Final Environmental Impact Report

Freeport Regional Water Project

State Clearinghouse No. 2002032132

March 2004

FREEPORT
REGIONAL WATER AUTHORITY

Sacramento County Water Agency
East Bay Municipal Utility District

FREEPORT
REGIONAL WATER AUTHORITY

Memorandum

Date: **March 5, 2004**

To: **Interested Parties**

From: **Kurt Kroner**

Re: **Release of the Final EIR for the Freeport Regional Water Project**

Enclosed is a copy of the Final Environmental Impact Report (EIR) for the Freeport Regional Water Project (FRWP). As lead agency, the Freeport Regional Water Authority (FRWA) has prepared the enclosed Final EIR in accordance to the California Environmental Quality Act (CEQA). The Final EIR, together with the Draft EIR, analyzes the No Action Alternative; four alternatives for the Freeport Intake Facility to the Zone 40 Surface Water Treatment Plant and Mokelumne Aqueducts project; and the Freeport Intake Facility to Zone 40 Surface Water Treatment Plant/Enlarge Pardee Reservoir Alternative. The purposes of the project include: (1) to support acquisition of additional Sacramento County Water Agency (SCWA) surface water entitlements to promote efficient conjunctive use of groundwater in its Zone 40 area, consistent with the Sacramento Area Water Forum Agreement and County of Sacramento General Plan policies; (2) provide facilities through which SCWA can deliver existing and anticipated surface water entitlements to Zone 40 area; (3) provide facilities through which East Bay Municipal Utility District (EBMUD) can take delivery of a supplemental supply of water that would substantially meet its need for water and reduce existing and future customer deficiencies during droughts; and (4) improve EBMUD system reliability and operational flexibility during droughts, catastrophic events, and scheduled major maintenance at Pardee Dam or Reservoir. The U.S. Department of the Interior, Bureau of Reclamation (Reclamation) is the federal lead agency under the National Environmental Policy Act (NEPA) and is responsible for completion of the environmental impact statement (EIS) for the project.

Public workshops to discuss the purpose and content of the EIR/EIS were held in April 2002. The Draft EIR/EIS was released to the public for review and comment between August 8 and December 15, 2003. Public hearings to receive comments on the Draft EIS/EIR were held in September through December 2003. The Final EIR contains comments received on the Draft EIS/EIR and responses to those comments.

FRWA is releasing this document for CEQA purposes. Reclamation is currently reviewing the document to assure compliance with NEPA regulations prior to its formal release as a Final EIS.

Additional CD copies may be requested from Mr. Kurt Kroner, Freeport Regional Water Authority, at 916-326-5489, or via e-mail at k.kroner@frwa.com. The Draft and Final EIR documents are also accessible from the following website: www.freeportproject.org

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Jones & Stokes. 2004. Freeport Regional Water Project *final environmental impact report.* March. (J&S 03-072.) Sacramento, CA. Prepared for Freeport Regional Water Authority, Sacramento, CA.

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Chapter 1
Foreword

This document presents comments and responses pertaining to the draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Freeport Regional Water Project (FRWP). The draft EIR/EIS for the FRWP, prepared by the Freeport Regional Water Authority (FRWA) and the U.S. Department of the Interior, Bureau of Reclamation (Reclamation), was distributed to the public and to agencies for review and comment on August 8, 2003. The draft EIR/EIS includes a description of the proposed project, an assessment of potential effects associated with implementation of the project alternatives, and proposed mitigation measures aimed at avoiding or reducing significant environmental effects.

Comments on the draft EIR/EIS were received at a series of public hearings held in September 2003 in communities within the project area, including Herald, Oakland, and multiple locations in Sacramento. Comments were also received in letters and other written materials submitted during the public comment period. The comment period began August 8, 2003, and was extended twice before its final expiration on December 15, 2003.

The National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) Guidelines require the lead agencies to respond to comments received during the comment period. This document has been prepared pursuant to these requirements. This response to comments volume, together with the draft EIR/EIS, constitutes the Final EIR/EIS for the FRWP.

Organization of This Summary of Comments and Responses

This document presents responses to comments received during the comment period. Comment letters are presented in their entirety followed by responses. Each comment within each letter has been marked and numbered. Oral comments received during the public hearings have been paraphrased for clarity and are included in Chapter 10. The location of the full transcripts is noted in Chapter 10.

Chapter 3 of this document contains detailed responses to key issues raised during the comment period. Chapters 5 through 10 contain comment letters and responses organized by the category of commentors. For example, comments

received from federal agencies are contained in Chapter 5. The responses generally provide clarification of the materials in the draft EIR/EIS; however, they occasionally include changes or additions to its text. The document is organized as follows:

Chapter 1—Foreword
Chapter 2—Project Update/Activities since Publication of the Draft EIR/EIS
Chapter 3—Master Responses
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Chapter 5—Responses to Federal and State Agency Comments
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Guide for Review

Chapter 4 provides a list of commentors and indicates the numbering system used to organize comment letters. A total of 103 comment letters were received for this project (not including two different form letters). The following key presents the code and numbering system used to identify written comments received.

Comment Code Key (Written Comments)		
F	=	federal agency comment
St	=	state agency comment
L	=	local agency comment
Sp	=	comment by a special interest group
I	=	comment by an individual
FL	=	form letters
Examples:		
I1-1	=	individual, letter #1 from those sent by individuals, first comment in letter
I2-2	=	individual, letter #2 from those sent by individuals, second comment in letter

Chapter 10 identifies oral comments received during the public hearings. The oral comments are grouped by meeting location.

Chapter 2

Project Update/Activities since Publication of the Draft EIR/EIS

Chapter 2

Project Update/Activities since Publication of the Draft EIR/EIS

This chapter is intended to provide an update on various aspects of the project that have changed since issuance of the draft EIR/EIS on August 8, 2003. Many of these changes are a result of comments received on the draft EIR/EIS during the comment period, which ended December 15, 2003. Changes to the project are presented in the list below, followed by a more detailed description of each.

1. Modifications to the layout and configuration of the intake facilities
2. Site identification for Zone 40 water treatment plant
3. Revised modeling and coordinated operation agreement assumptions
4. Water contract settlement agreements

None of these changes results in new impacts. In some cases they result in a reduction of severity of impacts identified in the draft EIR/EIS. A revised summary of impacts and mitigation measures is provided at the end of this chapter in Tables S-1, S-2, and S-3. Table S-1 summarizes the significant environmental impacts and Table S-2 summarizes the less-than-significant environmental impacts of the FRWP alternatives. Table S-3 summarizes significant cumulative impacts. The tables are organized to present impacts by environmental topic area and to indicate the significance of each impact, available mitigation measures, and the significance of each impact if mitigation is implemented.

Responsibility for Project Implementation

As noted in Chapter 1 of the draft EIR/EIS, FRWA is a joint powers agency formed by the Sacramento County Water Agency and East Bay Municipal Utility District. The City of Sacramento is an associate member of FRWA as well. During project implementation, each agency will have responsibility for certain aspects of project construction, mitigation implementation, and operation. In general, these responsibilities can be described as follows:

FRWA: construct and operate the intake and appurtenant facilities, the pipeline from the intake facility to the Folsom South Canal, and the pipeline to the SCWA treatment facility.

SCWA: construct and operate the Zone 40 surface water treatment plant and appurtenant facilities.

EBMUD: construct and operate the pipeline from the Folsom South Canal to the Mokelumne Aqueducts, the Canal pumping plant, and the Aqueduct pumping plant and pretreatment facilities.

In general, implementing and monitoring mitigation measures for each of these facilities will be the responsibility of the agency responsible for construction of the facility.

Modifications to the Layout and Configuration of the Intake Facilities

Although the site selected for locating the intake structure is the same as shown in the draft EIR/EIS, the layout of the site has been modified in response to public comment. In addition, more detail has been added to the project description in order to elaborate on the basis for selecting the proposed intake facility site. Additional detail on this matter is included in this final EIR/EIS in Chapter 3, "Master Responses," under Intake Facility Issues and in Appendix A.

Several refinements have been made to the site layout and project description to increase the project's compatibility with the existing site and further minimize potential impacts. Many of these refinements are based on input received during the public comment period. Most of this input came from representatives of the City of Sacramento and residents of the South Pocket and Meadowview communities. The refinements include additional commitments made by FRWA and physical refinements to the site layout and facility configurations.

Additional commitments made by FRWA include:

- Visual elements
  - Provide approximately 5 acres of landscaped buffer area to be maintained by FRWA
  - Improve visual aesthetics of the site over its current state
  - Implement a public process for the architectural design of the intake facility
- Noise control
  - Design facilities so that the levels of noise generated by project operation will remain at or below current background noise levels at the nearest sensitive receptor. The commitment and methods to minimize operational noise are described below under the Updated Project Description heading.

- Minimizing use and storage of chemicals
  - Use only sodium hypochlorite on site (sodium hypochlorite is two to three times stronger than household bleach)
  - Store on site only as needed
  - Use triple containment for storage of sodium hypochlorite
- Minimizing adverse construction effects and resolving construction-related issues
  - Implement measures to minimize construction noise and the amount of dust and dirt leaving the site, and take measures as necessary to avoid potential adverse effects of pile-driving on property and structures
  - Work closely with local residents and City of Sacramento representative to reduce impacts as much as possible and to jointly develop mitigation plans
  - Provide a 24-hour FRWA contact person
  - Work together to monitor mitigation throughout construction

The basic elements of the intake facility are the intake structure located on the riverbank (which houses the pump station) and several associated features located on the landside of the levee. The associated facilities include an electrical switchyard, chemical injection facility, surge tanks, air compressor station, and settling basins.

The locations of the electrical switchyard, chemical injection facility, surge tanks, air compressor station, and settling basins have changed since publication of the draft EIR/EIS. In general, all of these facilities have been moved east to provide greater distance between the facilities and the adjacent residences. The revised intake site layout, including the locations of these facilities, is shown in Figure 2-1.

The location of the intake structure has not changed. However, some aspects of the structure have been modified in order to minimize operation-related noise. A brief description of each associated feature follows:

- The electrical switchyard will contain necessary electrical equipment such as electrical transformers and controls.
- The chemical injection facility is needed to control potential biofouling within the pipeline and will be located adjacent to the pipeline to allow direct injection into the pipe. It will consist of a permanent double-containment on-site tank and an associated containment basin for chemical delivery to effectively result in triple containment to meet applicable codes, ordinances, and industry safety standards. The pump and tank may be constructed in a belowground vault.

- Approximately five surge tanks measuring 12 feet in diameter and 60 feet long will be contained in a structure adjacent to the electrical switchyard.
- The air compressor station is needed to provide air charge for the surge tanks. The compressors will be contained in a structure adjacent to the surge tanks.
- Several options for managing sediment in the intake were described in the draft EIR/EIS. These included settling basins at the intake facility site, settling basins adjacent to the FSC, and managing sediment within the FSC itself. The only sediment management option currently being considered to remove sediments that settle in the intake forebay is the use of settling basins at the intake site.

Updated Project Description

The portion of the project description that has changed since publication of the draft EIR/EIS is set forth below. All other portions of the project description remain the same as in the draft EIR/EIS.

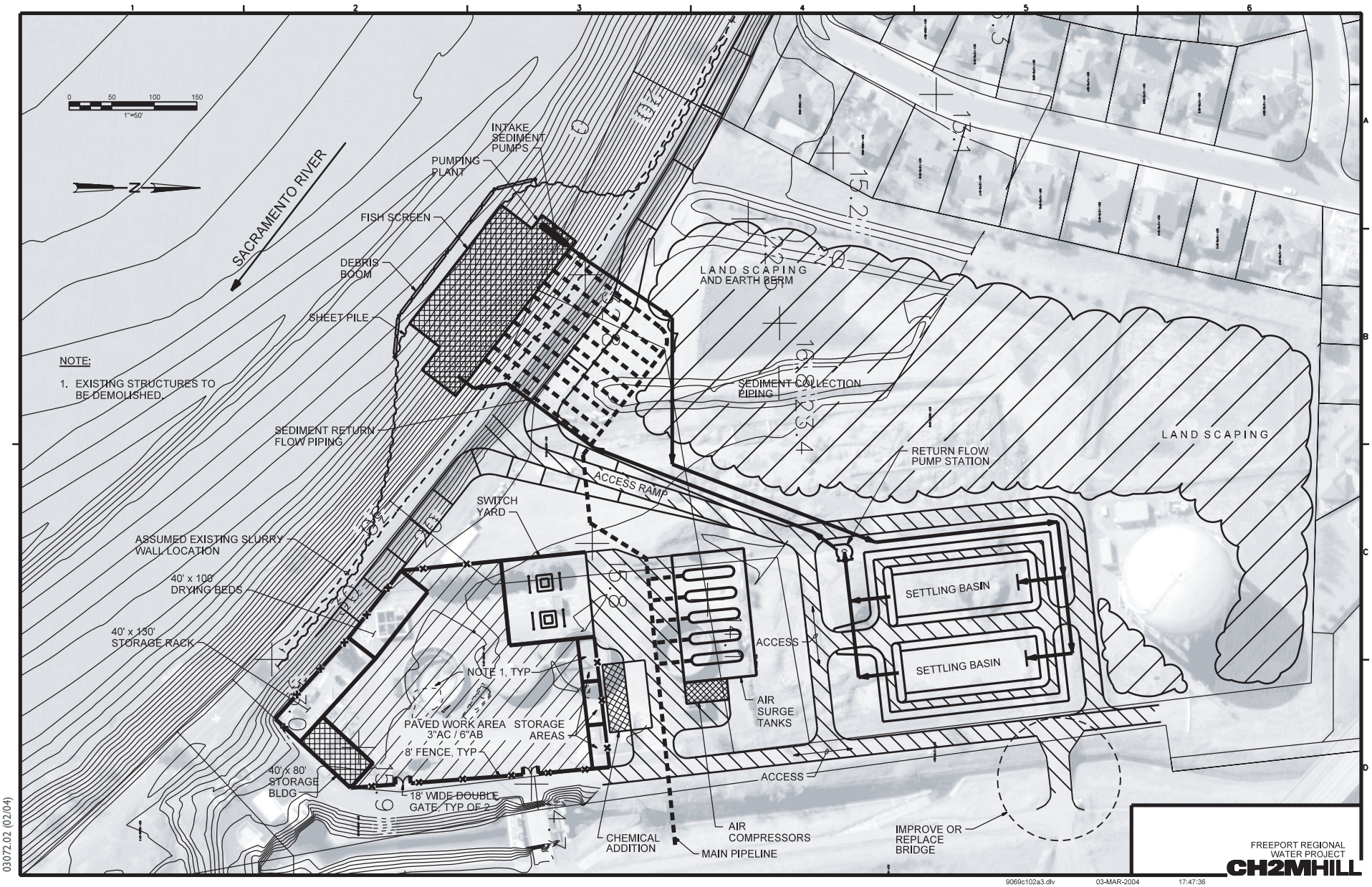
Freeport Intake Facility

Location

An intake facility and pumping plant would be constructed on the Sacramento River to divert water from the river. In identifying potential locations for the intake facility, several factors were considered to minimize the potential for water quality problems:

- To minimize potential for intake of treated effluent from the SRCSD discharges during a reverse flow event, the intake point would need to be located at least 3,500 feet (ft) upstream from the SRCSD discharge point.
- To minimize water quality issues from the combined sewage outfall (CSO) near the Pioneer Bridge, the intake would need to be located at least 9,000 ft downstream to achieve full mixing and dilution of the discharges.
- To avoid water quality impacts associated with discharges from the Sacramento Yacht Club (e.g., fuel spills, solid wastes, sanitary wastes), the intake would need to be located at least 9,000 ft downstream of the marina.

The intake site is located on the left, or northeast, bank in the City of Sacramento, approximately 6,500 ft upstream of the Freeport Bridge and adjacent to the southeast edge of the South Pocket community. (The left bank is the left side of the river when facing downstream.)



Jones & Stokes

Figure 2-1
Intake Facility Layout

Numerous technical evaluations were conducted to identify the best location along the Sacramento River to locate the necessary intake structure. While water quality and river geometry are primary factors when considering location, several other factors, including impacts on adjacent residents, were also considered. The results indicate that there are very few suitable locations.

An initial screening of potential sites was performed based primarily on water quality and potential sources of contamination. There were three primary items considered: to keep the site sufficiently upstream of the SRCSD outfall to limit diversion of poor quality water during reverse flow events; to locate the site sufficiently downstream of the CSO discharge to ensure full mixing of sewer discharges and river water; and to avoid the potential fuel spills and solid and sanitary waste disposal associated with marinas. This initial screening greatly reduced the number of possible locations.

On occasion, when river flow is low and tides in the Pacific Ocean are high, water in the Sacramento River in the project vicinity can flow northward (i.e., backward, upstream). According to SRCSD measurements during the period 1984–2000, reverse flow occurred in approximately 5% of all days. During those periods, the reverse flow in the river could cause treated wastewater to reach the intake. Therefore, the farther upstream from the outfall the intake is located, the better. The reverse flow events are typically of such duration that treated wastewater reaches a limited distance upstream of the outfall. FRWA's technical team set a target criterion of finding a site where treated wastewater would reach the site on no more than 20% of the occasions when reverse flow occurs. Computer modeling revealed that this distance is at least 3,500 feet. Therefore, the 3,500 feet of river closest to the SRCSD outfall was excluded from further analysis.

Locating the intake downstream and in general proximity to the WWTP outfall would be a breach of the member agencies' duty to protect the public's health and would be very unlikely to be approved by regulatory agencies such as the Department of Health Services. The waste discharges carried by reverse flows that FRWA is attempting to avoid are infrequent events, yet are still of great concern because waste discharges will be continuous and impossible to avoid.

In addition to the water quality issues posed by the SRCSD WWTP, the City of Sacramento operates a combined storm and sanitary sewer system serving a portion of the City and County of Sacramento. Under most conditions, the combined flow of the sewers is directed to the SRCSD WWTP and is treated (secondary treatment) before discharge to the river. On occasion, however, storm flows are so great that the capacity of the WWTP is exceeded, and the excess flow is diverted to a series of smaller treatment plants that treat the water before discharge to the river to a lesser degree (primary treatment) than the SRCSD WWTP. On even less frequent occasions, the capacity of both the WWTP and the primary treatment facilities is exceeded, and raw sewage combined with storm drainage is discharged to the river with no treatment at all. These intermittent events are of concern to FRWA.

