water Agency, El Dorado Irrigation District, et al., 76 Cal. App. 4th 931 (1999), in favor of the Association et al. In that case as in this, EID chose to take the easier route of preparing inadequate CEQA documents before implementing its projects. EID's current proposed project to deplete Silver Lake's summer/fall volume on the basis of a ND without its reviewing the depletion through an EIR together with the operational standards established by the Settlement Agreements and the Order is to leave EID's proposed project in doubt as to whether it is consistent with them and environmentally acceptable.

The Association requests that an EIR be prepared forthwith.

Yours truly,

Ted B Breck
President, South Silver Lake Homeowners' Association
tedbreck@gmail.com

East Silver lake Improvement Association

July 10, 2015

Mr. Dan Corcoran
Environmental Manager
El Dorado Irrigation District
2890 Mosquito Road
Placerville, CA 95667
dcorcoran@eid.org

Comments on EID's Initial Study/Proposed Negative Declaration re Transfer of Silver Lake Water to Westlands Water District

Dear Mr. Corcoran:

The East Silver Lake Improvement Association is most concerned that the proposed transfer of water from Silver Lake to the Westlands Water District is in violation of the 1999 EID-Amador County Settlement Agreement, the 1999 EID- League to Save Sierra Lakes Settlement Agreement, the 1999 EID-Association Settlement Agreement, and the 2006 Order Issuing New License for Project 184-065. None of those Settlement Agreements is even mentioned in the Initial Study or Negative Declaration. These Settlement Agreements' and Order's mandated minimum flows, releases, and surface levels impacting Silver Lake. Specifically, the EID-Amador County Settlement Agreement referenced above restricts any releases from Silver Lake until after Labor Day in any given year.

These environmental issues about EID's use of Silver Lake have been in contention between these parties before, culminating in the Third District Court of Appeal's decision in County of Amador v. El Dorado County Water Agency, El Dorado Irrigation District, in favor of the Association. In that case, EID chose to prepare inadequate CEQA documents before implementing its projects. EID's current proposed project to deplete Silver Lake's summer/fall volume on the basis of a Negative Declaration without reviewing the depletion through an EIR together with the operational standards established by the Settlement Agreements and the Order is to leave EID's proposed project in doubt as to whether it is consistent with them and environmentally acceptable.

We request that a full EIR be completed so that it is clear that EID will conduct the transfers in a manner consistent with the Settlement Agreements and the Order.

Sincerely,

Sue Dee Shenk, President
East Silver Lake Improvement Association
sdeeshenk@sbcglobal.net

OFFICE OF
BOARD OF SUPERVISORS
810 COURT STREET * JACKSON, CA 95642 (209) 223-6470 * FAX (209) 257-0619

July 22, 2015

Dan Corcoran
Environmental Manager
El Dorado Irrigation District
2890 Mosquito Road
Placerville, CA 95667

RE: Initial Study and Proposed Negative Declaration – 2015 El Dorado Irrigation District to Westlands Water District Transfer Project

Dear Mr. Corcoran:

Thank you for the opportunity to provide comments on the Initial Study and Proposed Negative Declaration for the 2015 El Dorado Irrigation District to Westlands Water District Temporary Water Transfer Project. The comments from the County of Amador deal primarily with the potentially significant impacts associated with the portion of the proposed Transfer that would release water from Silver Lake for the purpose of sending that water to Westlands Water District for agricultural uses. The County contends that the Initial Study is inadequate because it fails to sufficiently describe and discuss the binding agreements and license conditions that establish the setting against which this proposed Transfer must be evaluated. Further, there is a fair argument that the proposed Transfer may have potentially significant adverse environmental impacts, which preclude adoption of a negative declaration for the proposed Transfer and require that an Environmental Impact Report ("EIR") be prepared.

Inadequate Initial Study

A primary function of an Initial Study is provide the lead agency with sufficient information to use as a basis for deciding whether to prepare an EIR or a negative declaration. (CEQA Guidelines § 15063(b)(1).) Among several other things, an Initial Study must include a description of the project, identification of the environmental setting, and an examination of whether the project is consistent with zoning, plans, or other applicable land use controls. (CEQA Guidelines §. 10563(d).)

The Initial Study is inadequate for failing to describe and discuss the numerous settlement agreements and licenses that very strictly regulate water releases and other aspects of EID's operations at Silver Lake. Many of these binding provisions provide focus on the summer months, when recreational use of Silver Lake is at its peak, during which the proposed Transfer will occur. These are binding upon EID in its operation of its facilities at Silver Lake and constitute an important part of the environmental setting for this proposed Project and must be described and discussed.

The County is a party to two such agreements relevant here. One, executed in April of 1999, involves various applications by El Dorado Irrigation District to the State Water Resources Control Board (the "1999 Agreement") and the other, executed on April 30, 2003, relates to EID's relicensing by the Federal Energy Regulatory Commission (the "Relicensing Settlement"). Paragraph 3 of the 1999 Agreement provides that "[a]t all times that EID … is the owner and/or operator of Project 184, it shall operate Silver Lake as follows:

> To protect Silver Lake's summer recreational uses and scenic beauty, EID or the other El Dorado Party shall not release prior to Labor Day of each year water from the lake for

consumptive use, power production, rediversion or other purposes excluding any non-discretionary releases required by FERC License 184 or the State Division of Safety of Dams."

The nature and scope of releases from Silver Lake are similarly restricted by the terms of the Relicensing Settlement Agreement. That Agreement provides that "[n]otwithstanding any other provision of this section, [EID] shall not release prior to Labor Day of each year water from Silver Lake for consumptive use, power production, rediversion, maintenance, or other purposes, excluding any non-discretionary releases required by FERC or the State Division of Safety of Dams." (Relicensing Settlement Agreement, p. 75, lines 14-16.) Releases are further restricted pursuant to that Agreement during the period from Labor Day through September 15th of each year, unless a Stage 1, 2, or 3 Emergency Notice is issued during this time period by the Independent System Operator. (*Id.,* lines 17-19.) As such, only after September 15th of each year may any discretionary releases be made, and even then certain limitations regarding maintaining minimum lake levels still apply.

These above-described restrictions regarding discretionary releases are also included in EID's Federal Energy Regulatory Commission (FERC) License regarding Project 184-065. In addition, although not a party, the County is aware of at least one other settlement agreement, between EID and the League to Save Sierra Lakes, which contains terms that control or otherwise impact the proposed water transfer. None of the various restrictions and conditions are specifically discussed in the Initial Study.