The only way to avoid completely the effect of untreated CSO discharges on the intake would be to locate it upstream of any untreated CSO discharge sites. This would require relocating the intake upstream of Sump No. 2, which is west of William Land Park. Locating the intake upstream of Sump No. 2 would add at least 5 miles to the length of the pipeline, running through some of the most densely developed parts of Sacramento. Conservatively, project construction costs would increase by at least $20 million, if a vacant site with sufficient room could be found. The permanent environmental impacts associated with a site this far upstream would be at least as much as the preferred site, but the construction impacts would be much greater. An additional environmental impact would result from the increased electrical power required to pump the water through the longer pipeline.

As an alternative to placing the intake upstream of any untreated CSO discharge, FRWA tried to find a location where untreated discharges would mix fully with river water before reaching the intake. If untreated discharges could not be completely avoided, the next best thing is to make sure they are as diluted with as much river water as possible. Computer modeling indicated that approximately 9,000 feet of river length is necessary for full mixing.

It was also a criterion to locate the intake a similar distance below any marinas, which might be the source of fuel spills or other waste discharges (Stan's Yolo Marina is at RM 50.6; Site A is about 9,000 feet downstream). These criteria limited the study reach to approximately 3,500 feet above the SRCSD discharge to approximately 9,000 feet below Sump No. 2. This stretch of river extends from Chicory Bend (RM 54.6) to the northern limits of the developed portion of Freeport (RM 46.7).

The only undeveloped areas on the left bank (looking downstream) within this water quality–constrained reach are the preferred site and a site approximately 3,000 feet downstream of the preferred site, near the northern limits of development in Freeport. Potentially suitable sites with less residential development exist on the right bank.

After public health and safety were addressed, several engineering criteria were applied to the site selection. The first of these criteria is river geometry. In general, deep water and fast-flowing water are desirable. The pumps and intake screens must be placed under water, and naturally deep water allows this pump submergence and minimizes environmentally harmful and costly dredging. High flow velocities across the intake minimize sediment accumulation and improve the functioning of the required fish screens. The high velocities help to sweep sediment and fish past the intake. Sediment buildup can interfere with the flow of water to the pumps, causing noisy operation and possibly damage to the pumps. Buildup as a result of erosion can also damage the pumps and create locally higher velocities of flow through the fish screens. Fish screens protect fish best with even, slow flow through the screens.

Deeper, faster-flowing water is found at the outside of bends. Within the reach defined by water quality constraints, five bends exist: Oak Hall Bend (RM 53.7),

Clay Bank Bend (RM 52), Garcia Bend (RM 51), RM 49.2, and Freeport Bend (RM 47.2).

The outside of Oak Hall Bend is on the left bank. Dense development (the Greenhaven area) exists adjacent to the river, and no vacant sites are available. Construction of an intake at that site would require obtaining private property and constructing approximately 4 miles of additional pipeline (approximately $15 million) through a very densely populated area. This is the only bend on the left bank in the study reach other than the preferred site, and is either inferior or equivalent to the preferred site in every evaluation criterion.

The three bend sites on the right bank all have some similarity with respect to the evaluation criteria: they all have comparable levels of adjacent development; and they all require additional pipeline length and an expensive river crossing. The biggest difference between them is the length of pipeline added to the project. Therefore, only the site requiring the least additional pipe (RM 49.2) was given further consideration because all the other right-bank bends were considered to have flaws of relatively greater magnitude.

As a result of this analysis, it was determined that the preferred site best meets the range of criteria, including those relating to institutional, technical, and environmental issues. Additional detail is included in Appendix A of the final EIR/EIS. This site is located along the left (north) bank of the Sacramento River just southeast of the South Pocket neighborhood and approximately 1 mile north of the town of Freeport. The site, a former sewage treatment plant, is currently owned by the City of Sacramento Department of Utilities, and existing public facilities include an elevated water storage tank and stormwater outfall pumps. The site has long been considered suitable for public water facilities.

Design

The intake facility would be located on the riverbank. Site features would include an intake and pump station, electrical switchyard, chemical storage and injection facility, surge tanks, air compressor station, settling basins, security fencing, parking, and access pathways (Figure 2-1). The pump station would be located within the intake facility, and the remaining features would be located behind (north and east of) the intake facility. The entire facility, including the intake facility and associated features (e.g., electrical switchyard, chemical injection facility, surge tanks, air compressor station), would require approximately 7 acres. FRWA is providing landscaping on site to mitigate any potential visual or noise impact on the adjacent neighborhood. The extent of any additional off-site landscaping on City-owned property above and beyond what is necessary to mitigate visual and noise impacts to a less-than-significant level, how much FRWA will contribute to those costs, and how any such landscaping will be maintained is a matter of negotiation between the City and FRWA as part of the Purchases and Sales Agreements for the intake site.

The recommended foundation for the intake is a pile foundation with steel H-piles, precast concrete piles, or concrete-filled pipe piles. Each pile type has advantages and disadvantages and selection is best determined by load, soil conditions, and driving conditions. Given the need for more precise soil conditions and structural loadings, the type, size, spacing, and depth of piles must be determined in final design. Some of the sheet piles that would be built to facilitate construction of the intake would be left in place, and stone riprap would be installed around the intake. The riprap would be 3 ft thick and would extend approximately 200 ft from the top of the levee to the toe of the embankment. Riprap would also extend approximately 50 ft upstream and downstream beyond the sheet piling.

The intake facility would include a fish exclusion system designed to meet DFG, NOAA Fisheries, and USFWS criteria for adequate screen area, maintenance features, and facility hydraulics. The fish screen could be as long as 175 ft. A floating log boom would be installed on the river side of the intake facility to protect the fish screen from damage by floating debris and boaters.

The pump station would have seven to nine vertical turbine pumps with a total capacity of 185 MGD enclosed in a structure approximately 225 feet long and would accommodate a pump spacing of about 15 feet, assuming nine pumps.

Low-wattage fascia wash lighting fixtures would be installed on the river-facing walls of the intake facility and fish screen. The debris boom would be fitted with a strobe light in accordance with U.S. Coast Guard requirements. Exterior doors would be equipped with photocell/motion detector–controlled downlighting.

The primary operation noise sources at the intake facility would include the pump station, electrical switchyard, and air compressor station. All the pumps and motors would be enclosed in a structure approximately 225 ft long. The intake structure and support facilities design will incorporate noise control measures so that noise generated by the facility will not be at levels above existing background noise at the nearest sensitive receptor. Possible measures might include interior and exterior noise control measures for the pump station such as the use of low noise motors, acoustic louvers, acoustic access doors and wall panels; use of low noise transformers; and acoustical treatment of the compressor station, electrical switchyard, and surge tank facilities. Noise measurements will be conducted after the project startup to determine the effectiveness of the acoustical treatment measures and whether additional measures are needed. As a result, the significant and unavoidable operational noise impact identified in the draft EIR/EIS is now a less-than-significant impact.

Operation and Maintenance

The new intake facility and pumping plant would allow the delivery of up to 185 MGD of water and would be capable of diverting water under all river hydraulic conditions. A source of electrical power would be required to operate the new intake facility.

The intake facility, including screens and pumping equipment, would be accessible year-round from the levee bank for operations and maintenance. The screen face would be oriented parallel to the river flow and would extend into the river section to allow adequate water depth at the screen (10 ft minimum). The orientation would also allow for suitable sweeping flows across the screens, reduce the overall screen length needs, and reduce maintenance requirements. The pumping wet well would be located on the water side of the levee section. Discharge lines would cross over the levee bank.

Construction Considerations

The first phase of the intake construction would involve construction of a temporary ring levee, followed by construction of a sheet-pile cofferdam. Excavation within the area enclosed by the cofferdam and levee would proceed next followed by installation of structural piles. Following pile placement, a concrete tremie seal would be placed to allow dewatering inside the cofferdam. Following dewatering, actual construction of the intake would begin. Construction materials may be brought to the site by water or land. Some dredging of the site may be required.

Settling Basins

Location

Because the intake facility would be used under a wide range of river-flow conditions, there is potential for grit and sediment to enter the intake facility and pipelines. Larger sediments will be deposited in the forebay of the intake. Such deposits would need to be removed to keep the forebay clear and to keep approach velocities at the fish screen relatively uniform along all parts of the screen. A set of settling basins, located near the intake facility site, would collect the relatively large-diameter sediments (Figure 2-1). Smaller particles would likely continue into the pipelines. These sediments would be carried to the Zone 40 Surface WTP and the FSC, where, in both locations, suspended sediment would settle out and periodically be removed by dredging. No modifications have been made to the optional settling basins considered for construction near the terminal facility.

Design

If it is determined during design that settling basins are required at the intake facility, they would consist of two or more concrete-lined basins with discharge piping from the intake forebays to the basins and return lines from the basins back to the intake forebays or sanitary sewer. Access ramps would be installed in each basin for cleaning purposes. Preliminary analysis indicates that the total area required for these settling basins would be approximately 2 acres. For

purposes of this analysis, it is assumed that settling basins would be required at the intake facility. Because the relatively large-diameter size of the predominantly inorganic sediments to be removed and the absence of small particle–size organic-laden sediment, odor from the accumulated sediment is not expected.

Operation and Maintenance

The amount of sediment will vary with the amount of water diverted, the time of year it is diverted, and the sediment load in the river. The basins would be configured with two or more cells so that individual cells could be drained and dried out. Depending on the final design of the basins, actual operational practices, and other factors, the frequency of basin cleaning may vary from year to year. However, for the purpose of this analysis, annual cleaning has been assumed. At the intake facility, potential estimated annual sediment accumulation could range from 310 tons under minimum conditions (a uniform 10 MGD per year to SCWA only) to 4,540 tons under severe conditions (125% of median flows to both SCWA and EBMUD and double the median suspended solids concentrations in the river). Under average conditions (full time SCWA diversion and EBMUD diversions every 3.3 years), annual sediment accumulation would be approximately 1,910 tons.

The collected sediment would be excavated and hauled to the nearest landfill (assumed to be located off Kiefer Road near Grant Line Road). The principal equipment required for cleaning the sediment basins includes wheeled front-end loaders, dozers, and tractor-trailer dump trucks. The duration of equipment usage would depend on the rate that material can be loaded into the trucks and the haul distance/round trip time for the trucks.

Construction Considerations

The material excavated for construction of the settling basins would be stockpiled and used as embankment fill, and any excess material would be hauled off site to an approved landfill.

Chemical Storage

Sodium hypochlorite is proposed for use at FRWA's intake to control potential biofouling in the pipeline. There is a possibility that the pipeline capacity will be reduced because of the growth of slime or other organisms in the pipe. That growth can be removed through chemical treatment and flushing.

Sodium hypochlorite, in liquid form, would be injected into and slowly distributed through the pipeline with low velocity flow of water. The chlorinated water would be emptied from the pipeline at Sacramento County's Zone 40 water

treatment plant and at the FSC settling basin (if constructed). It is expected that this operation would be infrequent, likely less than annually.

Sodium hypochlorite solution is a yellowish liquid with a characteristic odor. The substance to be used at the intake is very similar to household bleach, albeit with a higher concentration (about 10–12% hypochlorite at the intake vs. 3–6% in household bleach). It is widely used in homes, schools, hospitals, swimming pools, drinking water supplies, and for disinfecting hard surfaces and surgical instruments.

According to a May 1996 article in *Environmental Science and Engineering*, years of investigation have produced the conclusion that hypochlorite is safe for humans and the environment. In the environment, sodium hypochlorite decomposes into water, oxygen, and table salt.

Sodium hypochlorite is typically delivered by truck. For example, the City of Sacramento receives sodium hypochlorite in 4,500-gallon truckloads at their treatment plants. During unloading, the truck would park within a containment basin, which in its simplest form would consist of a depressed concrete pad with entry and exit ramps at each end. The truck would transfer its contents into a permanent on-site tank made of fiberglass, fiber-reinforced plastic, or other material not susceptible to corrosion. The pump and tank may be constructed in a belowground vault, which would both mask the equipment from view and act as a containment structure should the tank leak. The only aboveground facilities would be a connection for the truck to the pump or to the underground storage tank, and vault ventilation intake and exhaust. As an alternative, the truck, tank, and pump could all be housed inside a small building. The truck would not need to be on site for more than 1 day at a time.

The project description in the draft EIR/EIS identified the possible use of chemicals at the intake facility. The related impact in Chapter 15, "Public Health and Safety," discussed the use of sodium hypochlorite at the Zone 40 Surface Water Treatment Plant. This impact (Impact 15-6 on page 15-9 of the draft EIR/EIS) was found to be less than significant and adequately describes the potential impact of its use at the intake facility. Therefore, the proposed use of sodium hypochlorite at the intake facility does not introduce a new impact or substantial new information.

Site Identification of the Zone 40 Surface Water Treatment Plant

The draft EIR/EIS included a description of the proposed location, design, and construction of the Zone 40 Water Treatment Plant. Since publication of the draft EIR/EIS, more information has become available regarding the specific location where the Zone 40 Water Treatment Plant may be constructed.

The draft EIR/EIS included a description of the general area in which the Zone 40 Surface Water Treatment Plant would be constructed. The general area was described as the area bounded by Elder Creek Road on the north, Gerber Road on the south, Bradshaw Road on the west, and Excelsior Road on the east. The Zone 40 Surface Water Treatment Plant would require an 80- to 100-acre parcel within that area.

SCWA has recently secured an option on an 80-acre parcel that could be used for the Zone 40 Surface Water Treatment Plant. The parcel is located within the general area described in the draft EIR/EIS and is at the north side of Florin Road halfway between Bradshaw and Excelsior Roads (Figure 2-2). The analysis in the draft EIR/EIS adequately addresses the resources and issues associated with this parcel. As described in the draft EIR/EIS, SCWA will ultimately purchase a parcel, potentially this one, and construct the Zone 40 Surface Water Treatment Plant at that location. However, additional detailed surveys and associated supplemental environmental documentation may be required before SCWA purchases the parcel and constructs the facility.

Modification to the Operation of the Canal Pumping Plant

Design

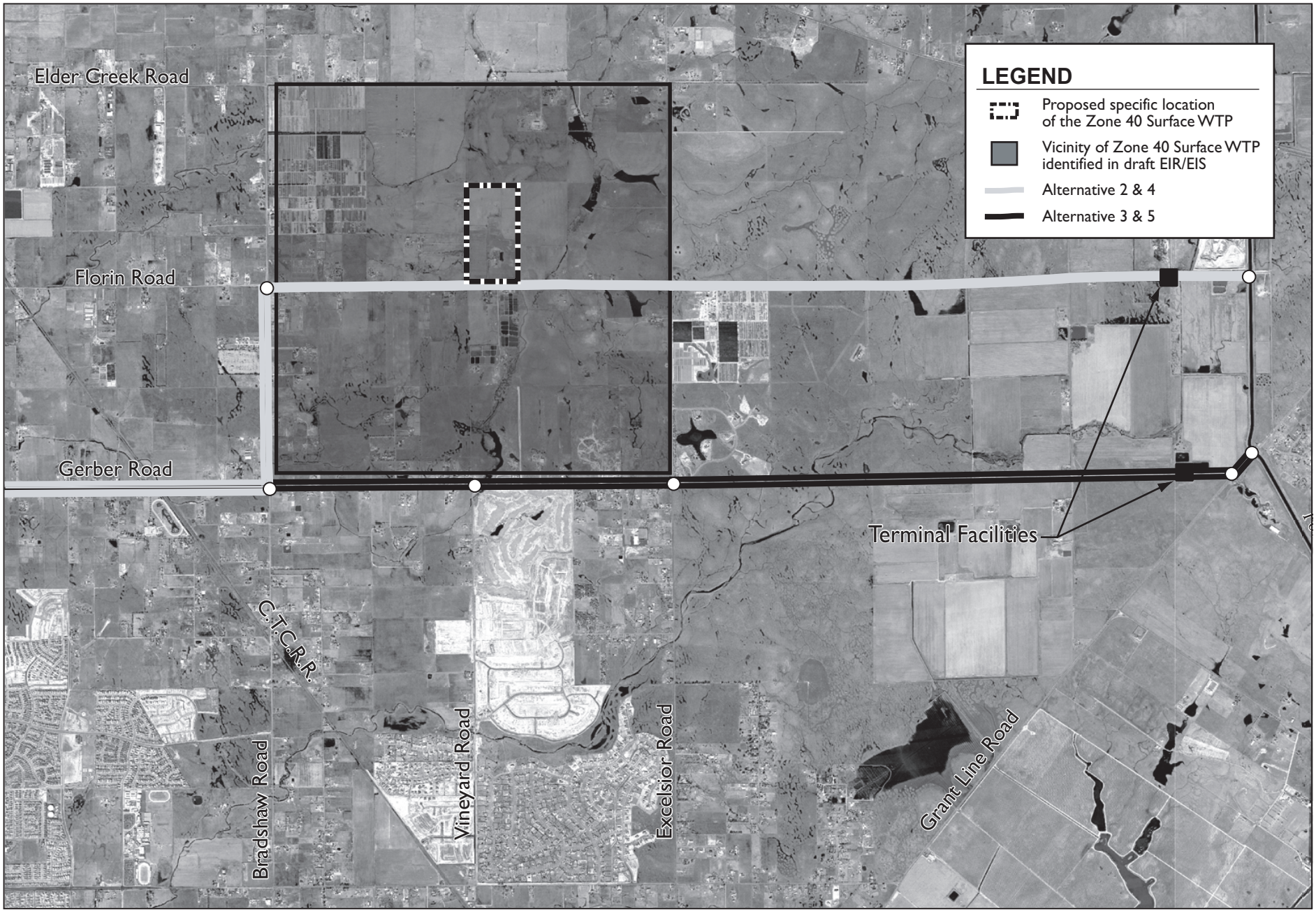
The plant will be designed with a 100-MGD capacity. The main facilities include a turnout in the canal, a traveling screen structure used to remove debris in the FSC water, a chain link–fenced electrical substation, surge control features, access roads and site infrastructure, and the main pumping plant building.

All the pumps and motors would be enclosed in a structure. The intake structure and support facilities design will incorporate noise control measures so that noise generated by the facility at the nearest existing sensitive receptor (e.g., residence) will not exceed 5dBa above existing background noise. Noise measurements will be conducted after the project startup to determine the effectiveness of the acoustical treatment measures and whether additional measures are needed. As a result, the significant and unavoidable operational noise impact identified in the draft EIR/EIS is now a less-than-significant impact.