From the County's perspective, these settlement agreements were negotiated to resolve litigation initiated by the County and others to require EID to operate its facilities in a manner that prevents negative impacts to recreational uses at Silver Lake and to protect the area's scenic beauty. The FERC license conditions were imposed for the same purpose. Any violation of the terms of these provisions would constitute prima facie evidence of potentially significant environmental impacts. All of these settlement terms and license conditions constitute the setting for this proposed Transfer, and this Project cannot be accurately evaluated without an accurate description of the conditions under which it will be carried out. For that reason, the current Initial Study is inadequate.

Adoption of a Negative Declaration Not Appropriate

CEQA requires that a local agency consider and analyze the potential environmental impacts of a proposed project in an EIR except in certain limited circumstances. (*See* Cal. Pub. Resources Code § 21100 et seq.) The presumption in favor of an EIR is embodied in the "fair argument standard," which provides that an agency must prepare an EIR whenever substantial evidence in the record supports a "fair argument" that a project may have a significant effect on the environment. (*Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1601-02; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150.)

A negative declaration may be prepared for a proposed project only"[i]f there is no substantial evidence that a project may have a significant effect on the environment . . . ." (*Quail Botanical Gardens Foundation, Inc., supra,* 29 Cal.App.4th at 1602.) "Significant effect on the environment" is defined as "a substantial or potentially substantial, adverse change in the environment." (Cal. Pub. Resources Code § 21068; 14 CCR § 15382.) If any aspect of the project may cause a significant impact on the environment, an EIR must be prepared despite the fact that the overall effect of the project is beneficial. (14 CCR § 15063(b).) Here, the record establishes that there may be potentially substantial changes in the environment and therefore an EIR is required.

The current record is not sufficient to allow EID to determine that the negative declaration is appropriate for the proposed transfer. First, as more thoroughly discussed above, the Initial Study fails to describe the critical circumstances under which the transfer is intended to occur. As is clear from the various agreements and license conditions imposed to protect against significant impacts to the environment in and around Silver Lake,

EID is prohibited from making any discretionary releases from Silver Lake prior to September 15th of each year and is also required to maintain certain minimum lake levels on certain dates. In addition, and also not discussed anywhere in the Initial Study, is the fact that water transfers through the Delta may only occur up until September 30th of each year based upon applicable CVP/State Water Project Operation Biological Opinions.

All of these restrictions are intended to avoid potentially significant environmental impacts, and without a sufficiently adequate and appropriate discussion in the Initial Study, there is no sufficient basis to conclude that a Negative Declaration is appropriate.

Second, the Initial Study completely lacks any discussion of the potential impacts to recreation at Silver Lake as a result of the proposed Transfer. The importance of Silver Lake, in terms of its recreational value to the County of Amador and its residents cannot be understated and has been long-since recognized by the State Water Resources Control Board. (Decision 1635, pp. 52-53, 109.) Despite this fact, Section 3.15.2 of the Initial Study regarding recreation contains no discussion of the potential impacts to recreation from the proposed release of 2,400 AF of water from Silver Lake between August 1 and September 30 2015. Indeed, recreational activities at Silver Lake are an important source of revenue for Amador County as recognized by the SWRCB. (SWRCB Order WR 2001-22, p. 17 citing Decision 1635, p. 109.) This year from September 11th through 13th, the Amador County Sheriff's Office is hosting the annual California Search and Rescue Exercise (SAREX) sponsored by the State Office of Emergency Services at Silver Lake. The County anticipates that approximately 400 attendees will be at the event from various law enforcement agencies throughout California and it is estimated that it will generate approximately $75,000-$100,000 in revenue for the County. Some of the search and rescue exercises will take place on Silver Lake; therefore, any proposed transfers that may impact lake levels could potentially have a direct negative effect on this event.

Third, the Initial Study also fails to include any discussion of the potential impacts of the proposed Transfer on the scenic vistas along Highway 88 past Silver Lake. Highway 88 from the Dew Drop Ranger Station to the Nevada State line, which includes the Silver Lake area, has been designated a State Scenic Highway. While Section 3.1.2 of the Initial Study briefly discusses potential impacts to the Silver Fork of the American River, there is no discussion of the potential impacts to Silver Lake itself as a result of the proposed release of 2,400 AF of water from Silver Lake between August 1 and September 30 2015.

Pursuant to Public Resources Code section 21092.5(b) please notify the County of any hearing or public meeting relating to this proposed Transfer. In addition, in the event responses to comments are prepared, please provide a copy of those responses to the County. Notices and/or responses may be sent to the Amador County Counsel's Office at 810 Court Street, Jackson, California 95642.

Sincerely,

Brian Oneto,
Chairman, Board of Supervisors

League to Save Sierra Lakes
4521 Holiday Hill Court
Shingle Springs, CA 95682

July 22, 2015

SENT VIA US Postal Service and hand delivered

Dan Corcoran
Environmental Manager
El Dorado Irrigation District
2890 Mosquito Rd.
Placerville, CA 95667

RE: Initial Study and Proposed Negative Declaration for the 2015 El Dorado Irrigation District to Westlands Water District Temporary Water Transfer Project of 3,100 AF of water.

Dear Mr. Corcoran:

Thank you for the opportunity to comment on the above matter. We find that the Initial Study, the draft Negative Declaration and the Petition for Transfer are flawed. The following comments show that there are significant deficiencies and unknown impacts associated with this Initial Study and the Project; under such circumstances CEQA would demand the preparation of an Environmental Impact Report.

The environmental documentation is narrowly focused, insufficient and incomplete. The State Water Resources Control Board (SWRCB) cannot approve the Petition for Change Involving Water Transfer LBP2015-028 without adequate compliance with CEQA.

There is no discussion in the Initial Study and Petition for Change Involving Water Transfer of the role of the Settlement Process in the FERC Project 184 relicensing process.

This FERC relicensing process was a "collaborative" process which means that prior to FERC issuing a license, all parties including EID, local, state and federal agencies and stake holders came to a common agreement on the terms of the FERC license; that common agreement was the FERC Project 184 Settlement Agreement which took several years of meetings to arrive at. During this process Amador County reached a settlement of its lawsuit against El Dorado and the League to Save Sierra Lakes and its 25 aligned parties reached its settlement of over 10 years of lawsuits against El Dorado.

The El Dorado Project/FERC Project No. 184 El Dorado Relicensing Settlement Agreement, The Amador County Settlement Agreement and the League to Save Sierra Lakes SSL Settlement Agreement were all central to a satisfactory conclusion of the collaborative FERC relicensing process. Particularly, those agreements established flow regimes and lake levels that were acceptable to all parties.

Of particular concern is an intended violation of the LSSL Settlement Agreement by EID. That settlement agreement calls for EID to maintain Silver Lake at a level of 13.0 ft on the measuring gauge at the dam on September 30 during critical and dry years. 13.0 ft equates to a lake volume of 4,156 AF. In transferring 2,400 AF out of Silver Lake, EID will lower the lake volume to 3,772 AF, a level on the stick of 12.0 ft.

This is of concern to the LSSL because a prime motivation of the League in the settlement processes was to maintain high lake levels in the long, shallow southern end of Silver lake in late summer and fall. A LSSL Settlement Agreement mandated lake volume of 4,156 AF on September 30 represents a depth of 3.8 ft in the channel at the southern tip of Treasure Island. With this transfer, EID would lower the lake at that point to 2.8 ft, a decrease in depth of over 26%, a clear violation of the LSSL Settlement Agreement.

On Page A-5 of the Petition it is stated: *"EID will conduct all September releases from Silver Lake in accordance with all applicable requirements..."*

We maintain that the lake release levels contained in the Amador County Settlement Agreement and the LSSL Settlement Agreement ARE "applicable requirements" that EID must honor. EID willingly entered into these settlement agreements and in exchange for Amador County and the League and its aligned parties dropping their legal actions against El Dorado, El Dorado agreed to maintain high lake levels in the Fall at Silver Lake.

The Amador County Settlement Agreement with El Dorado and the League to Save Sierra Lakes and its 25 aligned parties Settlement Agreement with El Dorado settled long standing lawsuits against El Dorado and these settlement agreements were approved by the court. The lawsuits referred to and the ensuing settlement agreements were no small matter, were integral to the FERC Collaborative Settlement Agreement process and cannot be casually brushed aside by El Dorado.

The El Dorado Project/FERC Project No. 184 El Dorado Relicensing Settlement Agreement, The Amador County Settlement Agreement and the LSSL Settlement Agreement are central to the operating parameters of this water transfer to Westlands and must be fully discussed and analyzed in the IS and the Petition.

The omission of the Settlement Agreements' discussion and analysis constitutes a flaw in the execution of the CEQA process for this project and is grounds for mandatory redrafting and recirculating a revised and complete Initial Study and resubmitting a revised and complete Petition for Change Involving Water Transfer that fully explores the role in the project of The El Dorado Project/FERC Project No. 184 El Dorado Relicensing Settlement Agreement, The Amador County Settlement Agreement and the LSSL Settlement Agreement.

Without a full disclosure of the settlements and their restrictions the Initial Study is incomplete; a determination that a Negative Declaration suffices to satisfy CEQA requirements cannot be made and therefore an Environmental Impact Report must be prepared.

A violation of the flow regimes or lake levels stipulated in any of these settlement agreements constitutes a potentially significant environmental impact and therefore

triggers the requirement for an Environmental Impact Report in order to comply with CEQA and to proceed with the Project.

The Initial Study (IS) and the draft Negative Declaration fail to explore project alternatives or modifications.

There are no alternatives to the projected transfer discussed in the Initial Study or the draft Negative Declaration. Likewise there is no discussion of modifications to the proposed project which might be environmentally relevant to the effects of the project.

A SMALLER PROJECT ALTERNATIVE WAS NOT DISCUSSED IN THE IS.

An alternative would involve a reduced sale to Westlands of slightly less water that would allow EID to maintain a higher September 30 Silver Lake level that would fulfill all of EID's Settlement Agreement lake level commitments.

The water transfer consists of a total of 3,100 AF, 700 AF from Weber Reservoir and 2,400 AF from Silver Lake.

EID states that with the sale of 2,400 AF of Silver Lake water to Westlands, Silver Lake will be at a volume of 3,772 AF on September 30, 2015. The EID-LSSL Settlement Agreement calls for Silver Lake to be at 4,156 AF on September 30, 2015. There is a difference of 384 AF.

This difference of just 384 AF is the difference between an average water depth in the channel at the southern tip of Treasure Island on September 30, 2015 of 3.8 ft with the LSSL lake level being met and 2.8 ft with the 384 AF taken out for sale to Westlands.

By transferring to Westlands 2,716 AF instead of 3,100 AF, just 384 AF less, EID would not violate the EID-LSSL Settlement Agreement September 30 lake level. EID would forego a small portion of its revenue from the water sale but honor its legal commitment in its Settlement Agreement with the League and its 25 aligned parties.

This is a viable alternative to the proposed project but there is no mention of it in any of the pertinent documentation. Since this a long standing and major sticking point for Amador County and the League to Save Sierra Lakes and its 25 aligned parties, its omission constitutes grounds for redrafting and recirculating a revised and complete Initial Study and resubmitting a revised and complete Petition for Change Involving Water Transfer and clearly exploring this alternative and reasons for rejecting it, if any.

Furthermore, the League to Save Sierra Lakes finds that dropping of water levels in Silver Lake from a volume of 4,156 AF to 3,772 AF (3.8 ft depth to 2.8 ft depth, a drop of 26%) will render this section of a recreational lake to be unusable by motor boats. This alone constitutes a potentially significant impact and therefore EID must prepare an Environmental Impact Report.

AN ALTERNATIVE INVOLVING A DIFFERENT ROUTING OF WATER IN THE SOUTH FORK OF THE AMERICAN RIVER WAS NOT DISCUSSED IN THE IS.

The project proposes to take the water out of the South Fork of the American River at Kyburz and run it through its 22.3 mile long El Dorado canal to Forebay Reservoir then

down penstocks into the 21 megawatt powerhouse and thence out into the South Fork of the American River for its journey to Westlands.

An alternative would be to bypass the 22.3 mile canal and leave the water in the South Fork of the American River all the way to Folsom Reservoir. The American River is running at extreme low flows due to 4 years of drought and the case could be made that this additional water would be highly beneficial to the fishery biology of such a long stretch of sensitive and stressed river habitat, especially late in the season when the river is quite low. The IS does not discuss this alternative.

EID could counter that its water rights permits and licenses do not allow it to do this but that does not allow an agency to a priori dismiss an alternative nor to relieve the agency of its CEQA obligation to explore that alternative.

EID could seek a remedy from the state for changing points of diversion or at the very least, after it fully discusses an alternative explain why that alternative is burdensome or even impossible to implement. EID does not mention anywhere this alternative. Nor does it discuss these issues.

This water transfer is the first stage of a multi-stage, multi-year project.

This assault on Silver Lake water is financially tempting and most likely will become a yearly event.

Indeed, even in good years Westlands will always be a willing buyer since it needs 1,400,000 AF of water yearly. Westlands' website shows that over the last 28 years only once has Westlands had all the water it needs and on average gets only 78.8% of its needed water regardless of water year type. This means that on average Westlands needs an additional 297,000 AF of water yearly and surely EID can help fill that need with future water transfers.