Hydrologic Modeling Assumptions

Project-Level Analysis

Since publication of the draft EIR/EIS, Reclamation has made minor changes to the 2001 level-of-development version of the CALSIM II model and assumptions regarding the FRWP. The primary changes in the model are that Reclamation



Jones & Stokes

Figure 2-2
Proposed Specific Location of the Zone 40 Surface Water Treatment Plant

has slightly revised the way that CALSIM II interprets implementation of CVPIA 3406(b)(2) water and the Environmental Water Account to better reflect anticipated operations. These changes have very minor implications for project modeling of environmental effects and result in essentially indiscernible changes.

Also since publication of the draft EIR/EIS, Reclamation has determined that deliveries to EBMUD should be treated as a Delta export for purposes of the Coordinated Operations Agreement (COA), rather than as a Sacramento in-basin use. This assumption results in minor changes to model results but does not result in any meaningful changes to the impact analysis. Appendix 3 of the draft EIR/EIS (Section 3.4.10) included a preliminary CALSIM II model run under the assumption that deliveries to EBMUD would be treated as an export under the COA, rather than an in-basin use. A review of this study concluded that there would be no difference in the impact assessment compared to the modeling used for the draft EIR/EIS.

FRWA and Reclamation have determined that it is appropriate to conduct additional modeling for this final EIR/EIS and to review the results of that modeling to determine whether these changes in modeling assumptions would have any potential to change the results of the impact analysis contained in the draft EIR/EIS. A comparison of the key hydrologic modeling results from the draft EIR/EIS and the revised CALSIM II modeling for 2001 level-of-development is summarized in Table 2-1. As shown in that table, the difference in results between the two sets of modeling studies is extremely small and would not affect the analysis of potential environmental effects and conclusions drawn regarding significance of impacts that relies in part on the results of the CALSIM II modeling.

Based on review of the modeling, Reclamation and FRWA have determined that the minor changes in assumptions with respect to CALSIM II modeling would not alter the conclusions of the draft EIR/EIS and, therefore, do not constitute significant new information. If the revised assumptions were to be used, Reclamation and FRWA would reach the same conclusions reached in the draft EIR/EIS with respect to potential environmental effects related to hydrologic impacts, the significance of those effects, and the need for mitigation measures.

Cumulative Impact Analysis

Similar to and in addition to the changes made in the project-level modeling (2001 level-of-development), Reclamation has also revised the 2020 level-of-development hydrologic modeling that is intended to form the basis of ESA Section 7 consultation with USFWS and NOAA Fisheries for purposes of its revised CVP Operations Criteria and Plan (OCAP). The version of the 2020 level-of-development CALSIM II model that was available in summer 2003 formed the basis for the cumulative impact analysis in the draft EIR/EIS. Reclamation and FRWA also conducted a review of the revised version of this model scenario released in February 2004 to determine whether the changes in modeling assumptions would have any potential to change the results of the

cumulative impact analysis contained in the draft EIR/EIS. A comparison of the key hydrologic modeling results from the draft EIR/EIS and the revised CALSIM II modeling for 2020 level-of-development is summarized in Table 2-2. As shown in that table, the difference in results between the two sets of modeling studies is extremely small and would not affect the analysis of potential cumulative environmental effects.

Based on review of the modeling, Reclamation and FRWA have determined that the minor changes in assumptions with respect to CALSIM II modeling would not alter the conclusions of the cumulative impact analysis contained in the draft EIR/EIS and, therefore, do not constitute significant new information. If the revised modeling were to be used for the cumulative impact analysis, Reclamation and FRWA would reach the same conclusions reached in the draft EIR/EIS with respect to potential environmental effects related to hydrologic impacts, the significance of those effects, and the need for mitigation measures.

Settlement Agreements

Since publication of the draft EIR/EIS, FRWA and its member agencies have negotiated settlements with other water agencies that had challenged the adequacy of the environmental documentation that supported EBMUD's amendatory contract with Reclamation. That amendatory contract provides for EBMUD's participation in the FRWP. As part of these settlements, FRWA and EBMUD have agreed to provide one of those agencies, Contra Costa Water District, limited access to FRWP facilities for the purposes of conveying a limited amount of water. In addition, FRWA and EBMUD agreed to one other minor change in operations as part of a settlement. The relevant aspects of those settlement agreements are summarized below and the environmental effects are addressed herein to the extent possible. Some of the settlements also include financial compensation and other types of agreements. Because these aspects of the settlement agreements do not have any potential to result in environmental effects, they are not discussed further in this final EIR/EIS.

As described in the draft EIR/EIS, under the terms of EBMUD's amendatory contract with Reclamation, EBMUD is able to take delivery of Sacramento River water in any year in which EBMUD's March 1 forecast of its October 1 total system storage is less than 500,000 acre-feet (af) (this is considered a drought condition). When this condition is met, the amendatory contract entitles EBMUD to take up to 133,000 af annually. However, deliveries to EBMUD are limited to its portion of the diversion capacity of the FRWP (100 MGD), which is equivalent to approximately 112,000 af/year. Deliveries to EBMUD are also subject to curtailment pursuant to CVP shortage conditions and are further limited to no more than 165,000 af in any three-consecutive-year period that EBMUD's forecasted October 1 storage remains below 500,000 af.

EBMUD would take delivery of its entitlement at a maximum rate of 100 MGD. Deliveries would start at the beginning of the CVP contract year (March 1) or

Table 2-1. Summary Statistics of CALSIM and EBMUDSIM Hydrologic Modeling Parameters for FRWP Alternatives 2–5 at a 2001 Level of Development Comparison of DEIR/EIS Modeling and Revised Modeling

Location/Resource	FRWP DEIR/EIS Modeling [b]			Revised Modeling [c]			Difference: Change in Revised Modeling Results minus Change in DEIR/EIS Modeling Results
	No Action	FRWP Alternatives 2–5 Change from No Action	FRWP Alternatives 2–5 Change from No Action (%)	No Action [d]	FRWP Alternatives 2–5 Change from No Action [e]	FRWP Alternatives 2–5 Change from No Action (%)	
Trinity Reservoir Storage (TAF) [f]	1318	-4	-0.3	1335	-7	-0.5	-3
Shasta Reservoir Storage (TAF) [f]	2672	-15	-0.6	2659	-15	-0.5	1
Oroville Reservoir Storage (TAF) [f]	2113	-8	-0.4	2079	-2	-0.1	5
Folsom Reservoir Storage (TAF) [f]	503	-4	-0.9	535	-8	-1.4	-3
San Luis Reservoir Storage (TAF) [f]	573	-5	-0.9	586	-13	-2.2	-8
Pardee Reservoir Storage (TAF) [f]	176	6	3.4	176	6	3.4	0
Camanche Reservoir Storage (TAF) [f]	221	17	7.4	221	17	7.4	0
Mokelumne Inflow to Delta (TAF)	284	8	2.8	284	8	2.8	0
Delta Outflow (TAF)	14473	-33	-0.2	14408	-43	-0.3	-9
Exports, Banks Pumping Plant (TAF)	3170	-6	-0.2	3159	4	0.1	10
Exports, Tracy Pumping Plant (TAF)	2300	-4	-0.2	2321	-4	-0.2	-1
X2 Position (km)	75.7	0.0	0.0	75.7	0.0	0.0	0.0
CVP Deliveries North of Delta (TAF) [g]	2210	0	0.0	2211	0	0.0	0
CVP Deliveries South of Delta (TAF)	2595	-4	-0.2	2631	-8	-0.3	-4
SWP Deliveries South of Delta (TAF) [h]	3213	-6	-0.2	3212	9 [i]	0.7	15

[a] Values are averages for the 72-year simulation period (1922–1993), based on water years (October–September)

[b] Draft EIR/EIS values from Table 3-1.

[c] Revised modeling results based on CALSIM II version utilized for Draft OCAP Biological Assessment Studies, released February 2, 2004 .

[d] OCAP Study 3, "Today CVPIA 3406 b(2) with EWA."

[e] OCAP Study 3, "Today CVPIA 3406 b(2) with EWA," with FRWP added. EBMUD is considered a Delta export. EWA, (b)(2), and salinity control actions are fixed to No Action study.

[f] End of September carryover storage.

[g] Does not include American River Division and FRWP deliveries.

[h] Includes 65 TAF of annual losses.

[i] The apparent benefit to the SWP in the revised modeling is not an effect of the FRWP, but rather results from a very minor change during a single year in the calculation of the trigger for changing the Feather River minimum flow requirement. Change in this minimum flow requirement directly affects the simulated SWP delivery that year. Under actual project operations, there would be effectively no difference in this minimum flow requirement, and thus the average change in SWP deliveries caused by the FRWP would be similar to the difference simulated in the FRWP DEIR modeling. For discussion on the appropriate interpretation of CALSIM II results, see Sections 2.7, 3.4.9, and 3.5.9 in Volume 3 of the draft EIR/EIS.

Table 2-2. Summary Statistics of CALSIM and EBMUDSIM Hydrologic Modeling Parameters for FRWP Alternatives 2–5 at a 2020 Level of Development Comparison of DEIR/EIS Modeling and Revised Modeling

Location/Resource	FRWP DEIR/EIS Modeling [b]			Revised Modeling [c]			Difference: Change in Revised Modeling Results minus Change in DEIR/EIS Modeling Results
	No Action	FRWP Alternatives 2–5 Change from No Action	FRWP Alternatives 2–5 Change from No Action (%)	No Action [d]	FRWP Alternatives 2–5 Change from No Action [e]	FRWP Alternatives 2–5 Change from No Action (%)	
Trinity Reservoir Storage (TAF) [f]	1318	-4	-0.3	1293	-4	-0.3	0
Shasta Reservoir Storage (TAF) [f]	2582	-15	-0.6	2538	-9	-0.4	5
Oroville Reservoir Storage (TAF) [f]	2066	-11	-0.5	2046	-2	-0.1	9
Folsom Reservoir Storage (TAF) [f]	479	-3	-0.6	504	-4	-0.8	-1
San Luis Reservoir Storage (TAF) [f]	558	-4	-0.7	551	-4	-0.7	0
Pardee Reservoir Storage (TAF) [f]	173	7	4.0	173	7	4.0	0
Camanche Reservoir Storage (TAF) [f]	211	21	10.0	211	21	10.0	0
Mokelumne Inflow to Delta (TAF)	270	15	5.5	270	15	5.5	0
Delta Outflow (TAF)	14291	-26	-0.3	14094	-33	-0.2	-8
Exports, Banks Pumping Plant (TAF)	3229	-2	-0.1	3337	1	0.0	4
Exports, Tracy Pumping Plant (TAF)	2267	-7	-0.3	2320	-7	-0.3	0
X2 Position (km)	75.8	0.0	0.0	75.9	0.0	0.0	0.0
CVP Deliveries North of Delta (TAF) [g]	2274	0	0.0	2262	0	0.0	0
CVP Deliveries South of Delta (TAF)	2526	-6	-0.2	2638	-14	-0.5	-8
SWP Deliveries South of Delta (TAF) [h]	3319	-6	-0.2	3393	10 [i]	0.3	15

[a] Values are averages for the 72-year simulation period (1922–1993), based on water years (October–September)

[b] Draft EIR/EIS values from Table 3-3.

[c] Revised modeling results based on CALSIM II version utilized for Draft OCAP Biological Assessment Studies, released February 2, 2004 .

[d] OCAP Study 5, "Future CVPIA 3406 b(2) and SDIP with EWA," with FRWP removed.

[e] OCAP Study 5, "Future CVPIA 3406 b(2) and SDIP with EWA."

[f] End of September carryover storage.

[g] Does not include American River Division and FRWP deliveries.

[h] Includes 65 TAF of annual losses.

[i] The apparent benefit to the SWP in the revised modeling is not an effect of the FRWP, but rather results from a very minor change during a single year in the calculation of the trigger for changing the Feather River minimum flow requirement. Change in this minimum flow requirement directly affects the simulated SWP delivery that year. Under actual project operations, there would be effectively no difference in this minimum flow requirement, and thus the average change in SWP deliveries caused by the FRWP would be similar to the difference simulated in the FRWP DEIR modeling. For discussion on the appropriate interpretation of CALSIM II results, see Sections 2.7, 3.4.9, and 3.5.9 in Volume 3 of the draft EIR/EIS.

any time afterward. Deliveries would cease when EBMUD's CVP allocation for that year is reached, when the 165,000 af limitation is reached, or when EBMUD no longer needs the water, whichever comes first. Alternatives 2–5 assume that delivery limitations mandated in the Hodge Decision would not apply to the Sacramento River diversion point because it is not located on the lower American River.

Contra Costa Water District

FRWA and EBMUD have agreed to "wheel" 3,200 af/year of water for the Contra Costa Water District (CCWD). Wheeling is the transmission of water owned by one entity through the facilities owned by another. In this case, CCWD water, which would normally be diverted in the Delta, would instead be diverted from the Sacramento River at the FRWP intake and conveyed to CCWD through FRWP facilities, Reclamation's Folsom South Canal, and EBMUD's Mokelumne Aqueduct. The path of the Mokelumne Aqueduct intersects the path of CCWD's Los Vaqueros Pipeline in Brentwood, California. CCWD would design and construct interconnection facilities, which are expected to be located within the existing EBMUD and CCWD rights-of-way at the intersection of the Mokelumne Aqueduct and Los Vaqueros Pipeline. CCWD water could be wheeled every year, upon request by CCWD, unless there are unavoidable conditions that reduce the capacity of the system to the extent that FRWA and EBMUD are unable to wheel the water. The rate of delivery of the wheeled water will be determined each year in conjunction with development of the wheeling schedule. The maximum wheeling rate would be 155 cubic feet per second (cfs) (100 MGD), the full capacity of the Folsom South Canal Connection.

Santa Clara Valley Water District

EBMUD would make available to the Santa Clara Valley Water District (SCVWD) 6,500 af of EBMUD's CVP water allocation in the first year of a drought cycle in which EBMUD would take delivery of Sacramento River water. If the next year is also a drought year in which EBMUD continues to take delivery of water, then SCVWD would be obligated to return up to 100% of the 6,500 af of water to EBMUD, or at EBMUD's discretion, the water may be returned in the following year. If drought conditions do not continue in the second and/or third years, SCVWD would keep EBMUD's water and would compensate EBMUD for its Reclamation costs. SCVWD would take delivery of EBMUD's CVP water at Tracy Pumping Plant, and EBMUD would take delivery of SCVWD's CVP water at Freeport, so no additional facilities would need to be constructed. The exchange described above provides a means to offset shortages that would otherwise occur in SCVWD's CVP supply as a result of EBMUD diversions at Freeport, and does not result in any increased water demand within SCVWD's service area.

Environmental Considerations

The proposed operations under the settlement agreements would result in no measurable changes in the environmental impact analysis contained in the draft EIR/EIS. Each of the settlement agreements described above would result in the same amount of water being diverted each year, although the location of the diversion would vary slightly compared to the draft EIR/EIS analysis.

Under the settlement with CCWD, each year CCWD could take delivery of a small portion of its CVP supply (less than 3%) at the FRWP intake instead of its Rock Slough or Old River intakes in the Delta. CVP operations would be essentially identical, as the volume of CVP water delivered to CCWD would be unchanged, and no measurable changes in Delta outflow, Delta exports by others, or Delta hydrodynamics would occur. Increasing diversions at Freeport by 3,200 af/year would result in no net environmental impact on Delta habitat and fisheries because (1) the change in diversion volume at that location is not substantial (average diversions are approximately 90,000af/year), (2) it would be offset by an identical reduction in diversions from the Delta as shown in Table 2-3, and (3) fish screening capabilities at the FRWP intake are equivalent to fish screening capabilities at CCWD's Delta intakes where the wheeled water would otherwise be diverted.

The agreement with CCWD also would require the construction of new facilities by CCWD connecting the Mokelumne Aqueduct and CCWD's Los Vaqueros Pipeline in Brentwood, California, to provide for delivery of water from the Mokelumne Aqueduct. The interconnection would be constructed, to the extent feasible, within existing rights-of-way of the two facilities and would have a capacity of 100 MGD. The environmental effects associated with construction, operation, and maintenance of the interconnection piping and associated valves would be subject to further environmental review and are anticipated to be very minor. The rights-of-way for EBMUD's and CCWD's existing conveyance facilities have been previously highly disturbed and are currently heavily maintained to facilitate access for inspection and maintenance to help ensure water supply reliability. Potential environmental effects would most likely be construction-related (noise, dust, traffic circulation) but are expected to be well within the range of normal urban construction disturbance. No significant environmental effects associated with the interconnection facility are anticipated.

Under the settlement agreement with SCVWD, EBMUD would divert 6,500 af less at the FRWP intake than currently assumed in the project modeling during the first year of a drought when EBMUD would take delivery of water under its contract. This same amount of water would then be delivered to SCVWD via Reclamation's Tracy pumping plant in the Delta, resulting in no net change in CVP deliveries. Based on historical hydrology, it is expected that this shift in delivery location for 6,500 af would take place in 19% of all years. In the second consecutive year (or at EBMUD's discretion, the third year) of a drought, SCVWD would be obligated to return the water to EBMUD for diversion at the FRWP intake. As not all droughts continue for more than a year, the return of water to EBMUD would occur less often, in 8% of all years (based on historical

hydrology). The net effect of this difference in the occurrence of first year and second year of droughts is a slight reduction in the average FRWP total diversion (by 0.7%) and the average EBMUD diversion at Freeport (by 2.7%).

Table 2-3 summarizes the net changes in diversion that result from these settlement agreements compared to operations assumed in the draft EIR/EIS.

Table 2-3. Change in Assumed Deliveries under the Settlement Agreements

	Nondrought Years		First Drought Year		Second or Third Consecutive Drought Year	
	FRWP Intake (af)	Delta (af)	FRWP Intake (af)	Delta (af)	FRWP Intake (af)	Delta (af)
EBMUD	0	0	-6,500	0	+6,500	0
CCWD	+3,200	-3,200	+3,200	-3,200	+3,200	-3,200
SCVWD	0	0	0	+6,500	0	-6,500
Change	+3,200	-3,200	-3,300	+3,300	+9,700	-9,700
Net Change	0		0		0	

These changes are extremely small in the total CVP system that delivers an average of approximately 5.5 million af/year to customers even in dry years. The settlement agreements simply modify slightly the location of CVP deliveries; total quantities delivered are unchanged or reduced slightly. No new or increased environmental impacts would result from these slight modifications in deliveries.