EID sees this as the first stage of a multi stage, multi-year project as evidenced in the May-June 2015 issue of the Waterfront where we find the following quote near the end; *"If we can't gain timely approvals this year, at least this experience will be a template for future transfers."* This indicates that this year's project for a temporary transfer is contemplated as the first phase of a longer project spanning multiple years.

CEQA requires at least reference to if not full discussion and complete disclosure of a temporary project contemplated as the first of future water transfer projects. That would trigger the need for a revised CEQA process, and with unknown future impacts, an appropriate draft EIR must be prepared.

Required Refill Agreements are not discussed in the Initial Study and draft ND.

In numerous places in the IS (pages 3-19, 3-37 and 3-44) and in the Petition (A-12) there are references to the necessity of future Refill Agreements for the refilling of Weber and Jenkinson Reservoirs in 2016 that will be needed. These agreements are integral to the project, the project is dependent on these future refill agreements yet there is no disclosure as to the nature and operation of these agreements nor the process by which these future agreements are arrived at. The CEQA "Project" is dependent on future refilling of the reservoirs via these "refill agreements" involving the participation of the

U.S. Department of Reclamation yet there is no CEQA disclosure of these agreements between EID and Reclamation. Refilling of the reservoirs is assumed in the IS and the Petition yet there is no disclosure of the particulars or potential environmental effects of the refilling effectuated by these future agreements.

The omission of the refill agreements' discussion and analysis constitutes a flaw in the execution of the CEQA process for this project and is grounds for mandatory redrafting and recirculating a revised and complete Initial Study and resubmitting a revised and complete Petition for Change Involving Water Transfer that fully explores the role in the project of the refill agreements.

The Initial Study (IS) and the Draft Negative Declaration fail to disclose that central to the existence of the PROJECT is the water rights doctrine of "USE IT OR LOSE IT".

The Waterfront is the EID newsletter sent out to all its ratepayers. The May–June issue of the Waterfront consisted of 4 pages and the water transfer story showed up on 3 of the 4 pages. The central part of the newsletter contained an interview with EID's two most knowledgeable employees and spokespersons on this project, Jim Abercrombie, Executive Director and Tom Cumpston, General Counsel.

In the interview there was much emphasis on "use it or lose it"; all of a sudden EID is in danger of losing this water if they do not use it. They intimate that storing this water for next year, as they have done for years, is not a "beneficial" use of the water and they could lose that water to the Bureau of Reclamation which could sell it and Reclamation would gain financially from its sale rather than EID. EID claims selling the water to Westlands is a "beneficial" use of the water and it is better for EID to take advantage of the (financial) opportunity. This frames the sale as EID being forced to sell the water to Westlands; the devil made us do it.

That Waterfront interview strongly suggests that "use it or lose it" is a major if not the major impetus and motivator behind the sale. The Waterfront newsletter is sent out with billing statements to all of the nearly110,000 people EID serves within its service area. Because of the wide circulation of the Waterfront newsletter, one has to assume that its content is well thought out before being disseminated to so many customers. "Use it or lose it" was a major focus in convincing its customers that EID must sell the water to Westlands.

EID states that the water being transferred to Westlands is surplus water and that the U.S. Bureau of Reclamation could take surplus water and sell it to another entity that is in need of water. Specifically, the interview of Abercrombie and Cumpston in the Waterfront states: *"Under state law, any entity who receives a water right must 'perfect' it by putting it to some beneficial use. If they don't use it, the entity loses it. If EID does not put the surplus water to beneficial use (delivering it to customers or marketing to downstream entities), it risks losing the benefit to Reclamation. That means Reclamation then takes it over and sells it to another entity that is in need of water."*

If these claims in the EID Waterfront newsletter are true, then the CEQA project description needs to be revised (and recirculated) to accurately reflect this major factor of the project.

If these claims are not true then the CEQA project was misrepresented to the entire customer base of EID. From a practical standpoint, the public expects a factual consistency between what it is told by EID in its newsletter and in its CEQA Initial Study, all of which were published at the same time in May-June of 2015. Indeed the public does not split hairs and draw fine lines separating one document from another. 110,000 EID customers expect and deserve consistency in the presentation of "facts".

Whether the claims are true or not true, the Project Description must be redrafted to accurately reflect the project and clear up any misconceptions.

Assuming the Waterfront newsletter claim is factual, "Use it or lose it" is germane to the very nature of the Project. It is not brought up in the draft Negative Declaration nor its Initial Study (IS) nor in the Petition for Transfer to SWRCB. This is a CRITICAL motivator for the sale; the Initial Study and the SWRCB Petition for Transfer are faulty for not discussing and fully analyzing the main reason why the "Project" exists.

CEQA and its guidelines require a full description of the "Project" and certainly the reasons why a "Project" is being undertaken is integral to the Project Description, the Initial Study and the subsequent Negative Declaration. The project was sold to the nearly110,000 people EID serves within its service area on the basis of "Use it or Lose it" therefore "Use it or Lose it" should be prominent in the Project Description, the Initial Study and the subsequent Negative Declaration.

These errors and omissions constitute grounds for redrafting and recirculating a revised and complete Initial Study and resubmitting a revised and complete Petition for Change Involving Water Transfer.

The IS, the Draft Negative Declaration and the Petition for Change fail to disclose that financial gain is a prime reason for the project.

The 3,100 AF involved in this transfer is being sold to Westlands by EID for $700 an AF, what the Sacramento Bee calls "a princely sum." That amounts to $2,170,000 plus probably several hundred thousand dollars from electricity sales since this same water will be run through the powerhouse which has not been used recently since the drought has not provided water for hydropower generation.

Since EID customers have been conserving water, revenues are down and this water sale is a convenient revenue replacement.

In the May – June issue of the Waterfront Newsletter discussed above under "Use it or Lose it", the EID General Counsel Tom Cumpston is quoted as saying *"...if EID does not need the water and someone is going to sell it, it might as well be EID customers that benefit from the sale, instead of the Federal government."*

That same article speaks of using this new revenue from the Westlands water sale for offsetting drought-related shortfalls due to loss of water sales, offsetting loss of Hydroelectric generation revenue due to the drought, using the Westlands sale money for the funding of capital projects and debt retirement.

There is no discussion in the Project Description, the Initial Study, the Draft Negative Declaration nor in EID's Petition for Change Involving Water Transfer (LBP2015-028) of financial gain as a reason for or result of the project.

Certainly close to $2,400,000 in revenue is a major impetus for EID selling this water to Westlands and that revenue generation deserves prominence in the Project Description for there would be no Project if there was no financial gain to the seller, EID.

This omission constitutes grounds for redrafting and recirculating a revised and complete Initial Study and resubmitting a revised and complete Petition for Change Involving Water Transfer and clearly stating in those documents the role that financial gain plays in the existence of the Project.

Please keep us apprised of ongoing meetings and determinations on this project.

Yours truly

Bradley R. Pearson
President
League to Save Sierra Lakes

RESOLUTION OF THE BOARD OF DIRECTORS OF EL DORADO IRRIGATION DISTRICT REGARDING OPERATIONS AT CAPLES AND SILVER LAKES

04-97

WHEREAS, El Dorado Irrigation District acquired Project 184 because of its interest in securing consumptive water supplies and generating hydroelectric revenue for its rate payers; and

WHEREAS, the District recognizes that Project 184 operation requires the weighing and balancing of numerous, sometimes competing interests; and

WHEREAS, the Board of Directors of El Dorado Irrigation District hereby affirms that it has a common interest with the League to Save Sierra Lakes and its allies in operating Caples Lake and Silver Lake so as to protect and enhance the valuable recreational interests associated with these lakes. The District and its Board of Directors highly value the recreation associated with these lakes and acknowledges that the League and its allies consider that recreation to be extraordinary.

NOW THEREFORE, IT IS HEREBY RESOLVED BY the Board of Directors of the El Dorado Irrigation District as follows:

The Board hereby directs its operating staff and management to work in good faith and employ best efforts to:

- Release stored water from Caples Lake between August 1 and October 31 in a manner that avoids average releases greater than 100 acre feet per day; and
- Achieve minimum September 30 Silver Lake staff gauge target evaluations of 14.4 feet in Wet and Above Normal years and 13.0 feet in all other years, and October 15 target elevations of 11.0 feet in Wet and Above Normal years and 10.3 feet in all other years;

except for reasons beyond its control or as necessary or desirable to meet one or more legitimate project purposes, inclusive of: operation in compliance with any term or condition of water right Permit 21112; operation in compliance with any Federal Energy Regulatory Commission order or Project 184 operating license, article, term or condition; facilities maintenance, repair, or construction; criminal investigation; public health and safety; dam safety; flood prevention or mitigation; and nondiscretionary releases mandated by FERC, the California Independent System Operator, or the state Division of Safety of Dams.

The foregoing Resolution was introduced at a regular meeting of the Board of Directors of the EL DORADO IRRIGATION DISTRICT, held on the 2nd of August 2004, by Director Fraser, who moved its adoption. The motion was seconded by Director Norris, and a poll vote taken which stood as follows:

AYES: Directors Osborne, Fraser, Wheeldon, Norris

NOES: None

ABSENT: Director George

The motion having a majority of votes "Aye", the resolution was declared to have been adopted, and it was so ordered.

President, Board of Directors of
EL DORADO IRRIGATION DISTRICT

ATTEST:

Clerk to the Board

(SEAL)

I, the undersigned, Clerk to the Board of the EL DORADO IRRIGATION DISTRICT hereby certify that the foregoing resolution is a full, true and correct copy of a Resolution of the Board of Directors of the EL DORADO IRRIGATION DISTRICT entered into and adopted at a regular meeting of the Board of Directors held on the 2nd day of August, 2004.

Clerk to the Board
EL DORADO IRRIGATION DISTRICT

Consideration to adopt a Negative Declaration, Approve First Amendment to Water Purchase Agreement for the 2015 El Dorado Irrigation District to Westlands Water District Temporary Water Transfer Project, and Authorize General Manager to Execute Documents to Effectuate the Transfer

July 27, 2015

PRIOR BOARD ACTION

- January 26, 2015 – Board heard an informational presentation on water transfers and District opportunities
- March 23, 2015 – Board approved a change order to a February 2, 2015 professional services agreement for water transfer consulting services with Tully & Young, Inc.

PRIOR BOARD ACTION

- Various dates in 2015 – Board held closed sessions regarding real property negotiations involving potential water rights transfers
- April 1, 2015 - Board approved a Water Purchase Agreement with Westlands Water District (WWD) for transfer of water in 2015

BOARD POLICIES (BP), ADMINISTRATIVE REGULATIONS, AND BOARD AUTHORITY

- BP 3050: The District will be run in a fiscally responsible and prudent manner
- BP 5010: The Board is committed to provide a water supply based on the principles of reliability, high quality, and affordability in a cost-effective manner with accountability to the public. It is the General Manager's responsibility to ensure that the tenets of this policy are carried out in an open, transparent manner through sound planning, to assure preparedness under varying conditions, and effective management

BOARD POLICIES (BP), ADMINISTRATIVE REGULATIONS, AND BOARD AUTHORITY

- Prior to approving the First Amendment to Water Purchase Agreement for the 2015 EID to WWD Temporary Water Transfer Project (Project), the Board must consider the Negative Declaration (ND) for the Project
  - California Environmental Quality Act (CEQA)
  - CEQA Guidelines
  - EID's procedures to implement CEQA

SUMMARY OF ISSUES

- Board approved 2015 Water Purchase Agreement (Agreement) with WWD on April 1
  - Sources and actions included in the Agreement were considered statutorily exempt from CEQA
- Ongoing consultations with relevant agencies
- Result was modified proposal

SUMMARY OF ISSUES

- Additional sources and refined project description
  - Water Code § 1010, 1011 elements not included
  - Includes pre-1914 water rights
  - Staff prepared an Initial Study (IS)/ND
- Revisions resulted in proposed amendment
- Staff is recommending the Board adopt proposed ND and amendment

STAFF ANALYSIS/EVALUATION

- Agreement included three components
  - Potable demand reduction from recycled water
  - Demand reduction from conservation programs
  - Weber Reservoir re-operation
- Reclamation and DWR expressed significant resistance to utilization of water made available by Water Code Sections 1010 and 1011
  - Extensive and long standing recycled water program
  - Water conservation measures

STAFF ANALYSIS/EVALUATION

- Resistance expected due to lack of precedents
- Staff continues to believe these statutes make supplies available for transfer
  - Not feasible to obtain approvals to transfer these supplies in 2015

REVISED APPROACH

- Improved water supply conditions
  - Late spring snow and precipitation events
  - Permit 21112 supply to support 2015 El Dorado Hills demands
- Include portion of pre-1914 Project 184 water rights
  - Safely meet customer needs, even if drought continues
- Transfer water supplies currently stored in Silver Lake
  - Meet demands through Jenkinson Lake
  - About 7,000 AF of Project 184 pre-1914 rights water supplies already transferred to Jenkinson this spring
- Generate hydropower before delivering to WWD