The primary change that would occur as a result of the settlement agreements is that inflow to the Delta and flow in the Sacramento River downstream of the FRWP intake would be slightly altered compared to the modeling conducted for the draft EIR/EIS. In nondrought years, Delta inflow and river flow below the FRWP intake could be reduced by up to 3,200 af. This volume is equal to an average reduction of 4 cfs. It is important to note that during normal and wet years, Sacramento River flow nearly always exceeds 14,000 cfs. Thus, the anticipated average change in Sacramento River inflow to the Delta during nondrought years would be less than 0.03%. Delta diversions would be reduced by an identical amount, so there would be no net effect on Delta outflow.

In the first year of a drought, inflow to the Delta would be increased by a nearly identical amount, 3,300 af. This slight increase would be offset by an identical increase in Delta pumping, resulting in no change in Delta outflow. Evaluation of hydrologic modeling results indicates that in the first year of droughts, allowable Tracy Pumping Plant capacity will be sufficient to convey the additional deliveries to SCVWD. In most of these years, this capacity would be available during conditions when Delta water quality would be unaffected by a slightly increased Delta export. During those years, no additional carriage water would be needed. Consequently, this shift in delivery locations would not result in a substantial change to the impact analysis.

In the second or third consecutive year of a drought, Delta inflow may be decreased by as much as 13 cfs on the average. This decrease, which remains minor (0.1%) compared to the typical low flows of 10,000 cfs in the Sacramento River, is also offset by decreased pumping in the Delta, resulting in no net change in Delta outflow and the resulting impact analysis.

Table S-1. Summary of Significant Impacts and Mitigation Measures for the Freeport Regional Water Project

Resource Topic/Impact	Applicable Alternative	Mitigation Measure	Level of Significance after Mitigation
Hydrology, Water Supply, and Power—No significant impacts			
Water Quality—No significant impacts			
Fish—No significant impacts			
Recreation			
Loss of recreational area from inundation of a segment of the Mokelumne Coast to Crest Trail	Alternative 6	Implement Mitigation Measure 6-1: Relocate a portion of the Mokelumne Coast to Crest Trail	LS
Loss of the New Middle Bar take-out facility because of inundation	Alternative 6	Implement Mitigation Measure 6-2: Replace necessary Middle Bar Take-Out Facility amenities	LS
Loss of whitewater boating on the Upper Mokelumne River Electra Run	Alternative 6	Implement Mitigation Measure 6-3: Ensure availability of a take-out on the Electra Run	SU
Loss of whitewater boating on the Upper Mokelumne River between Middle Bar Bridge and SR 49 Bridge	Alternative 6	No mitigation available	SU
Vegetation and Wetland Resources			
Temporary disturbance to or potential loss of sensitive vegetation and wetland resources near active construction areas	Alternatives 2–6	Implement Mitigation Measure 7-1: Confine construction activities and equipment to the designated construction work area Implement Mitigation Measure 7-2: Avoid and protect sensitive vegetation and wetland resources near designated construction work areas Implement Mitigation Measure 7-3: Reestablish preconstruction site conditions to allow natural colonization of plant species and reseed, if necessary	LS
Potential introduction and spread of noxious weeds	Alternatives 2–6	Implement Mitigation Measure 7-4: Implement best management practices during construction activities	LS

Table S-1. Continued

Resource Topic/Impact	Applicable Alternative	Mitigation Measure	Level of Significance after Mitigation
Degradation of blue oak woodlands and loss of individual locally protected trees	Alternatives 2–6	Implement Mitigation Measure 7-5: Identify and avoid oak woodland and individual locally protected trees	LS
		Implement Mitigation Measure 7-6: Obtain and comply with county tree removal permits and implement conditions of permits	
Loss of or disturbance to riparian communities	Alternatives 2–6	Implement Mitigation Measure 7-7: Establish a protection buffer around woody riparian communities	LS
		Implement Mitigation Measure 7-8: Compensate for unavoidable riparian woodland losses	
Loss of or disturbance to jurisdictional waters of the United States, including wetlands	Alternatives 2–6	Implement Mitigation Measure 7-9: Avoid and minimize impacts on jurisdictional waters of the United States, including wetlands, by installing protective barriers and implementing best management practices	LS
		Implement Mitigation Measure 7-10: Obtain and comply with state and federal wetland permits	
		Implement Mitigation Measure 7-11: Compensate for unavoidable impacts on jurisdictional waters of the United States	
Potential loss of special-status plant populations	Alternatives 2–6	Implement Mitigation Measure 7-12: Conduct preconstruction surveys in areas not previously inventoried	LS
		Implement Mitigation Measure 7-13: Avoid known special-status plant populations during project design	
		Implement Mitigation Measure 7-14: Compensate for impacts on special-status plant populations	
Permanent loss of riparian woodland and riparian scrub communities within the inundation zone	Alternative 6	Implement Mitigation Measure 7-15: Compensate for unavoidable riparian habitat losses	LS

Resource Topic/Impact	Applicable Alternative	Mitigation Measure	Level of Significance after Mitigation
Potential impacts on jurisdictional waters of the United States, including wetlands and riparian woodland, within the water fluctuation zone	Alternative 6	Implement Mitigation Measure 7-16: Monitor and adaptively manage vegetation affected by inundation	LS
Loss of or disturbance to jurisdictional waters of the United States, including wetlands, as a result of inundation	Alternative 6	Implement Mitigation Measures 7-9 through 7-11	LS
Permanent loss of oak woodland communities within the inundation and flood zone	Alternative 6	Implement Mitigation Measure 7-17: Replace individual trees Implement Mitigation Measure 7-18: Permanently preserve intact blue oak woodland	LS
Loss of or disturbance to oak woodland communities with the water fluctuation zone	Alternative 6	Implement Mitigation Measures 7-16 through 7-18	LS
Permanent loss of special-status plants and habitats within the inundation and flood zone	Alternative 6	Implement Mitigation Measure 7-19: Compensate for impacts on sensitive vegetative communities and associated special-status plants	LS
Wildlife			
Loss or alteration of vernal pools, vernal swales, and other temporary ponds that could provide habitat for vernal pool fairy shrimp, vernal pool tadpole shrimp, midvalley fairy shrimp, and California linderiella	Alternatives 2–6	Implement Mitigation Measure 8-1: Conduct surveys and develop a mitigation plan for vernal pool fairy shrimp and vernal pool tadpole shrimp	LS
Potential mortality of, disturbance to, or removal of habitat of the valley elderberry longhorn beetle during construction	Alternatives 2–6	Implement Mitigation Measure 8-2: Conduct preconstruction surveys for valley elderberry longhorn beetle and avoid or compensate for loss of habitat	LS
Potential mortality of, disturbance to, or loss of habitat for giant garter snake and western pond turtle	Alternatives 2–6	Implement Mitigation Measure 8-3: Avoid, minimize, and compensate for unavoidable impacts on jurisdictional waters of the United States, including wetlands, and implement associated wildlife protection and compensation measures	LS

Resource Topic/Impact	Applicable Alternative	Mitigation Measure	Level of Significance after Mitigation
Potential mortality of, disturbance to, or loss of habitat for the California tiger salamander and western spadefoot	Alternatives 2–6	Implement Mitigation Measure 8-4: Conduct preconstruction surveys and compensate for loss of California tiger salamander and western spadefoot habitat if these species are present	LS
Loss of or disturbance to active raptor nests or tricolored blackbird nests	Alternatives 2–6	Implement Mitigation Measure 8-5: Conduct surveys for nesting raptors and tricolored blackbirds	LS
Disturbance of nesting Swainson's hawks	Alternatives 2–6	Implement Mitigation Measure 8-5	LS
		Implement Mitigation Measure 8-6: Consult with the California Department of Fish and Game if hawks are present and follow mitigation guidelines to avoid disturbance of nesting hawks and/or the removal of hawks' nesting trees	
Loss of Swainson's hawk and white-tailed kite foraging habitat	Alternatives 2–6	Implement Mitigation Measure 8-7: Consult with California Department of Fish and Game and Sacramento County and compensate for loss of foraging habitat	LS
Loss of or disturbance to nesting western burrowing owls	Alternatives 2–6	Implement Mitigation Measure 8-5	LS
		Implement Mitigation Measure 8-8: Consult with California Department of Fish and Game and follow the burrowing owl mitigation guidelines	
Potential loss of habitat for Sacramento anthicid beetle and Sacramento valley tiger beetle	Alternatives 2–6	Implement Mitigation Measures 7-7 and 7-8	LS
Loss of or alteration to riparian wildlife habitat	Alternative 6	Implement Mitigation Measures 7-15 and 7-8	LS
Potential mortality to or disturbance of nesting cliff swallows	Alternative 6	Implement Mitigation Measure 8-9: Conduct preconstruction surveys for nesting birds	LS
		Implement Mitigation Measure 8-10: Avoid active nests during the breeding season	
Mortality or disturbance of nesting birds in the vegetation clearance and inundation zone	Alternative 6	Implement Mitigation Measure 8-11: Avoid removal of trees and other vegetation during the bird breeding season	LS

Resource Topic/Impact	Applicable Alternative	Mitigation Measure	Level of Significance after Mitigation
Potential mortality to roosting bat species of concern	Alternative 6	Implement Mitigation Measure 8-12: Conduct preconstruction bat clearance surveys	LS
Geology, Soils, Seismicity, and Groundwater			
Inadvertent soil loss from clearing operations	Alternative 6	Implement Mitigation Measure 9-1: Prevent inadvertent soil loss from clearing operations	LS
Land Use—No significant impacts			
Agricultural Resources			
Loss or conversion of prime farmland and farmland of statewide importance	Alternatives 2–6	Implement Mitigation Measure 11-1: Comply with Sacramento County General Plan requirements	LS
Traffic and Transportation			
Reduced access options for area residents	Alternative 6	Implement Mitigation Measure 12-1: Replace the Middle Bar Bridge with a new bridge	LS
Air Quality			
Short-term increase in NOx and CO emissions in Sacramento County	Alternatives 2–5	Implement Mitigation Measure 13-1: Include air quality mitigation measures as part of the proposed project's construction management plan	LS
Short-term increase in NOx emissions in San Joaquin County	Alternatives 2–5	Implement Mitigation Measure 13-1	LS
Short-term increase in PM10 emissions in San Joaquin County	Alternatives 2–5	Implement Mitigation Measure 13-2: Comply with Regulation VIII for control measures of fugitive PM10	LS
Short-term increase in NOx emissions in Sacramento County	Alternative 6	Implement Mitigation Measure 13-1	LS
Short-term increase in PM10 emissions in Amador and Calaveras Counties	Alternative 6	Implement Mitigation Measure 13-3: Implement dust control measures	LS

Resource Topic/Impact	Applicable Alternative	Mitigation Measure	Level of Significance after Mitigation
Noise			
Short-term increases in construction noise levels during daytime hours	Alternatives 2–6	Implement Mitigation Measure 14-1: Provide public notice of proposed activities and provide noise shielding to the extent feasible	SU
Exposure of noise-sensitive land uses to general construction noise at night	Alternatives 2–6	Implement Mitigation Measure 14-1 Implement Mitigation Measure 14-2: Minimize nighttime construction activity	SU
Public Health and Safety—No significant impacts			
Visual Resources			
Adverse impacts on views of the Zone 40 Surface WTP	Alternatives 2–6	Implement Mitigation Measure 16-1: Reduce visual intrusion by preparing design plans consistent with rural visual character, providing vegetative buffer	LS
Adverse change to views of the canal pumping plant site	Alternatives 2–5	Implement Mitigation Measure 16-1	LS
Adverse change to views of the aqueduct pumping plant and pretreatment facility site (Camanche site and optional Brandt site)	Alternatives 2–5	Implement Mitigation Meaure16-2: Implement appropriate aesthetic treatment at the aqueduct pumping plant and pretreatment facility site	LS
Changes in visual resources from inundation of the area upstream of the existing Pardee Reservoir (Upper Mokelumne River)	Alternative 6	No mitigation available	SU
Cultural Resources			
Disturbance of known cultural resources	Alternatives 2–5	Implement Mitigation Measure 17-1: Prepare and implement a cultural resources significance evaluation, effects analysis, and mitigation plan for known cultural resources	LS

Resource Topic/Impact	Applicable Alternative	Mitigation Measure	Level of Significance after Mitigation
Disturbance of unidentified cultural resources	Alternatives 2–5	Implement Mitigation Measure 17-2: Prepare and implement a cultural resources inventory, significance evaluation, effects analysis, and mitigation plan for unidentified cultural resources Implement Mitigation Measure 17-3: Prepare and implement a plan for unanticipated discovery of cultural resources	LS
Disturbance of known cultural resources at Pardee Reservoir that are listed on the National Register of Historic Places	Alternative 6	Implement Mitigation Measure 17-4: Conduct Historic American Engineering Record documentation where avoidance to structures is impossible	LS
Disturbance to other known cultural resources from the intake facility to the Zone 40 Surface WTP and at Pardee Reservoir	Alternative 6	Implement Mitigation Measure 17-1	LS
Disturbance of unidentified cultural resources from the intake facility to the Zone 40 Surface WTP and at Pardee Reservoir	Alternative 6	Implement Mitigation Measures 17-2 and 17-3	LS

LS = Less than significant
SU = Significant and unavoidable

Table S-2. Summary of Less-than-Significant Impacts and Mitigation Measures for the Freeport Regional Water Project

Resource Topic/Impact	Applicable Alternative	Mitigation Measure
Hydrology, Water Supply, and Power		
Changes in Upper Sacramento River Basin hydrologic conditions	Alternatives 2–6	No mitigation required
Changes in Lower Sacramento River, Delta Inflow, and Delta Outflow hydrologic conditions	Alternatives 2–6	No mitigation required
Changes in Mokelumne River Basin hydrologic conditions	Alternatives 2–6	No mitigation required
Changes in south-of-Delta water supply delivery operations	Alternatives 2–6	No mitigation required
Hydropower and energy production changes at CVP facilities	Alternatives 2–6	No mitigation required
Water Quality		
Potential contaminant discharges during construction could occur for approximately 2 years, and disturbed construction areas would be exposed to storms that could transport materials	Alternatives 2–5	No mitigation required
Operational effects during reverse flow in the Sacramento River associated with diversion of water from the Freeport intake facility could result in diluted discharges	Alternatives 2–5	No mitigation required
Operational effects on water quality in the Sacramento River downstream of the diversion (the Freeport intake facility) could result due to reduced background streamflow and increased SRWWTP effluent discharges	Alternatives 2–5	No mitigation required
Changes to reservoir temperature patterns for Camanche and Pardee Reservoirs attributable to project-related diversions of Sacramento River water	Alternatives 2–5	No mitigation required
Increased inorganic mineral content and nutrients could incrementally increase the frequency or duration of adverse taste and odor events in EBMUD terminal reservoirs	Alternatives 2–5	No mitigation required
Changes to Folsom South Canal water quality, attributable to project-related diversions of Sacramento River water that will be discharged to the FSC	Alternatives 2–5	No mitigation required
Operation effects on Delta water quality	Alternatives 2–5	No mitigation required
Pipeline operation effects on surface drainages attributable to change in discharge levels	Alternatives 2–5	No mitigation required

Resource Topic/Impact	Applicable Alternative	Mitigation Measure
Freeport Intake Facility to Zone 40 Surface WTP/Enlarge Pardee Reservoir has potential for contaminant discharges hazardous to aquatic habitats and existing vegetation during construction	Alternative 6	No mitigation required
Operating effects during reverse flow in the Sacramento River could reduce or increase the distance of travel and/or limit dilution water in the river that is available for SRWWTP effluent discharge compliance	Alternative 6	No mitigation required
Operational effects on water quality in the Sacramento River downstream of the diversion (the Freeport intake facility) could result due to reduced background streamflow and increased SRWWTP effluent discharges	Alternative 6	No mitigation required
Changes to reservoir temperature patterns	Alternative 6	No mitigation required
Discharges of contaminants during construction of Pardee Dam	Alternative 6	No mitigation required
Operational effects of chloride and EC differences on Delta water quality	Alternative 6	No mitigation required
Fish		
Negative impact on spawning habitat of fish species from construction-related activities	Alternatives 2–6	No mitigation required
Negative impact on rearing habitat of fish species from construction-related activities	Alternatives 2–6	No mitigation required
Negative impact on migration habitat of fish species from construction-related activities	Alternatives 2–6	No mitigation required
Introduction of contaminants harmful to fish populations during construction	Alternatives 2–6	No mitigation required
Creation of additional habitat for predators of native fish populations from temporary structures	Alternatives 2–6	No mitigation required
Direct injury to fish from construction activities	Alternatives 2–6	No mitigation required
Adverse impacts on spawning habitat of fish resulting from decreased flows during ongoing operations	Alternatives 2–6	No mitigation required
Adverse impacts on rearing habitat of fish resulting from decreased flows during ongoing operations	Alternatives 2–6	No mitigation required
Adverse impacts on migration habitat of fish resulting from decreased flows during ongoing operations	Alternatives 2–6	No mitigation required
Adverse impacts on water temperature resulting from changes in reservoir storage and river flow during operations	Alternatives 2–6	No mitigation required

Resource Topic/Impact	Applicable Alternative	Mitigation Measure
Potential risk of fish entrainment at the intake facility	Alternatives 2–6	No mitigation required
Adverse impacts on fish habitat resulting from changes in reservoir storage during project operations	Alternatives 2–6	No mitigation required
Recreation		
Temporary disruption to recreational opportunities during construction of the intake facility	Alternatives 2–6	No mitigation required
Temporary disruption to recreational opportunities during construction of the pipeline from the intake facility to Zone 40 Surface WTP/FSC	Alternatives 2–6	No mitigation required
Temporary disruption to recreational opportunities along the Folsom South Canal	Alternatives 2–5	No mitigation required
Temporary disruption to recreational opportunities during construction of the pipeline from the Folsom South Canal to the Mokelumne Aqueducts	Alternatives 2–5	No mitigation required
Change in water-dependent and water-enhanced recreation opportunities at Shasta, Oroville, and Trinity Reservoirs and the Sacramento River	Alternatives 2–6	No mitigation required
Change in water-dependent and water-enhanced recreation opportunities at Folsom Reservoir	Alternatives 2–6	No mitigation required
Change in water-dependent recreation opportunities on the lower American River	Alternatives 2–6	No mitigation required
Disruption to recreation opportunities on the Sacramento River associated with location of the intake facility	Alternatives 2–6	No mitigation required
Potential inconsistency with local plans and policies addressing recreation	Alternatives 2–6	No mitigation required
Temporary disruption of whitewater use along the Electra Run near State Route 49	Alternative 6	No mitigation required
Temporary disruption of water-dependent recreation activities near Pardee Dam	Alternative 6	No mitigation required
Temporary disruption to water-dependent and water-enhanced recreation activities on Pardee Reservoir	Alternative 6	No mitigation required
Change in water-dependent recreation opportunities on Pardee Reservoir	Alternative 6	No mitigation required
Change in recreation opportunities at Camanche Reservoir from increased storage	Alternative 6	No mitigation required
Change in recreation opportunities on the Lower Mokelumne River from increased water release	Alternative 6	No mitigation required
Loss of recreation area from inundation of the Pardee Recreation Area	Alternative 6	No mitigation required
Loss of fishing access attributable to inundation of Middle Bar Bridge	Alternative 6	No mitigation required