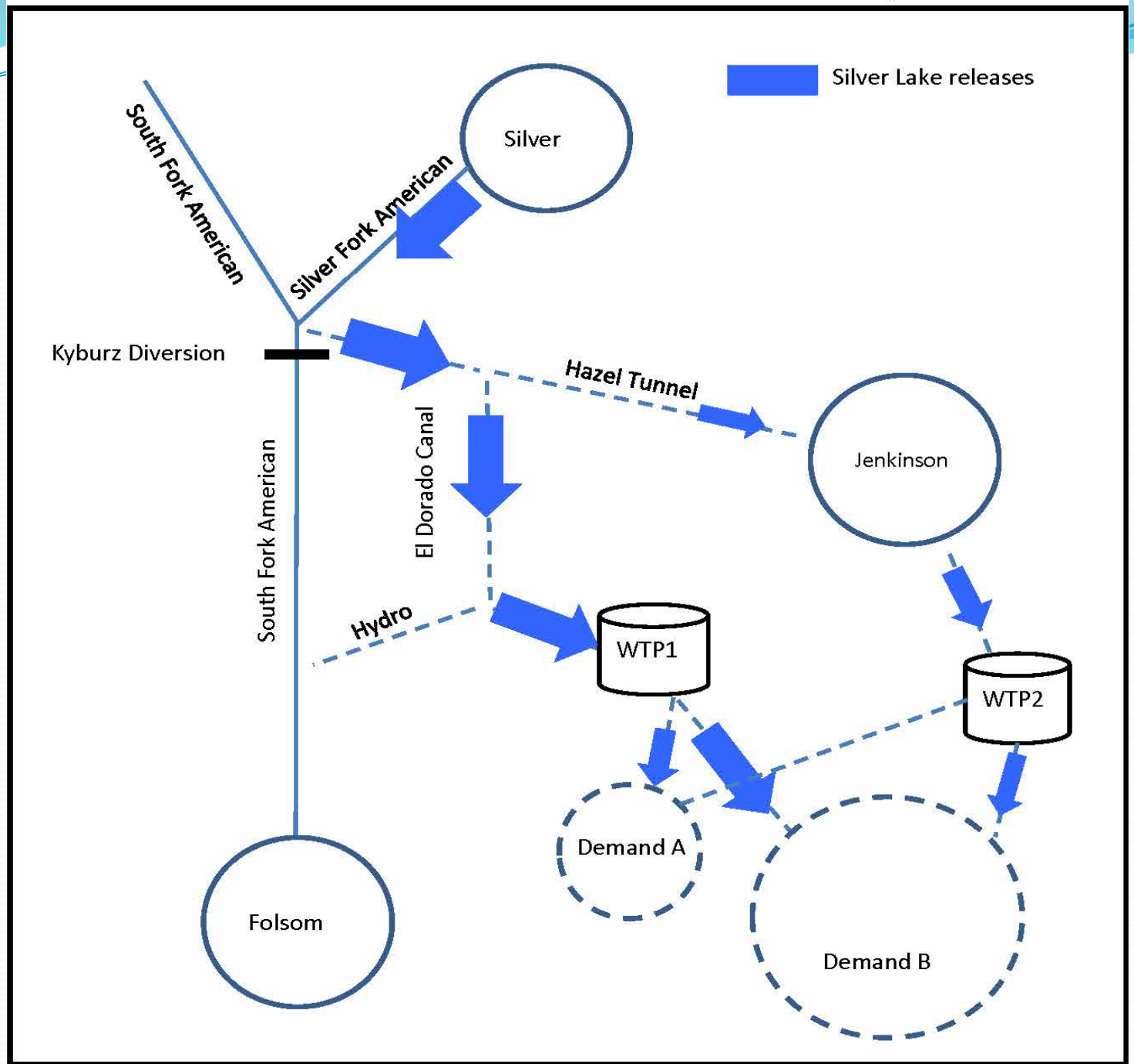
REVISED APPROACH

- Weber Reservoir still included in updated proposal
  - Many examples with recent and current transfers
  - Some revision of total transferred volume
    - Water license requirements and other minor revisions
  - Overall approach remains unchanged

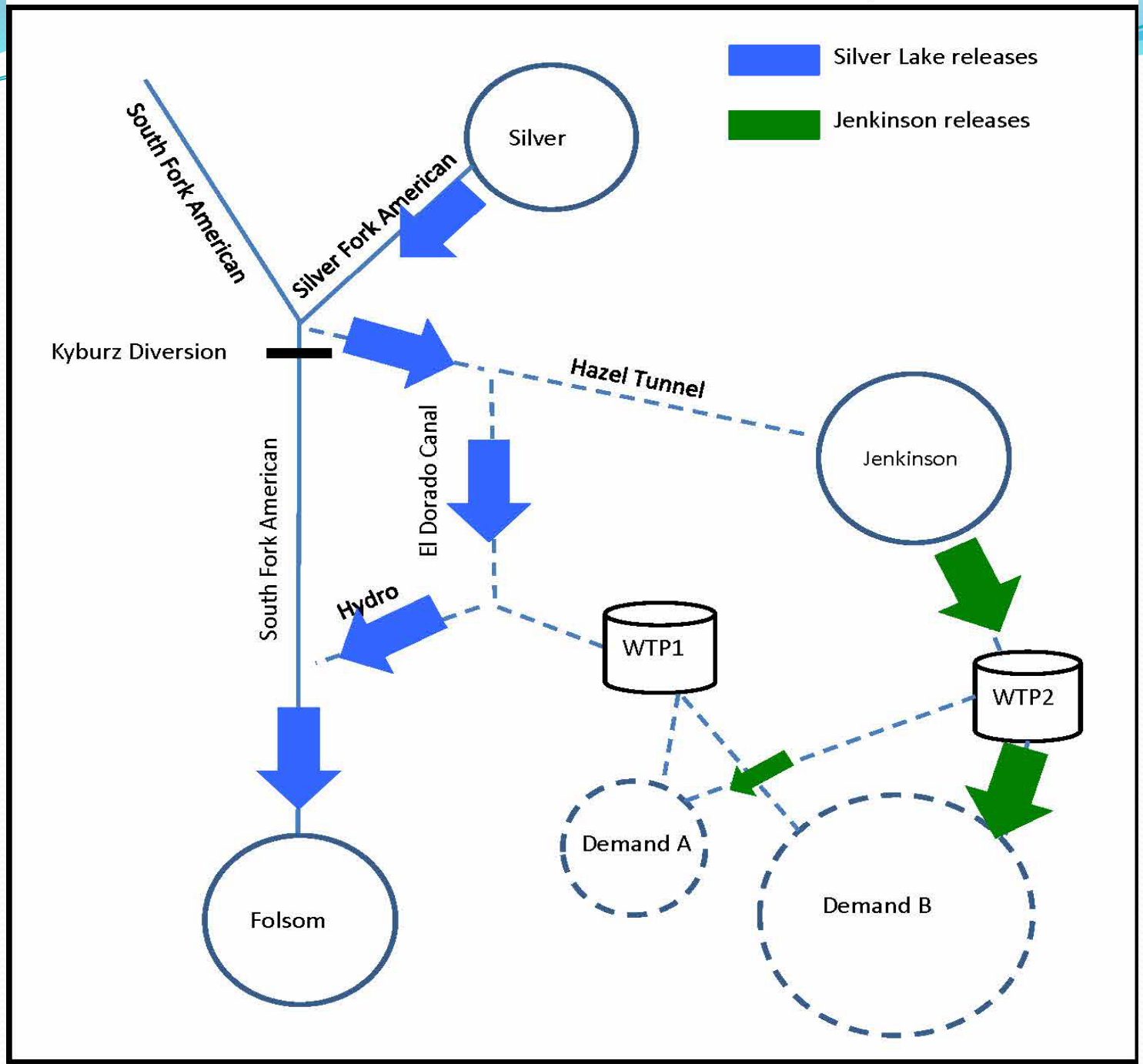
AMENDED AGREEMENT

- Proposed transfer up to 3,100 AF
  - Considers anticipated hydrologic conditions
  - Complies with applicable regulatory requirements for lake levels, stream flows
  - Feasible within constrained timeframe
- 700 AF from Weber Reservoir
- 2,400 AF from Silver Lake