Resource Topic/Impact	Applicable Alternative	Mitigation Measure
Vegetation and Wetland Resources		
Temporary disturbance to and permanent loss of developed areas, agricultural land, eucalyptus stands, artificially created roadside drainage ditches, and annual grassland habitat within construction corridor	Alternatives 2–6	No mitigation required
Permanent loss of developed areas, non-serpentine chaparral, and annual grassland habitat within the inundation zone	Alternative 6	No mitigation is required
Wildlife		
Loss of or disturbance to developed and agricultural lands and associated wildlife habitats	Alternatives 2–6	No mitigation required
Temporary loss or alteration of Swainson's hawk foraging habitat	Alternative 2–6	No mitigation required
Temporary loss of San Joaquin pocket mouse habitat	Alternative 2–6	No mitigation required
Loss of grassland habitats for wildlife	Alternative 6	No mitigation required
Loss of chaparral-type habitats for wildlife	Alternative 6	No mitigation required
Loss of upland woodland wildlife habitats	Alternative 6	No mitigation required
Loss of perching habitat for bald eagles	Alternative 6	No mitigation required
Increase in open water and shoreline habitat for waterfowl, waterbirds, and associated species	Alternative 6	No mitigation required
Geology, Soils, Seismicity, and Groundwater		
Localized erosion and sedimentation from construction-related activities	Alternatives 2–6	No mitigation required
Threat of hydrological hazards from potential trench dewatering	Alternatives 2–6	No mitigation required
Destruction of unique geological features from construction-related activities	Alternatives 2–6	No mitigation required
Threat of ground shaking and fault rupture	Alternatives 2–6	No mitigation required
Subsidence south of the Delta from increased groundwater pumping	Alternatives 2–6	No mitigation required
Threat of a reservoir-induced seismic event	Alternative 6	No mitigation required
Erosion and sedimentation within the expanded reservoir inundation zone from reservoir operations	Alternative 6	No mitigation required
Land Use		
Construction-period conflicts with residential and urbanized land uses	Alternatives 2–6	No mitigation required
Postconstruction conflicts with residential and urbanized land uses	Alternatives 2–6	No mitigation required
Inconsistency with local plans and policies and land use designations	Alternatives 2–6	No mitigation required

Resource Topic/Impact	Applicable Alternative	Mitigation Measure
Conflicts with planned new land uses	Alternatives 2–6	No mitigation required
Disproportionate impacts on low income residents and other environmental justice considerations	Alternatives 2–6	No mitigation required
Conflict with proposed scenic highway designation for SR 49	Alternative 6	No mitigation required
Loss of land because of inundation associated with enlarging Pardee Reservoir	Alternative 6	No mitigation required
Conflict with mineral resources zone general plan classification	Alternative 6	No mitigation required
Agricultural Resources		
Loss of agricultural production	Alternatives 2–6	No mitigation required
Nonrenewal or termination of Williamson Act Contracts	Alternatives 2–6	No mitigation required
Reduction in agricultural productivity in the San Joaquin Valley	Alternatives 2–6	No mitigation required
Traffic and Transportation		
Alteration of present patterns of vehicular circulation, increased traffic delay, and increased traffic hazards during construction of facilities	Alternatives 2–6	No mitigation required
Damage to the roadway surface during construction of facilities	Alternatives 2–6	No mitigation required
Disruption of rail traffic during construction	Alternatives 2–6	No mitigation required
Interference with emergency response routes during construction	Alternatives 2–6	No mitigation required
Interference with bicycle routes during construction	Alternatives 2–6	No mitigation required
Congestion of roadways and the permanent alteration of present patterns of vehicular circulation from the facility operations	Alternatives 2–6	No mitigation required
Air Quality		
Short-term increase in ROG and PM10 emissions in Sacramento County from construction	Alternatives 2–5	No mitigation required
Short-term increase in ROG and CO emissions in San Joaquin County from construction	Alternatives 2–5	No mitigation required
Long-term increase in emissions in Sacramento and San Joaquin Counties from operations	Alternatives 2–6	No mitigation required
Short-term increase in ROG, CO, and PM10 emissions in Sacramento County from construction	Alternative 6	No mitigation required
Short-term increase in ROG, NOx, and CO emissions in Amador and Calaveras Counties from construction	Alternative 6	No mitigation required

Resource Topic/Impact	Applicable Alternative	Mitigation Measure
Short-term release of NOx, CO, and PM10 from blasting at the existing Pardee Reservoir during construction	Alternative 6	No mitigation required
Long-term increase in emissions in Amador and Calaveras Counties from continued operation	Alternative 6	No mitigation required
Noise		
Exposure of existing structures to vibration from pile driving activities	Alternatives 2–6	No mitigation required
Exposure of existing structures and noise-sensitive uses to noise and vibration from blasting activities at enlarged Pardee Reservoir	Alternative 6	No mitigation required
Exposure of noise-sensitive land uses to continued operation of power-generating facilities	Alternative 6	No mitigation required
Increase in noise levels from facility operation	Alternatives 2-6	No mitigation required
Public Health and Safety		
Exposure of people to existing contamination	Alternatives 2–6	No mitigation required
Contamination of soil and water during construction	Alternatives 2–6	No mitigation required
Increased risk of fires during construction	Alternatives 2–6	No mitigation required
Increased flooding along Sacramento River	Alternatives 2–6	No mitigation required
Increased flooding during pipeline construction	Alternatives 2–6	No mitigation required
Increased risk from use and storage of hazardous materials during operations at water treatment plants and intake facility	Alternatives 2–6	No mitigation required
Increased risk from transportation of hazardous materials during operations	Alternatives 2–6	No mitigation required
Construction activity hazards to workers	Alternative 6	No mitigation required
Downstream flood hazards from rupture of the proposed dam	Alternative 6	No mitigation required
Increased flooding during dam construction	Alternative 6	No mitigation required
Visual Resources		
Short-term changes to views associated with construction of project components	Alternatives 2–5	No mitigation required
Adverse changes to views of the intake facility site	Alternatives 2–5	No mitigation required
Adverse changes to views along the pipeline from the intake facility to Zone 40 Surface WTP/FSC	Alternatives 2–5	No mitigation required
Adverse changes to views along the pipeline from the FSC to the Mokelumne Aqueducts	Alternatives 2–5	No mitigation required
Short-term changes to views associated with construction of project components from the intake facility to the Zone 40 Surface WTP	Alternative 6	No mitigation required

Resource Topic/Impact	Applicable Alternative	Mitigation Measure
Short-term changes to views associated with construction of the enlarged Pardee Reservoir	Alternative 6	No mitigation required
Adverse changes to views of the intake facility site	Alternative 6	No mitigation required
Adverse changes to views along the pipeline from the intake facility to Zone 40 Surface WTP	Alternative 6	No mitigation required
Adverse impacts on visual resources from raising Pardee Reservoir water elevations	Alternative 6	No mitigation required
Adverse impacts on visual resources from inundation of the area downstream of the existing Pardee Dam (Middle Mokelumne River)	Alternative 6	No mitigation required
Adverse impacts on visual resources from changes in Camanche Reservoir water elevations	Alternative 6	No mitigation required
Change in views of the Pardee replacement dam	Alternative 6	No mitigation required
Change in views of the new Pardee saddle dams	Alternative 6	No mitigation required
Change in view of the new Jackson Creek saddle dams	Alternative 6	No mitigation required
Change in view of the raised intake tower	Alternative 6	No mitigation required
Change in views of raised or relocated utility lines	Alternative 6	No mitigation required
Change in views of new roads and bridges	Alternative 6	No mitigation required
Change in views from the new Pardee Recreation Area	Alternative 6	No mitigation required
Cultural Resources—No less-than-significant impacts		

Table S-3. Summary of Significant Cumulative Impacts and Mitigation Measures for the Freeport Regional Water Project

Resource Topic/Impact	Applicable Alternative	Mitigation Measure	Result
Hydrology, Water Supply, and Power—No project-related contribution			
Water Quality—No project-related contribution			
Fish—No project-related contribution			
Recreation—No project-related contribution			
Vegetation and Wetland Resources			
Effects of local and regional projects and general growth in the region, in combination with the FRWP, on the cumulative loss of identified sensitive resources, including wetlands and riparian woodlands.	Alternatives 2–6	Implementing all mitigation measures described in Chapter 7, "Vegetation and Wetland Resources," will eliminate any contribution to cumulative effects.	Not cumulatively considerable
Wildlife			
Effects of local and regional projects and general growth in the region on the cumulative loss of identified sensitive resources, including habitats for sensitive wildlife species.	Alternatives 2–6	Implementing all mitigation measures described in Chapter 8, "Wildlife," will eliminate any contribution to cumulative effects.	Not cumulatively considerable
Geology, Soils, Seismicity, and Groundwater—No significant impacts			
Land Use—No project-related contribution			
Agricultural Resources			
Effects of local and regional projects and general growth in the region, in combination with the FRWP, on the cumulative loss of prime agricultural lands.	Alternatives 2–6	No mitigation available to reduce effect to less than cumulatively considerable	SU
Traffic and Transportation—No project-related contribution			
Air Quality—No project-related contribution			
Noise—No project-related contribution			

Resource Topic/Impact	Applicable Alternative	Mitigation Measure	Result
Public Health and Safety—No project-related contribution			
Visual Resources—No project-related contribution			
Cultural Resources			
Effects of local and regional projects and general growth in the region on the cumulative loss of cultural (archeological and historic) resources.	Alternatives 2–6	Implementing all mitigation measures described in Chapter 17, "Cultural Resources," will eliminate any contribution to cumulative effects.	Not cumulatively considerable

SU = Significant and unavoidable

Chapter 3

Responses to Major Issues Regarding the EIR/EIS

Chapter 3
Master Responses

Introduction

This chapter contains responses to similar comments that were received from several commenting parties. Where appropriate in the responses to comments in subsequent chapters of this final document, the reader is referred to the major issue responses contained in this chapter. The responses included in this chapter are:

- Environmental Justice Issues
- Public Outreach Process
- Intake Facility Issues

1. Environmental Justice Issues

Comment: The project appears to disproportionately affect low-income and minority communities. The residents of these ethnically diverse, largely minority communities have been unfairly treated by the siting of the proposed intake facility and the routing of the pipeline, and FRWA has not done enough to involve the public in the EIR review process. Also, the draft EIR/EIS misleads the public by stating that the operation of the proposed intake facility is not expected to result in a disproportionate impact on a minority or low income population because of the distance between the facility and residential/commercial areas, and the draft EIR/EIS fails to completely assess environmental justice impacts since it does not include data for Census Tract 40.12 (which includes City of Sacramento residents and the proposed intake structure).

Response: Following careful review of comments relating to environmental justice, it was concluded that a master response was necessary to adequately respond to the various environmental justice–related concerns.

Origins of Environmental Justice

The catalyst for the environmental justice movement was a small, predominantly African-American community in Warren County, North Carolina, when the State of North Carolina decided to build a toxic waste landfill in an overwhelmingly low-income and minority community in Warren County. This landfill site was proposed for the disposal of PCB–contaminated soil, removed from 14 counties throughout the state. Civil rights and environmental activists collaborated to stage numerous demonstrations. Numerous reports and studies on the topic of environmental justice followed.

Legal Framework

The basis for environmental justice lies in the Equal Protection Clause of the U.S. Constitution. The Fourteenth Amendment expressly provides that the states may not "deny to any person within [their] jurisdiction the equal protection of the laws" (U.S. Constitution, amend. XIV, §1).

On February 11, 1994, President Clinton signed Executive Order (EO) 12,898, titled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The EO followed a 1992 report by the U.S. Environmental Protection Agency (U.S. EPA) indicating that "[r]acial minority and low-income populations experience higher than average exposures to selected air pollutants, hazardous waste facilities, and other forms of environmental pollution." Among other things, EO 12898 directed federal agencies to incorporate environmental justice into their missions.

In a memorandum accompanying EO 12,898, President Clinton underscored existing federal laws that can be used to further environment justice. These laws include Title VI of the Civil Rights Act of 1964 and the National Environmental Policy Act (NEPA), among others. Title VI prohibits any recipient (state or local entity or public or private agency) of federal financial assistance from discriminating on the basis of race, color, or national origin in its programs or activities (42 USC §2000d-2000d-7). NEPA applies to projects carried out or funded by a federal agency (including the issuance of federal permits). NEPA is useful relative to environmental justice because it requires public participation (please also see master response to comments relating to public outreach, page 3-7) and discussion of alternatives and mitigation measures that could reduce disproportionate effects on low-income and minority populations. Additionally, in 1999, Governor Davis signed SB 115 (Solis, Chapter 690, Statutes of 1999) into law, defining environmental justice in statute and establishing the Office of Planning and Research as the coordinating agency for state environmental justice programs and directing the California Environmental Protection Agency to develop a model environmental justice mission statement (Public Resources Code §65040.12).

Methodology of the Environmental Justice Analysis

The definitions of minority and low-income populations used for the environmental justice analysis are those of the Council on Environmental Quality, whose definitions are widely used when assessing environmental justice in the environmental review process. In a state like California where minority individuals are the majority of the residents, it is most appropriate to define minority populations according to the following criterion: where the minority population percentage of the affected area is meaningfully greater than the minority population percentage of the general population (in this case, the City of Sacramento and Sacramento County).

The criterion for determining low-income populations is where the population percentage below the median household income is meaningfully greater than that of the population percentage in the general population. To determine disproportionately high and adverse impacts, the distribution of impacts between geographic sub-areas was compared between low-income and minority communities and the county and study areas.

The response to this issue is divided into several sections:

1.1 Disproportionate Impacts

Numerous commentors are concerned that the project appears to disproportionately affect low-income and minority communities, particularly the South Pocket and Meadowview communities.

The environmental impacts identified for each project alternative have been found to affect communities of both low- and high-income populations as well as minority and non-minority populations. Although the project crosses both rural and urban areas, it has been determined that the various components of the project do not result in a highly disproportionate impact on minority and low-income populations in the project area. Furthermore, project features in the South Pocket and Meadowview communities also do not result in a highly disproportionate impact on minority and low-income populations (Please see Figure 3-1 and corresponding Table 3-1. Please also see discussion regarding Census Tract 40.12 below).

Regarding the impact on noise levels in areas of concern, including low-income and minority communities, the construction-period impacts of the project would consist primarily of nuisance effects (e.g., noise level impacts, among others) but would be temporary and relatively short-term. Commentors are referred to page

14-22 of the draft EIR/EIS regarding mitigation measures for construction-related impacts that address this impact of concern. Also, FRWA is committed to working with the local community on a design for the intake structure that will reduce operational noise so it does not exceed existing background levels at the nearest sensitive receptor.

Lastly, commentors stated that the fair treatment of an ethnically diverse, largely minority community has been neglected.

As discussed in the draft EIR/EIS, efforts to minimize social effects were considered as part of the alternative development process. Efforts included an extensive screening analysis that evaluated various alignment alternatives against several criteria, including environmental and technical factors. (Please also see comments below regarding public involvement.)

1.2 Census Tract 40.12

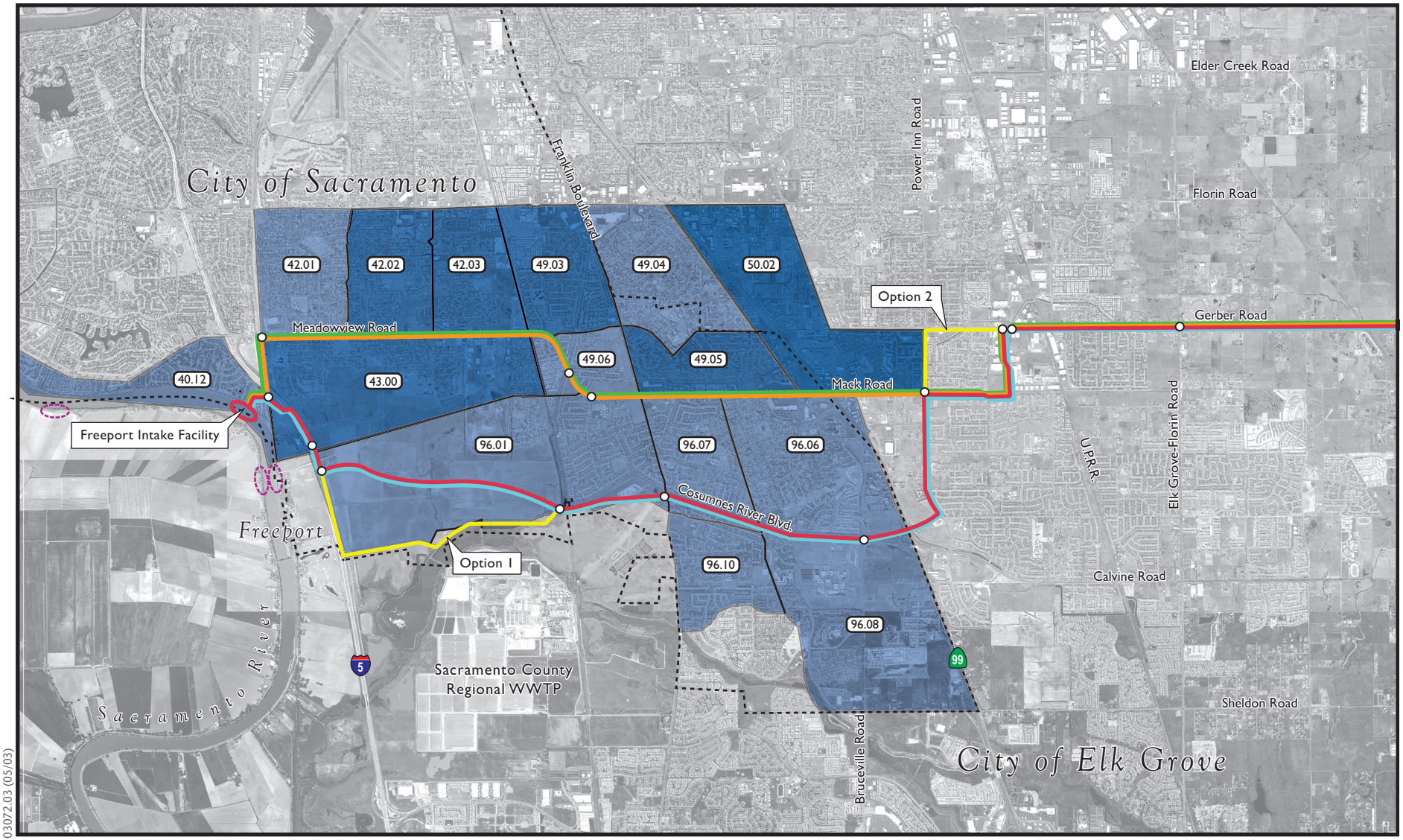
Many commentors raised the concern that the draft EIR/EIS failed to include Census Tract 40.12, which includes City of Sacramento residents and the proposed intake structure.

The commentors are correct. The EIR/EIS preparers acknowledge this oversight and include Census Tract 40.12 in its analysis here. As a result of including Census Tract 40.12, the following data on income and ethnicity were revealed and compared to the county average:

Area/Census Tract	Median Household Income ($)	% White	% African-American	% American Indian	% Asian	% Hawaiian or Pacific Islander	% Hispanic or Latino	% Other	Relevant Project Alternative
40.12	69,031	44	9	<1	33	<1	9	<1	2, 3, 4, 5, 6
Sacramento County Average	43,816	58	10	<1	11	<1	16	4	

Source: U.S. Census Bureau (2000)

The information derived from the new data shows that although the percentage of the minority population in Census Tract 40.12 is slightly more than 50%, the median household income in this tract is much higher than the county average. The various components of the project, including the intake facility, do not result in a highly disproportionate impact on minority or low-income populations in Census Tract 40.12 and in the project area in general because the population here is not disproportionately minority and low-income.



Alternative 2
Alternative 3
Alternative 4
Alternative 5 (preferred)
Optional
Intake
Intakes Considered and Eliminated
Census Tracts Above Poverty Line
Census Tracts Below Poverty Line
Sacramento City Limit

N

0 .5 1 2
Miles

Figure 3-1
Census Tracts in the Meadowview/Pocket Areas Crossed by the Project Components

Table 3-1. Income and Ethnicity Totals of Census Tracts in the Project Area

Jurisdiction/ Census Tract	Median Household Income ($)	% White	% Black or African American	% American Indian and Alaska Native	% Asian	% Native Hawaiian and Other Pacific Islander	% Hispanic or Latino	% Minority	Below Poverty (below 80% of County Median Household Income)
County of Sacramento	**43,816**	**58**	**10**	**< 1**	**11**	**<1**	**16**	**37**	
City of Sacramento	**37,049**	**48**	**16**	**1**	**17**	**< 1**	**22**	**56**	
40.12	69,031	44	9	<1	33	< 1	9	51	n
42.01	39,280	32	30	< 1	12	1	28	71	n
42.02	27,134	14	27	< 1	24	3	25	79	y
42.03	26,385	15	23	< 1	18	5	33	79	y
43.00	27,669	15	26	< 1	27	3	23	79	y
49.03	28,687	12	37	< 1	23	2	19	81	y
49.04	41,804	44	17	< 1	14	< 1	22	53	n
49.05	31,168	23	22	< 1	11	< 1	37	70	y
49.06	39,349	25	24	< 1	23	< 1	20	67	n
50.02	25,498	31	23	< 1	22	< 1	18	63	y
96.01	46,652	14	27	< 1	31	3	18	79	n
96.06	36,351	22	29	< 1	16	1	26	72	n
96.07	35,216	16	28	< 1	21	2	25	76	n
96.08	50,893	42	23	1	21	< 1	15	60	n
96.10	48,224	30	23	< 1	26	1	19	69	n

1.3 Alternative 5—the Preferred Alternative

Alternative 5 was chosen as the preferred and environmentally superior alternative based on its ability to fully meet the project purpose and objectives; engineering and economic feasibility; minimization of environmental impacts; minimization of construction-related impacts associated with traffic, air quality, and noise; and community input received during the public scoping process. FRWA has evaluated various alternatives to minimize impacts associated with the project for all affected communities and has not targeted minority and low-income populations. Although a single intake location was considered because it was determined to meet project objectives and other engineering and environmental considerations, Alternative 5 was identified as the preferred alternative because this alternative, including its pipeline alignment, was superior to those analyzed in the other alternatives. From an environmental justice vantage point, Alternative 5 is ideal for the proposed pipeline alignment because it would be the greatest distance from urbanized areas as shown in Figure 3-1. With specific regard to the Meadowview community (Census Tracts 43.00 and 96.01, in particular), the pipeline alignment is typically more than ½ mile from the nearest development. This distance substantially avoids and minimizes any construction-related impacts on this community. Additionally, Alternative 5 would minimize or avoid:

- economic impacts on area businesses;
- construction-related impacts (i.e., nuisance effects) on commercial and residential uses;
- aesthetic impacts on homes and businesses; and
- impacts on minority and low-income populations, as the alternative that is the farthest from urbanized areas and not located in communities with a meaningfully greater percentage of minority and low-income populations.

1.4 Meaningful Public Involvement

Several commentors were concerned that environmental justice was not considered during the public scoping and review processes.

Public involvement is crucial to the successful implementation of environmental justice. As many of the commentors pointed out, meaningful public involvement is part of U.S. EPA's definition of environmental justice and required as a part of NEPA. Although the State of California's definition of environmental justice does not include public involvement, numerous regional, state, and local agencies have nevertheless incorporated a public participation strategy into their environmental justice programs. The attention that has been given to public involvement is proof of the importance that agencies have placed on the topic.

FRWA has demonstrated its commitment toward meaningful public involvement for the FRWP by going over and beyond what is legally required, including, but

not limited to: twice extending the public review and comment period for the draft EIR/EIS; multiple briefings with community residents, community organizations, and businesses, among others; announcements in all major newspapers and small local newspapers in the project area; and numerous public hearings for verbal commenting opportunities. Additionally, FRWA has worked very closely with the City of Sacramento, Sacramento County, community groups, and individuals to identify ways to minimize short- and long-term impacts as much as possible. (Please also see master response to comments relating to public outreach, below.)

During public outreach, communities and concerned residents raised comments on the project as early as the scoping process in 2002. Comments related to environmental justice involved the placement of the pipeline and other project features within neighborhoods. Specifically, comments included concerns about project impacts on low-income and minority populations.

As a result of these public outreach efforts and in response to the issues raised by the public, the project was modified to reduce adverse effects in relation to environmental justice. For example, residents of the Meadowview area were opposed to the Meadowview project alignment. This concern was an important reason that the Meadowview alignment (Alternatives 2 and 3) was not selected as the preferred alternative. In addition, project activities have been coordinated with other projects in the vicinity to reduce community disruption and environmental disturbance, and the alignment has been located away from residences as feasible to reduce impacts on minority, ethnic, and low-income populations. Several residents of the South Pocket area expressed opposition to the intake facility being located within their neighborhood. However, while viable alternatives existed to the Meadowview pipeline alignment, this was not the case for the intake site, as described below in the master response on the Intake Facility Issues. In response to concerns raised by South Pocket area residents, the project has been modified from the layout shown in the draft EIR/EIS (see the Project Update in Chapter 2 of this final EIR/EIS). The identification of Alternative 5 as the preferred alternative was the most context-sensitive alternative and is the most ideal from an environmental justice vantage point.

Successful public involvement is dependent on the participation of the affected stakeholders. FRWA commends everyone who has been involved in any of the project's public forums (i.e., attendance at hearings, comments on the draft EIR/EIS, etc.) for their participation.

2. Public Outreach Process

Comment: The FRWA has not done adequate outreach to members of the Pocket community, and the methods employed seem insufficient. Communication with the public has been poor, and there has not been adequate notice given regarding the stages of the project. The FRWA only minimally

involved City and County of Sacramento planners. Also, the price of a hard copy of the DEIR was prohibitive.

Response: FRWA has conducted extensive public outreach to provide information and solicit input for the proposed FRWP. Public outreach for the project has been conducted prior to and in tandem with preparation of the draft of the project's EIR/EIS. Since 2001, project representatives have met with elected and appointed officials from the City and County of Sacramento, including city council members from all affected areas, residents, community organizations, businesses, and representatives from local, state, and federal agencies to discuss the FRWP in general and the potential intake locations and pipeline alignments specifically. FRWA has been and continues to be committed to informing and engaging the public about the project during all phases of the environmental review process and the design, construction, and operation of the project.

The response to this issue is divided into several sections:

2.1 Scoping Process
2.2 Draft EIR/EIS Availability
2.3 Public Hearings on the Draft EIR/EIS
2.4 Draft EIR/EIS Comment Period
2.5 Future Outreach Efforts

2.1 Scoping Process

CEQA and NEPA provide for public participation at various stages of the draft EIR/EIS review process for projects such as the proposed FRWP. In accordance with CEQA and NEPA, five public scoping meetings were held in April 2002 to initiate the environmental review process and to solicit public comments on the scope and content of the proposed project. The five public scoping meetings were held on April 8, 11, 15, 18, and 25, 2002, in Oakland, Freeport, Sacramento, Herald, and Sacramento, respectively. The meetings were held in the evening to accommodate daytime schedules of residents who work or have other obligations. To announce the public scoping meetings, meeting notices that included a summary of the project and the date and locations of the meetings were placed in all major newspapers and small local newspapers in the project area, including Sacramento, San Joaquin, Contra Costa, and Alameda Counties, and in the Federal Register (Vol. 67, No. 57, pg. 13656 on March 25, 2002). Meeting notices were mailed to stakeholders in the project database, including owners of property contiguous to the potential project intake location and pipeline alignments. The names and addresses of many stakeholders in the project area were based on the most current tax records from the county where the property near the project was located. Public outreach materials and visual aids presented at the scoping meetings included detailed maps highlighting the four intake facility locations under consideration during the scoping phase and the various pipeline alignments being evaluated. The maps and other informational materials were posted on the project web site, which was widely publicized.

Following the April 2002 public scoping meetings and during the preparation of the draft EIR/EIS, project representatives continually met with elected officials from the City and County of Sacramento, and other various city, county, state, and federal agency staff and representatives to discuss all elements of the proposed project. Project representatives have conducted and continue to conduct informational briefings for residents, community organizations, businesses, and homeowners associations in areas near the proposed location of the intake facility, including the Pocket Area of Sacramento, Clarksburg, and Freeport and Yolo Counties; in areas near the proposed pipeline alignments in central Sacramento County, including Meadowview, Valley Hi, Cosumnes River Boulevard, and North Laguna Creek; and in areas near the proposed pipeline alignments adjacent to the Folsom South Canal Connection and in San Joaquin County, including Herald and Clements.

In specific response to comments received from residents in the Pocket and Meadowview areas regarding insufficient community outreach, the following meetings were either hosted or attended by FRWA representatives to educate, update, and solicit input on the FRWP:

- Meadowview Development Committee—April 2, 2002; December 5, 2002; February 6, 2003; November 6, 2003; December 8, 2003
- Mack Road Merchants & Property Owners—May 21, 2002; June 18, 2002; February 18, 2002
- Area 2 Apartment Complex Group—February 19, 2003
- Area 2 Leadership—March 18, 2002; February 24, 2003
- Sacramento/Meadowview/Pocket Community—April 11 and 15, 2002 (scoping); May 9, 2002; September 4, 2003 (hearing); September 29, 2003; December 4, 2003
- South Pocket Homeowners Association—May 14, 2002; April 18, 2003; September 9, 2003
- Neighbors adjacent to proposed intake structure site—June 28, 2003; September 24, 2003; October 29, 2003; October 30, 2003; November 19, 2003; November 20, 2003

2.2 Draft EIR/EIS Availability

The draft EIR/EIS for the FRWP was available for an extended 130-day public review and comment period from August 8, 2003, through December 15, 2003. A notice of availability for the draft EIR/EIS was published in the Federal Register (Vol. 68, No. 153, Pg. 47363) on August 8, 2003. The notice of availability contained information about the project and the public hearings schedule. To announce the publication of the draft EIR/EIS, publication notices were placed in all major newspapers in the project area, including Sacramento, San Joaquin, Contra Costa, and Alameda Counties. Publication notices were mailed on August 12, 2003, to more than 8,000 stakeholders in the project

database, including owners of property contiguous with the potential project intake location and pipeline alignments. Two newspaper articles ran in *The Sacramento Bee* on August 13, 2003, and September 4, 2003, to announce the publication of the draft EIR/EIS, describe the project, and provide information on the public hearings. The FRWP web site (www.FreeportProject.org) announced the publication of the draft EIR/EIS on its home page. The web site and the publication notice listed all locations where the draft EIR/EIS was available for review. The document could be viewed and downloaded from the project web site: www.FreeportProject.org. Free CDs of the document were available from FRWA. FRWA mailed a CD to anyone who requested one. The draft EIR/EIS document could be viewed at 33 public locations, including county clerk offices and public libraries in Alameda, Amador, Calaveras, Contra Costa, Sacramento, and San Joaquin Counties, as well as the FRWA office in Sacramento and Reclamation offices in Folsom, Sacramento, Denver, and Washington, D.C. Hard copies of the document were available to any interested party for $180. CEQA allows public agencies to charge and collect a fee from members of the public for a copy of the environmental document. Consistent with CEQA, the fee did not exceed the duplication cost and was used to cover the cost of document reproduction.

2.3 Public Hearings on the Draft EIR/EIS

Four public hearings were held in September 2003 by FRWA to allow the public an opportunity to provide verbal comments on the draft EIR/EIS. The four public hearings were held on September 4, 9, 10, and 11, 2003, in Sacramento, Herald, Oakland, and Sacramento, respectively. The meetings were held in the evening to accommodate daytime schedules of residents who work or have other obligations. To announce the public hearings, meeting notices containing the public hearing schedule and location information were placed in all major newspapers and small local newspapers in the project area, including Sacramento, San Joaquin, Contra Costa, and Alameda Counties. A project brochure and meeting notice containing the public hearing schedule and location information were mailed on August 19, 2003, to more than 8,000 stakeholders in the project database, including owners of property contiguous with the potential project intake location and pipeline alignments. Notification of the public meeting schedule was posted on the FRWP web site.

The purpose of the public hearings was to solicit verbal comments from members of the public, interested organizations, and government agencies on the sufficiency of the draft EIR/EIS in identifying and analyzing possible significant environmental impacts. The first portion of the public hearings was organized in an “open-house style” to give participants the opportunity to review project documents and discuss questions and concerns with project representatives. Following a project overview presentation by the FRWA staff, verbal comments were invited and received from the public and agency representatives. A moderator facilitated the verbal submittal of comments, which were recorded by a certified court reporter. All verbal comments submitted are addressed in Chapter 10 of the final EIR/EIS.

2.4 Draft EIR/EIS Comment Period

NEPA requires a 45-day period to receive comments on the draft EIS. FRWA originally opened the comment period on the draft EIR/EIS from August 8, 2003, to October 7, 2003. In response to requests for more time to review the document and submit comments, FRWA twice extended the comment period. The comment period officially closed on December 15, 2003.

During the comment period, additional public meetings were held to discuss the concerns in an open public forum. In addition, acoustic studies were completed in response to public comments. Field trips with members of the public and FRWA staff were organized to similar facilities in Henderson and Las Vegas, Nevada, and to Carmichael, California.

2.5 Future Outreach Efforts

As the environmental documentation and project planning process moves forward, FRWA will continue to reach out to stakeholders near the proposed intake facility and pipeline alignments and work in close coordination with elected officials, agency representatives, community organizations, businesses, and residents to refine the project and minimize community disruption.

3. Intake Facility Issues

Numerous issues on site selection, design, construction, and facility operation were raised by comments made on the draft EIR/EIS concerning the intake facility component of the FRWP. The comments are categorized and summarized below and are followed by a response to each category. The response to this issue is divided into several sections:

3.1 Intake Site Selection

3.2 Intake Facility Layout

3.3 Intake Construction

3.4 Intake Operation

- 3.4.1 Noise and Vibration
- 3.4.2 Aesthetics
- 3.4.3 Odor and Dust from Settling Basins
- 3.4.4 Chemicals
- 3.4.5 Insects/Mosquitoes
- 3.4.6 Recreation
- 3.4.7 Flood Control

3.1 Intake Site Selection

Comment: The draft EIR/EIS is deficient because it did not address alternative intake sites that would have less environmental impact than would the preferred site.

Response: A wide range of alternative intake locations was evaluated as part of the alternatives development and screening process for the FRWP. The Alternatives Screening Report (Volume 2, Appendix B) of the draft EIR/EIS includes an assessment of more than 100 different project alternatives encompassing a large number of different intake/delivery locations, including several sites each along the lower American River, the Sacramento River, and the Delta. Under the desalination alternative, intake sites even farther downstream were evaluated. The alternatives screening process carried out during the project development phase narrowed the range of practicable and feasible alternatives to those five action alternatives that are fully described in the EIR/EIS.

The analysis also determined that the intake site for the preferred alternative needed to be located between approximately the town of Freeport and the Pocket Area. There are no practicable locations upstream (north) because of development and lack of east-west alignment opportunities for the required pipelines. Opportunities are similarly limited downstream (south) because of existing development, lack of east-west alignments, pipeline distances required to meet the project objectives, and water quality concerns associated with the Sacramento Regional County Sanitation District Waste Water Treatment Plant (SRCSD WWTP) outfall in the river.

Within the general area determined to be feasible, four sites were examined in detail (see Appendix A of this final EIR/EIS for additional detail). Environmental concerns, engineering, water quality, and costs were the key factors considered. Each site had some constraints associated with it. Based on the detailed analysis conducted, it was determined that the only practicable location is the City-owned property between Interstate 5 (I-5) and the Sacramento River and adjacent to the South Pocket community. The site contains a large, highly visible water tower, a stormwater pumping station capable of pumping approximately 400 cfs into the Sacramento River, and an abandoned wastewater treatment facility. The site is owned by the City of Sacramento Department of Utilities and has been considered suitable for public water facilities since the 1960s. The site is now used by the Department of Utilities for stormwater management operations.