Silver Lake: 2015 Planned without Transfer Operation

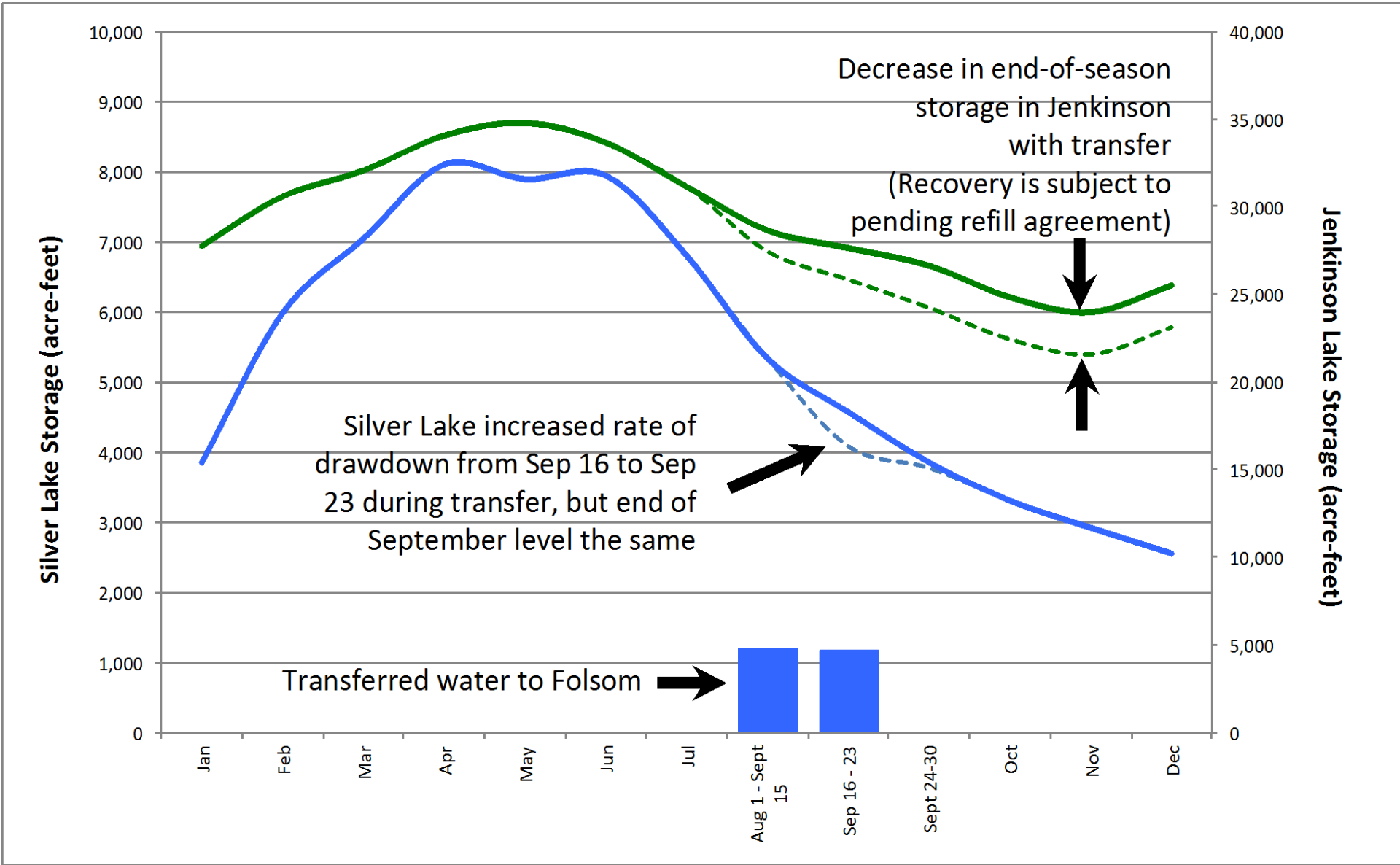


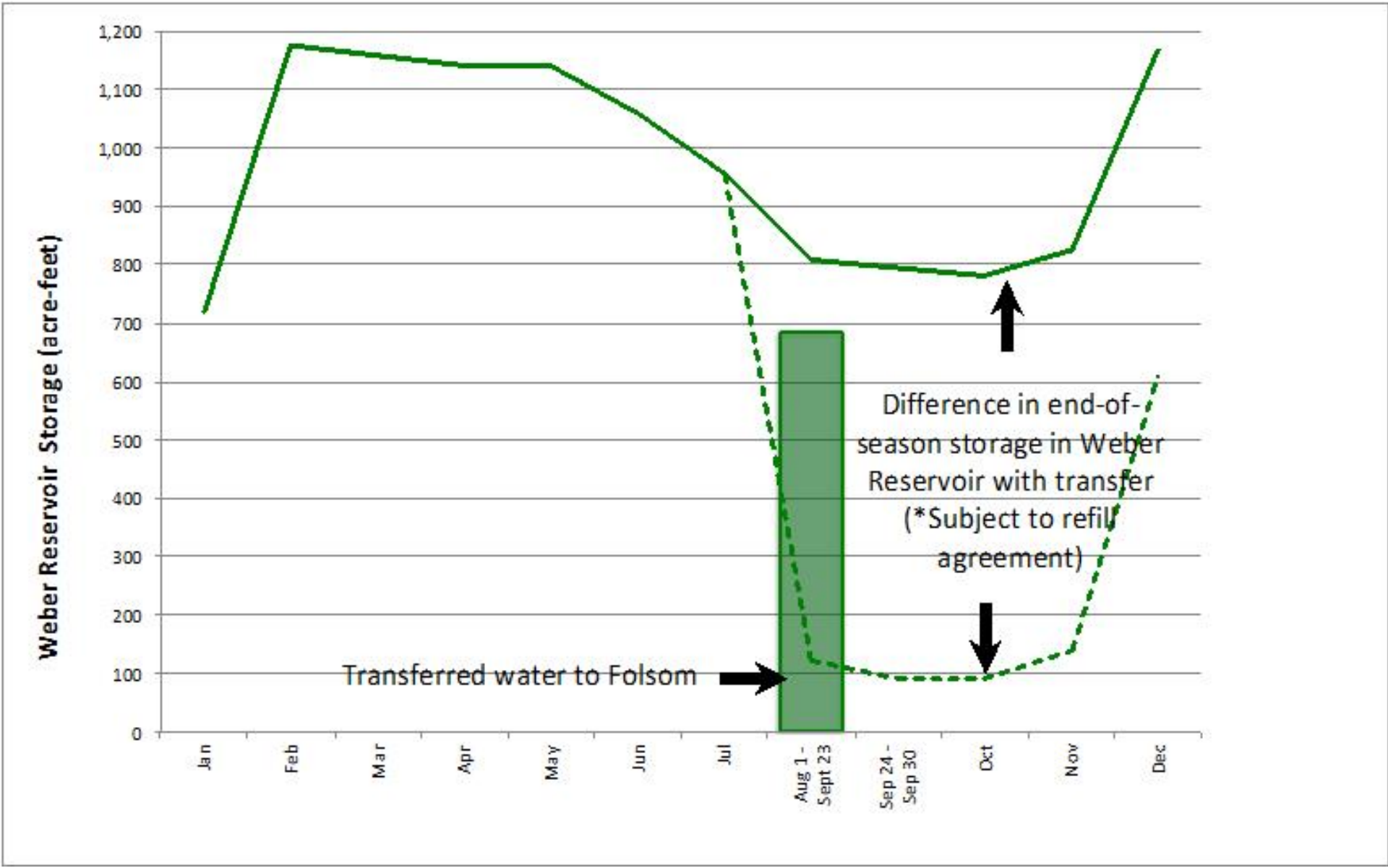
Silver Lake: 2015 Planned with Transfer Operation



REVISIONS IN AMENDMENT

- Necessary agreements with Reclamation related to Weber and Jenkinson operations during refill
- State Water Resources Control Board (SWRCB) approval of a Temporary Change Petition (TCP) for Weber Reservoir


Silver Lake Storage (acre-feet)
Jenkinson Lake Storage (acre-feet)
10,000
9,000
8,000
7,000
6,000
5,000
4,000
3,000
2,000
1,000
0
40,000
35,000
30,000
25,000
20,000
15,000
10,000
5,000
0
Decrease in end-of-season storage in Jenkinson with transfer (Recovery is subject to pending refill agreement)
Silver Lake increased rate of drawdown from Sep 16 to Sep 23 during transfer, but end of September level the same
Transferred water to Folsom
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug 1 - Sept 15
Sep 16 - 23
Sept 24-30
Oct
Nov
Dec


Weber Reservoir Storage (acre-feet)
1,200
1,100
1,000
900
800
700
600
500
400
300
200
100
0
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug 1 - Sept 23
Sep 24 - Sep 30
Oct
Nov
Dec
Transferred water to Folsom
Difference in end-of-season storage in Weber Reservoir with transfer (*Subject to refill agreement)

REVISIONS IN AMENDMENT

- Updated CEQA compliance approach
- Incorporate refined details for schedule and accounting of water released

PROJECT STATUS

- WWD has signed proposed Amendment
- TCP for Weber Reservoir submitted to SWRCB on June 25, 2015
- Refill negotiations continuing with Reclamation

CEQA/SWRCB

- Weber Reservoir addressed together with Silver Lake in IS
  - Complete description of Project as a whole and potential environmental impacts
  - Silver Lake transfer does not require SWRCB petition
    - Acknowledged in SWRCB public notice

CEQA COMPLIANCE

- EID lead CEQA agency
- Reviewed and evaluated the Project in IS
- No potentially significant environmental impacts of the Project were identified
  - No mitigation measures necessary

PUBLIC REVIEW

- Public review June 22 – July 22, 2015
- Public notices: State Clearinghouse; 21 federal, state, and local agencies and entities; Project 184 Relicensing Settlement Agreement signatories
- Published in Mountain Democrat, Sacramento Bee, Fresno Bee

PUBLIC REVIEW

- Posted: El Dorado, Amador, Fresno, Merced, Kern County Recorder-Clerks; El Dorado County Library (Placerville); EID Website; and EID Headquarters

COMMENTS RECEIVED

- Wayne Campbell
- East Silver Lake Improvement Association
- South Silver Lake Improvement Association
- Amador County
- League to Save Sierra Lakes

EVALUATION OF COMMENTS

- Responses provided in agenda packet
- No comments require a substantial revision of the ND
  - No new, avoidable significant effects were identified and no mitigation measures or project revisions need to be added
  - No changes to the ND findings and conclusions were necessary

BOARD DECISION/OPTIONS

- **Option 1:**
- Adopt the proposed Negative Declaration.
- Make the following CEQA findings:
  - Based on the whole record, there is no substantial evidence that the Project will have a significant effect on the environment.
  - The Negative Declaration reflects EID's independent judgment and analysis.
- Specify that documents or other material, which constitute the record of proceedings upon which this decision is based, shall be in the custody of the Clerk to the Board at El Dorado Irrigation District Headquarters.

BOARD DECISION/OPTIONS

- **Option 1 (CONTINUED):**
- Approve the First Amendment to Water Purchase Agreement between Westlands Water District and El Dorado Irrigation District for 2015 Temporary Water Purchase; authorize the General Manager to execute it, refill agreements, and any other documents necessary to effectuate the transfer.
- **Option 2:** Take other action as directed by the Board.
- **Option 3**: Take no action.

STAFF/GENERAL MANAGER'S RECOMMENDATION

OPTION 1

DISCUSSION AND QUESTIONS