Page 2-5 and Figure 2-1 of the draft EIR/EIS briefly summarize the extensive analyses of potential intake sites that were undertaken for the FRWP. These sites were fully evaluated and were the subject of substantial preliminary engineering and environmental analyses. FRWA conducted several technical evaluations in general to better define the FRWP and, in particular, to identify a suitable location for the necessary water intake structure. These analyses have been made available to the public and are part of the administrative record for the FRWP. Results of the first evaluations were included in Technical Memorandum No. 1, dated October 22, 2001 (TM No. 1), which investigated alternative intake sites between the SRCSD WWTP discharge pipeline and the southern edge of the Pocket Area.

A second memorandum, Technical Memorandum No. I-1 (draft), dated June 25, 2002 (TM I-1), is an update of the October 2001 memorandum. Its preparation was motivated primarily by the City of Sacramento changing its level of project participation from a full-fledged project partner to an interested party with no water supply interest in the project. Because the owners of the preferred site (the City of Sacramento) were no longer as actively involved, FRWA reevaluated alternative intake sites. The evaluation criteria and study area used in TM I-1 were more extensive than in TM No. 1. TM I-1 investigated potential sites between the SRCSD WWTP outfall and the City of Sacramento's combined sewer outfall (CSO) upstream of the Pocket area.

An initial screening of potential sites was performed based primarily on water quality and potential sources of contamination. The potential sources of contamination are documented in Technical Memorandum No. 3, Sacramento River Watershed Sanitary Survey 2000 Update.

Each of the four sites evaluated had a variety of engineering, feasibility, environmental, and cost constraints. There were clear tradeoffs between the sites with respect to environmental, construction, cost, and engineering feasibility. While it can be assumed that an intake could successfully be constructed at all of the sites, the analysis readily identified the City-owned property between I-5 and the Sacramento River as the most feasible site from environmental, engineering, feasibility, and cost standpoints.

The other three sites were eliminated from further consideration because they would not result in substantially less environmental impact than would the preferred site. A more complete summary of the findings of this analysis is provided in Appendix A of this final EIR/EIS. In short, the other three sites would generally:

- have greater impacts on vegetation and wildlife;
- result in more substantial water quality issues;
- require more substantial infrastructure (e.g., roads, levees) replacement;
- not eliminate concerns related to noise and construction-related effects on area residents;

- not substantially reduce visual impacts;
- cost as much or substantially more to construct;
- convert land from other uses, including agricultural uses, to water infrastructure; and
- require land acquisition from private parties.

3.2 Intake Facility Layout

Since publication of the draft EIR/EIS, FRWA has been working with area residents and the City to provide additional details regarding the planned design of the facilities and surrounding grounds. Chapter 2 provides this additional detail on the anticipated site layout. FRWA believes that this additional site design information, while not required for an adequate environmental impact analysis, addresses many of the concerns that have been expressed by area residents. More specificity on details and environmental commitments is provided in that discussion.

3.3 Intake Construction

Comment: Construction of the facility will result in numerous impacts on the adjacent neighborhood including increased noise, traffic, dust, vibration, and health effects. As a result, neighboring residences will be subject to general disturbances, damage to their homes, security system false alarms, and an increased presence of rodents.

Response: The draft EIR/EIS has appropriately evaluated potential impacts on people and resources within the project and service area for the project alternatives as required by CEQA and NEPA. In particular, Chapter 12, "Traffic and Transportation," and Chapter 14, "Noise," address many of the concerns raised in the comments. Additionally, many of the concerns raised in the comments have been considered during project development and are addressed in the draft EIR/EIS (Chapter 2, "Project Description"). Both CEQA and NEPA strongly encourage the incorporation of appropriate measures to avoid or reduce significant impacts into the description of a proposed project as a means to ensure implementation of the measures and to reduce unnecessary environmental analysis. FRWA and Reclamation are committed to minimizing disruptions and nuisances during construction. By incorporating these measures into the basic description of the project, FRWA and Reclamation have provided a firm commitment to address or to avoid these potential effects. Chapter 2 of the draft EIR/EIS presents an extensive list of environmental commitments that have been incorporated into the project alternatives and that will be implemented along with the project. These commitments are industry standards and are typically implemented on projects of this type.

Several general construction measures are included in the Environmental Commitments section of Chapter 2 of the draft EIR/EIS to address concerns expressed in the comments. These include restricted work hours to limit the daily duration of disturbance to nearby residences; dust suppression; and cleanup provisions (e.g., street sweeping, sidewalk cleaning, and debris removal) as needed to ensure that the surrounding residential and business communities are kept clean; and establishment of a community ombudsman to handle ongoing public outreach and address construction concerns as they may arise during project construction and startup.

The traffic control plan is needed to avoid significant construction-related effects on roadways during project construction. Because final project design has not been completed, many of the site-specific details associated with the traffic control plan have not yet been developed. However, implementation of standard construction traffic control methods would facilitate reducing traffic impacts to an insignificant level. Generally, the traffic control plan would address issues such as hours of operation, lane closures, through-traffic management, safety, and access for both vehicular and pedestrian traffic. The intake site will be accessed from Freeport Boulevard and will not involve roadways within the South Pocket community.

The dust suppression plan will meet the requirements of the local air quality management districts and will result in minimization of dust emissions during construction activities. This is in addition to the dust suppression and cleanup provisions mentioned above under general construction measures.

Other construction-related environmental commitments described in Chapter 2 of the draft EIR/EIS that will help to substantially reduce impacts include:

- erosion and sediment control plan,
- stormwater pollution prevention plan,
- fire control plan,
- Phase I and II hazardous materials studies,
- hazardous materials management plan,
- channel and levee restoration plan,
- hydrologic simulation modeling and scour analysis,
- agricultural land restoration plan,
- spoils disposal plan,
- environmental training,
- access point/staging area plan,
- trench safety plan,
- private property acquisition and/or access,
- noise compliance, and

- project planning, coordination, and communication plan.

Once implementation of the selected alternative begins, and as the final design progresses, site-specific details will be developed for each of these commitments. FRWA and Reclamation will coordinate closely in the development of these details. Additional meetings will be held with affected groups and individuals to ensure ample opportunity for concerns to be addressed and for solutions to be developed for site-specific issues. For construction within their areas of jurisdiction, the City and County will have substantial input in determining the scope and contents of the plans and programs listed above.

As described in Chapter 14 of the draft EIR/EIS, Mitigation Measure 14-1 (page 14-25), FRWA and Reclamation will provide noise shielding to the extent feasible to minimize construction-related noise. FRWA's designated noise disturbance coordinator will be responsible for responding to complaints regarding construction noise and ensuring that reasonable measures are implemented to correct any problems.

FRWA will implement measures to control rodents and vermin prior to the start of construction. Measures will include best management practices to limit the disturbance of rodents/vermin. In addition, FRWA will work with Sacramento-Yolo Mosquito & Vector Control District in conjunction with a professional contractor to trap/eliminate rodents/vermin throughout the construction period. Additionally, the construction site will be securely fenced during the construction period to keep pets and unauthorized persons out of the construction zone.

As analyzed and described in Chapter 7, "Vegetation and Wetland Resources," and Chapter 8, "Wildlife Resources," of the draft EIR/EIS, construction impacts on endangered species and their habitats, including Swainson's hawks and burrowing owls, have been identified and will be avoided, minimized, and/or fully mitigated.

As analyzed and discussed in Chapter 14, "Noise," of the draft EIR/EIS (pages 14-7 through 14-19), vibrations as a result of pile driving will be barely perceptible at the nearby residences. The vibration levels measured at 50 feet from the source, assuming the most aggressive form of pile driving, will be less than half of the recognized threshold for harm to historic and residential structures. As indicated in Table 14-13 on page 14-19 of the draft EIR/EIS, vibration levels drop dramatically with every 50-foot increase in distance. The level of vibration will not likely pose a threat to the adjacent residences or their house and car alarms. Noise from pile driving will be reduced to the extent feasible through implementation of Mitigation Measure 14-1, which includes use of noise shielding to reduce effects on residences near the intake site.

As analyzed and described in Chapter 15, "Public Health and Safety," of the draft EIR/EIS (pages 15-6 through 15-7), construction and operation are not expected to pose a significant impact to the public or the environment.

3.4 Intake Operation

Comment: Operation of the facility will result in numerous impacts on the adjacent neighborhood as a result of changes to noise, aesthetics, odor, and the presence of chemicals and possibly insects/mosquitoes.

Responses:

3.4.1 Noise and Vibration

Since publication of the draft EIR/EIS, FRWA has committed to design facilities at the intake site so that noise will remain at or below current background noise levels and will comply with City noise ordinances. This commitment is reflected in the project update in Chapter 2 of the final EIR/EIS. As part of this commitment, FRWA will monitor noise levels to verify compliance once the intake structure is operational.

The primary operational noise sources at the intake facility include the intake pumps, electrical switchyard, and air compressor station. All the pumps and motors will be enclosed in a concrete structure, which will be an effective acoustic barrier. The intake structure and support facilities design will incorporate additional noise control measures so that noise generated by the facility will not exceed existing noise levels (as measured during preparation of the draft EIR/EIS) at the nearest sensitive receptor. Possible design measures in addition to the concrete enclosure of the intake include the use of low-noise motors, acoustic ventilation louvers, acoustic access doors and wall panels, solid wall building construction, limited openings, low noise transformers, soil berm sound barriers, and similar acoustical control features. Noise measurements will be conducted before and after the project startup to determine the effectiveness of the acoustical treatment measures and to ensure compliance. Reasonable remedial measures will be implemented to meet the commitment of not exceeding existing noise levels at the nearby receptors if acoustical treatments are found to be ineffective.

Project operation would not produce significant vibration. Design measures incorporated into the intake facility will result in minimal vibration of the levee during operation. Additionally, any vibration produced by the pumps will not reach or cause any damage to nearby residences.

Construction-related impacts as a result of vibration have been found to be less – than significant. FRWA will conduct visual pre- and post-construction home inspections, with photographic and/or videographic records, and will compensate homeowners if any damage is caused as a result of project construction.

3.4.2 Aesthetics

FRWA is committed to improving visual aesthetics of the intake site over its current state. As stated in the draft EIR/EIS in the Visual Resources chapter (page 16-19), FRWA is committed to implementing a process that includes extensive public participation in the development of the architectural design of the intake facility and addressing such issues as visual buffers and lighting standards.

Several refinements have already been made to the proposed layout of the intake site since publication of the draft EIR/EIS, based on input provided by the community during the public comment period (see Chapter 2, "Project Update"). While the refinements made are conceptual in nature and additional refinements will be made during the design process, the refinement process further validated the findings in the draft EIR/EIS. The modifications result in an arrangement of facilities and landscaping whereby views of the intake facility from nearby residences can be substantially mitigated as a result of the modified layout and proposed (5-acre) landscape buffer. The facility would also be designed to preserve views from the Sacramento River.

3.4.3 Odor and Dust from Settling Basins

Given the character of the sediment expected in the basins, the planned operational mode, the distance to neighboring properties, and the landscape buffer proposed between the basins and the neighboring land uses, FRWA determined that residential areas are not expected to experience odor problems from the project.

The sediment collected in the settling basins will be primarily the larger and heavier particles suspended in the river water as it is diverted into the intake. These larger particles would settle in the intake forebay and would be inert sand or grit with no odor-causing characteristics. That settled material would be collected from the floor of the forebay and transported to the concrete-lined settling basins. The majority of the smaller particles will not settle in the forebay and would be pumped into the pipeline rather than settling in the intake. Most odor-causing particles are organic material, which would generally be found with the smaller and lighter particles and would also be pumped into the pipeline. Any chemical constituents present in Sacramento River water would be expected to remain in solution in the water and would be pumped into the pipeline. Therefore, they would not be deposited in the settling ponds in significant quantities.

The use of chemicals to aid in sediment settling within the basins is not anticipated. The result of this practice is that the sediment collected in the basins will be mostly inert sand and larger silt particles. Odors during drying of this type of material will be minimal and unobjectionable.

During normal basin operations, an almost continuously refreshed flow of water would be moving through the basins. Flow rates are expected to be high enough to prevent the formation of stagnant water and related odors. During the summer, the sediments would be allowed to dry and would be removed from the basins. This is not expected to generate specific odors. Additionally, best management practices consistent with the local air quality management district will be implemented to minimize dust generation during sediment removal, thereby minimizing any potential for exposing neighboring residents to dust and/or associated constituents.

Given the distance from the proposed basins to the residential areas, and the proposed landscape buffers, diffusion of minor odors that may occur into the overall air stream is expected to further reduce the potential for odor issues. It is also expected that operation of the settling basins will generate less odor, if any, than the periodic waste-handling activities that are currently conducted on the site.

3.4.4 Chemicals

The only chemical that will be used for water treatment on site is sodium hypochlorite. FRWA will minimize its use and will store only as much as necessary on site. Containment will be provided for storage of this chemical.

Sodium hypochlorite is proposed for use at FRWA's intake to control potential biofouling in the pipeline. Biofouling has the potential to reduce pipeline capacity as a result of the growth of slime or other organisms in the pipe. That growth will be removed through treatment with sodium hypochlorite and flushing.

To treat the pipeline for biofouling, if necessary, a dose of sodium hypochlorite, in liquid form, would be injected into the pipeline. The chlorinated water along with pipe residue would be emptied from the pipeline at Sacramento County's Zone 40 water treatment plant or at the FSC. It is expected that this operation would be infrequent, likely less than annually.

Sodium hypochlorite solution is a yellowish liquid that is similar to household bleach, albeit with a higher concentration (about 10–12% hypochlorite at the intake vs. 3–6% in household bleach). It is widely used in homes, schools, hospitals, swimming pools, drinking water supplies, and for disinfecting hard surfaces and surgical instruments.

According to a May 1996 article in *Environmental Science and Engineering*, years of investigation have concluded that hypochlorite is safe for humans and the environment. In the environment, sodium hypochlorite easily decomposes into water, oxygen, and table salt. While sodium hypochlorite is corrosive at high concentrations, the Material Safety Data Sheets for sodium hypochlorite indicate no carcinogenic or teratogenic (causing birth defects) effects. It is not

flammable in either its liquid or gaseous state. It is stable unless combined with acids.

Sodium hypochlorite is typically delivered by truck. During unloading, the truck would park within a containment basin, which in its simplest form would consist of a depressed concrete pad with entry and exit ramps at each end. The truck would transfer its contents into a permanent double-containment on-site tank and an associated containment basin for chemical delivery to effectively result in triple containment to meet applicable codes, ordinances, and industry safety standards. These tanks are typically made of fiberglass, fiber-reinforced plastic, or other material not susceptible to corrosion. The pump and tank may be constructed in a belowground vault, which would both mask the equipment from view and act as a containment structure should the tank leak. The only aboveground facilities would be a connection for the truck to pump the chemical to the underground storage tank, and vault ventilation intake and exhaust. As an alternative, the truck, tank, and pump could all be housed inside a small building. The truck would not need to be on site for more than a few hours per delivery. Deliveries will depend on the frequency of dosing required to control biofouling.

While heat and direct sunlight do cause sodium hypochlorite to decompose more rapidly, this does not create a hazardous condition. When sodium hypochlorite decomposes under moderate heat, it produces oxygen gas. This oxygen gas can be safely released into the atmosphere under controlled conditions by proper ventilation and pressure relief appurtenances on the storage tank.

Based on preliminary calculations, approximately 6,000 to 10,000 gallons of the sodium hypochlorite solution would need to be added to the pipeline to create a concentration of 10 ppm chlorine if required to prevent biofouling.

The use of chemicals to aid in sediment settling within the intake facility settling basins is not anticipated.

3.4.5 Insects/Mosquitoes

As previously mentioned in the Odor section above, a continuously refreshed flow of water would be moving through the basins during normal basin operations. Flow rates will be regulated to be high enough to prevent the formation of stagnant water. During summer sediment-drying and basin-cleaning operations, flow will be stopped completely and the moisture in the sediment will be reduced to a point at which it will not support insect/mosquito larvae production. As a result, operational practices will control the potential for insect/mosquito production in the settling basins. Furthermore, FRWA will continue to coordinate regularly with the Sacramento-Yolo Mosquito & Vector Control District to minimize the potential that insects/mosquitoes will be a problem at the intake site settling basins.

3.4.6 Recreation

Comment: The intake facility will impact use of the existing recreation trail and future recreation improvements planned for the intake site and may impact recreational activities on the river, such as boating or fishing.

Response: As described on page 6-18 of the draft EIR/EIS, recreation impacts at the intake site would be less than significant. The existing paved levee-top recreation trail would be inaccessible during portions of the construction period, but a temporary detour would be provided. This aspect of the project is being coordinated with the City of Sacramento's alternative transportation modes coordinator. The City of Sacramento's current efforts to extend the trail to the Bill Conlin Sports Complex on the east side of Freeport Boulevard are included in the analysis. Construction activities in the river itself may also have a slight impact on recreational use of the river. However, access and passage would not be disrupted and, therefore, the impact is less than significant. Compatibility between the intake facility and the recreation access features described in the Pocket Area Community Plan is dependent on the development of the design for the intake site. FRWA will work with the City of Sacramento and the community in determining the appropriateness of public access/recreational components in the intake site area while complying with applicable area plans. It should be noted that some commentors have indicated that increased public use of the area would be a detriment to the community for public safety reasons while some commentors have expressed approval for continued, improved recreational access to the bike path and river viewing areas.

3.4.7 Flood Control

Comment: Construction of the intake facility will compromise the integrity of the levee and increase the risk of flooding.

Response: The impacts on the flood control system, including the levee, are fully discussed in Chapter 15, "Public Health and Safety," on pages 15-8 and 15-9. In addition, Chapter 2, in the Environmental Commitments section, includes several measures that have been incorporated into the project description to facilitate intake structure design and construction in a manner that maintains or improves the integrity of the flood control system. In particular, the intake design will widen and reinforce the levee and provide a solid concrete cutoff wall in the area of the new structure. The pipelines from the pumps will be routed over the top of the levee. In addition, FRWA will implement an erosion and sediment control plan and a channel and levee restoration plan and conduct hydraulic simulation modeling and scour analysis. For example, as stated in Chapter 2, in the Environmental Commitments, Hydraulic Simulation Modeling and Scour Analysis section (page 2-48), "FRWA will complete an analysis to determine the potential for adverse effects related to scour of levees or the natural channel as a result of in-channel construction or placement of the intake facility. The analysis will identify measures for minimizing or avoiding adverse effects

related to scour, erosion, and sedimentation." The first phase of this analysis was completed as part of preparing the draft EIR/EIS. A subsequent, more refined analysis will be carried out in conjunction with the California Reclamation Board encroachment permit process.

The California Reclamation Board is specifically charged with regulating encroachments and construction activities in the flood control system in a manner that will ensure there is no loss of integrity in the flood control system. This includes maintaining the integrity of the slurry wall, which was installed in the 1990s to control underseepage. Preliminary coordination discussions with the Reclamation Board indicate that they concur with FRWA's findings. However, the Reclamation Board, the U.S. Army Corps of Engineers, and the Sacramento Area Flood Control Agency will all review the hydraulic modeling report and future, more detailed design information and hydraulic modeling reports prior to issuing the required Reclamation Board encroachment permit to FRWA and Reclamation.

3.4.8 Security

Comment: The presence of the intake facility and the surrounding landscape area poses a security threat to the surrounding community.

Response: The intake facility and the FRWP as a whole are just one part of the complex urban infrastructure necessary to support a major city and its surrounding communities. There is nothing unique about the intake facility that makes it a more desirable target for destructive activities compared to other regional facilities (e.g., freeways, universities, electrical grid, shopping malls). While the media have repeatedly mentioned that water supply systems are a target of destructive activities, they are typically referring either to a dam, which if breached would cause a catastrophic failure and downstream flooding, or to a reservoir, which could be susceptible to contamination. Damage to the FRWP intake facility would not result in a catastrophic failure for several reasons. First, FRWA member agencies will not rely solely on this single source of water, and they could still serve their customers to some extent on a temporary reduced-capacity basis with other water supplies if something were to happen to the FRWP. Second, the only possible catastrophic failure would be associated with a levee breach, and the intake facility would represent the most difficult location to breach within the area. Finally, contamination of the water source at the intake facility would be extremely difficult because of the characteristics of flowing water in the river and the tendency of contaminants to disperse downstream rather quickly. Also, the quantities of most contaminants that would need to be purposely introduced into the system to result in a negative impact are very large and beyond the scope of most vandals. The likelihood of anything like this happening is very speculative and does not represent a potential impact on the environment to be considered in the EIR/EIS.

With regard to the potential security issues associated with a landscaped area adjacent to a residential community, several measures could be taken to control

any such threat. The intent of the landscaped area is to provide a buffer between the FRWP facilities and the adjacent residences to reduce potential visual, noise, and other perceived impacts attributable to facility operation. The vegetation in the landscaped buffer can be managed in a way that provides clear sight lines for security patrols and does not provide refuge for illegitimate activities while still providing the intended goals of improved aesthetics and wildlife habitat, reduced noise, and a neighborhood amenity. Final decisions about how the area is designed, constructed, and landscaped will be made through the proposed architectural design process with input from the community, local government, and design professionals. This process will not only address the landscape buffer, but all other aspects of the intake site including, but not limited to, security fencing and extent of public access.

3.5 Property Values

Comment: Construction and operation of the intake structure and construction of the pipeline will reduce property values adjacent to FRWP facilities.

Response: Under CEQA and NEPA, economic and social changes resulting from a project are not treated as significant effects on the environment. Effects analyzed in an EIR/EIS are limited to those related to a physical change in the environment. However, if a physical change in the environment would result in economic and social changes that in turn would have secondary physical effects on the environment, those effects may be evaluated in an EIR/EIS.

With regard to the FRWP, construction and operation of the project are not expected to result in a measurable change in the value of properties adjacent to or near the project. There is little basis to speculate that implementation of the project will result in negative changes to property values. All types of construction activities are commonplace throughout urban, rural, and agricultural areas that do not typically result in a negative effect on property values.

Regarding construction of the pipeline in particular, the overall construction period is approximately 2 years; however, the timeline for individual neighborhoods will be much less. The pipeline will be installed at a rate of approximately 100 to 400 feet per day, depending on surface conditions (e.g., paved vs. unpaved), and as a result, construction duration in any one area will be relatively short. As disclosed in the draft EIR/EIS, construction-related impacts (e.g., noise, traffic, air quality) are short-term and are unlikely to result in an adverse effect on adjacent land uses. In the event values of adjacent properties were affected, it is unlikely such a change would result in physical effects on the environment.

As fully discussed in the EIR/EIS, operation-related impacts are minimal following mitigation. One comment letter relevant to this issue states that documented reductions in property values are related to long-term operational noise. FRWA has committed to maintaining noise levels at or below existing background noise levels at the intake facility.

3.6 Project Name

Comment: The use of the word *Freeport* in the project name is misleading since the proposed intake structure is not actually in the town of Freeport.

Response: There are several reasons that the FRWP and the project proponent, FRWA, include the word *Freeport* in their respective names.

First, the exact location of the intake was not known at the time the joint powers authority (JPA) was formed and the project was named. Because of the regional nature of this project and the interest it would likely generate locally and statewide, it was important to select a name that is widely recognized and representative of the project's physical location. Based on extensive preliminary investigations, it was known that the Sacramento River near the town of Freeport offered the best opportunities for placement of a surface water intake structure from both technical and environmental perspectives. However, a single site had not yet been selected. Four possible intake sites were specifically considered during the scoping process for the FRWP. Two sites were just upstream of the Freeport Bridge (one on each side of the river), a third site was located on the Yolo County side of the river across from Garcia Bend Park, and the fourth site is the City-owned site proposed in the draft EIR/EIS. With this array of possible locations, Freeport seemed to be the best choice of names considering the need to have the project name widely recognizable and the proximity of the possible intake sites to the Town of Freeport, the Freeport Bridge, and Freeport Boulevard—all relatively major landmarks in the area. While the site analyzed in the draft EIR/EIS is adjacent to the Pocket neighborhood, the decision to pursue use of this specific site had not yet been made at the time the project and JPA were named. Furthermore, while the Pocket neighborhood is known locally, it is not a recognizable place name outside the City of Sacramento.

Second, Reclamation's permit to divert CVP water, issued by the SWRCB, includes the word Freeport as it refers to a diversion point at the proposed Freeport Regional Water Plant. This location refers to the intake site currently proposed for the FRWP intake structure as described in the draft EIR/EIS. Furthermore, Reclamation's permit with the SWRCB is not the only document to reference the City-owned site as the Freeport Regional Water Plant site. The City of Sacramento has long referred to the subject site as the Freeport Regional Water Plant site. This reference was recently made in the City of Sacramento, Department of Utilities report titled, "Final Technical Memorandum for Potential Water Treatment Plant at Freeport" (Montgomery Watson 1999). The specific site referenced in this document is the same site analyzed for the FRWP intake structure in the draft EIR/EIS.

Thirdly, navigation maps produced by the National Oceanic and Atmospheric Administration and topographic maps produced by the United States Geological Survey refer to the bend in the river at the intake site location as "Freeport Bend."

Finally, EBMUD's CVP Amendatory Contract with Reclamation states that water is to be made available and delivered at Freeport on the Sacramento River. Reclamation intends to allow the diversion of this contract water at the aforementioned permitted diversion point at the "proposed Freeport Regional Water Plant."

After taking all of these factors into consideration, the member agencies of the JPA, including the SCWA, EBMUD, and the City of Sacramento, decided that the Freeport Regional Water Authority and Project, respectively, were the most appropriate names.

3.7 Recirculation

Comment: The draft EIR/EIS should be recirculated because it is not adequate under CEQA and/or NEPA for several reasons.

Response: Recirculation of the draft EIR/EIS is not required. The State CEQA Guidelines (Section 15088.5) clearly define when recirculation of a draft EIR is necessary. According to the guidelines, a lead agency is required to recirculate an EIR "when significant new information is added to the EIR after public notice of the availability of the draft EIR for public review…." As noted in the guidelines, new information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement.

Examples of "significant new information" requiring recirculation include disclosure that:

- a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project but the project's proponents decline to adopt it; and
- the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Similarly, the Council on Environmental Quality NEPA Regulations (40 C.F.R. 15029 [c][1]), a federal agency must prepare a supplement to a draft or final EIS if:

- the federal agency makes substantial changes in the proposed action that are relevant to its environmental effects, and
- there are significant new circumstances or information relevant to the environmental concerns that bear on the proposed action or its impacts.

While several minor revisions have been incorporated into the project since publication of the draft EIR/EIS, these minor changes are generally in response to comments received on the draft EIR/EIS and do not create any new significant environmental effects. Similarly, no information has been identified that would indicate that there would be a substantial increase in the severity of an environmental impact already disclosed. In fact, additional design and mitigation measures have been identified that would decrease previously identified significant environmental effects and make the project more consistent with public desires.

More than 100 project alternatives and numerous variations on many alternatives were examined in preparing the draft EIR/EIS. No new feasible alternatives or mitigation measures that would clearly lessen the environmental impacts of the project have been identified during the public review process with the exception of measures to reduce operational noise, and FRWA has incorporated those measures into the project. As a result, previously identified significant impacts attributable to operational noise have been reduced to less-than-significant levels.

Finally, the draft EIR/EIS contains substantial information, and the conclusions regarding environmental effects of the proposed project and alternatives are fully supported by the information contained in the draft EIR/EIS.

3.8 Project Benefits

The FRWP will result in regional and local benefits in both the short and long term. FRWA is committed to making the project compatible with local neighborhoods and to minimizing construction-related effects. A summary of the regional and local benefits created by the FRWP is provided below.

Regional benefits include:

- **Protection of groundwater supplies.** The project will decrease reliance on groundwater for some groups and increase the availability of groundwater for others. Well users, City residents, municipalities, water purveyors, and water suppliers will all benefit.
- **New intake site near airport.** The SCWA agreement with the City will entitle the City to land for use as a future intake facility site.
- **Improved reliability.** City water customers will be able to rely more securely on their water supplies.
- **Regional cooperation.** The regionwide scope of the project accounts for many different communities and improves the cohesiveness of regional water

planning and management as envisioned by the Sacramento Area Water Forum.

- **Protection and preservation of the lower American River.** The project has been designed to avoid impacts on the lower American River, thereby avoiding impacts on recreation and fisheries on that federally designated wild and scenic river. The Lower American River Parkway will not be affected. The quality of life of City and County residents who use the river and the parkway will not be negatively affected.
- **Stimulation of economic vitality.** The construction of the project will provide jobs and use regional resources.

Local benefits include:

- **River access.** The intake facility site design will include a convenient access path to the Sacramento River levee.
- **Landscaping.** The intake facility site will include 5 acres of landscaped grounds.
- **Other visual enhancement.** The facility will be designed to be attractive and architecturally interesting. Public art will be incorporated into the site design.
- **Improved security.** The site selected for the intake facility will have increased and improved security, deterring vandalism and decreasing the current safety risk of the abandoned site.
- **Bike trail extension.** The project will be consistent with and further the completion of the levee bike trail.
- **Additional jobs.** The project will result in increased local employment.
- **Educational programs.** Educational opportunities for school groups and the public will be created at the intake site facility. Subjects of such programs could include water supply, water quality, fisheries, and ecology.

Chapter 4

List of Comments Received

Table 4-1. List of Comments on the 2003 Draft EIR/EIS

Date Received	Commentor	Organization	Comment Letter Code	Chapter
Chapter 5: Federal Agencies				
12/15/03	Lisa B. Hanf	U.S. Environmental Protection Agency	F1	5
12/16/03	John Brooks	U.S. Fish and Wildlife Service	F2	5
01/05/04	Michael S. Jewell	U.S. Army Corps of Engineers	F3	5
State Agencies				
9/15/03	David A. Gutierrez	Division of Safety of Dams	St01	5
10/06/03	Stephen L. Jenkins	State Lands Commission	St02	5
10/09/03	Jeffrey Pulverman	CalTrans	St03	5
10/09/03	Terry Roberts	State Clearinghouse	St04	5
11/14/03	Dennis J. O'Bryant	California Department of Conservation, Division of Land Resource Protection	St05	5
12/17/03	Larry L. Eng	California Department of Fish and Game	St06	5
12/22/03	Gita Kapahi	State Water Resources Control Board	St07	5
Chapter 6: Local Agencies				
9/15/03	Robert Thomas	City of Sacramento	L01	6
9/24/03	Fred Weybret	North San Joaquin Water Conservation District	L02	6
10/02/03	T.R. Flinn	Northeastern San Joaquin County Groundwater Banking Authority	L03	6
10/06/03	Councilmember Dave Jones	City of Sacramento	L04	6
10/06/03	Laura J. Simonek	Metropolitan Water District of Southern California	L05	6
10/06/03	Louis Boitano/Terence Moore	Amador Water Agency	L06	6
10/07/03	Matthew G. Darrow	Sacramento County Public Works Agency	L07	6
10/07/03	Kevin M. Kauffman	Stockton East Water District	L08	6
10/23/03	Rod Cooper	Southgate Recreation and Park District	L09	6
11/03/03	Councilmember Lauren R. Hammond	City of Sacramento	L10	6
11/07/03	James R. Shetler	Sacramento Municipal Utility District (SMUD)	L11	6

Date Received	Commentor	Organization	Comment Letter Code	Chapter
11/17/03	Thomas Hoover	Jackson Valley Irrigation District	L12	6
12/15/03	Ronald R. Lowry	Southeast Sacramento County Agricultural Water Authority (SSCAWA)	L13	6
12/15/03	Art Smith	Sacramento Metropolitan Air Quality Management District (SMAQMD)	L14	6
12/15/03	Wendell H. Kido	Sacramento Regional County Sanitation District (SRCSD)	L15	6
12/15/03	Larry Diamond	Calaveras County Water District	L16	6
12/15/03	Mike McGowan	County of Yolo	L17	6
12/15/03	Councilmember Bonnie Pannell	City of Sacramento	L18	6
12/15/03	Dave Brent	City of Sacramento, Department of Utilities	L19	6
12/17/03	Margit Aramburu	Delta Protection Commission	L20	6
01/07/04	Mike McGowan	County of Yolo	L21	6
01/13/04	Margit Aramburu	Delta Protection Commission	L22	6
01/20/04	Robert Overstreet	City of Sacramento, Department of Parks and Recreation	L23	6
01/24/04	Margit Aramburu	Delta Protection Commission	L24	6
Chapter 7: Special Interest Groups				
10/06/03	Felix Smith	Self	Sp01	7
12/14/03	Alan D. Wade	Save the American River Association	Sp02	7
12/15/03	Michael Eaton	The Nature Conservancy	Sp03	7
12/15/03	Earl Withycombe	Environmental Council of Sacramento (ECOS)	Sp04	7
12/15/03	Ronald Stork	Friends of the River	Sp05	7
12/15/03	Keith Herron	Meadowview Development Committee	Sp06	7
12/15/03	James P. Pachl	Sierra Club--Mother Lode Chapter	Sp07	7
12/15/03	Richard G. Johnson	South Pocket Homeowners' Association	Sp08	7
8/22/03	George Potiris	GNP Holding Company	Sp09	7
12/10/03	Naomi Burns	Clay West Homeowners Association	Sp10	7
12/13/03	Vickey Scott	Valley Center Neighborhood Association	Sp11	7
12/15/03	Walt Seifert	Sacramento Area Bicycle Advocates (SABA)	Sp12	7

Date Received	Commentor	Organization	Comment Letter Code	Chapter
12/15/03	Pat Shelby and Monica Rothenbaum	North Laguna Creek Neighborhood Association	Sp13	7
01/13/04	James Pachl	Sierra Club – Mother Lode Chapter	Sp14	
12/01/03	Arthur B. Geen	Alameda County Taxpayers Association, Inc.	Sp 15	7
Chapter 8: Individuals				
9/04/03	Keith Herron		I01	8
9/11/03	Allan Gilmore		I02	8
9/15/03	Ken McGhee		I03	8
9/19/03	George Waegell		I04	8
9/17/03	B.J. Elkin		I05	8
10/06/03	John R. Hart		I06	8
10/06/03	John and Judy Esola		I07	8
10/06/03	Joel and Gina Ledesma		I08	8
10/06/03	Michael Chan		I09	8
10/06/03	Nick and Michele Charles		I10	8
10/04/03	Marion Kanemoto		I11	8
10/09/03	Mark Munguia		I12	8
10/09/03	Florence Arnoldy		I13	8
10/30/03	Rudy Swiridoff		I14	8
11/03/03	George Waegell		I15	8
11/04/03	Jack S. Lawson		I16	8
11/25/03	Susan Dona		I17	8
12/01/03	Denis Ishisaka		I18	8
12/09/03	H.L. Payne		I19	8
12/09/03	Jeff Wedge		I20	8
12/09/03	Fred and Vi Kirtlan		I21	8
12/10/03	Pamela Herlihy		I22	8
12/11/03	Linda Tutor		I23	8
12/15/03	Robert Lorbeer		I24	8
12/15/03	Don & Tricia Nevis		I25	8
12/15/03	Jamie & Guy Ramsey		I26	8
12/15/03	Maurice Roos		I27	8
12/15/03	Dorothy J. Carroll		I28	8

Date Received	Commentor	Organization	Comment Letter Code	Chapter
12/15/03	Leonor Alvarez		I29	8
12/15/03	E. Dennis and Bonnie S. Bartholomew		I30	8
12/15/03	Stephen K. & Shari E. Kawelo		I31	8
12/15/03	James Morgan		I32	8
12/15/03	Willie J. Russell II		I33	8
12/15/03	Florence Arnoldy		I34	8
12/15/03	William & Yvette Jones		I35	8
12/15/03	Laura Kneppel		I36	8
12/15/03	Donald & Mary Savage		I37	8
12/15/03	Kevin & Evelyn Steiner		I38	8
12/15/03	Ted Woodward		I39	8
12/15/03	Mary V. McDonald		I40	8
8/13/03	Alan Moritz		I41	8
8/27/03	Marcine Crane		I42	8
9/10/03	Laurie Vannatter		I43	8
9/30/03	Ade Akinsanyu		I44	8
9/30/03	Darrel H. Woo		I45	8
12/01/03	Rowland and Connie Cain		I46	8
12/04/03	William Neuman		I47	8
12/06/03	Amedeo Ciarniello		I48	8
12/15/03	Dorothy J. Carroll		I49	8
12/15/03	Michael Chan		I50	8
12/15/03	Ernie Hidalgo		I51	8
12/15/03	Alan Hockenson		I52	8
12/17/03	Ken McGhee		I53	8
12/11/03	Ruben and Carmella Bravo; Joe and Rozina Parkhurst		I54	8
12/16/03	Timothy J. Reinarts		I55	8
12/16/03	Kenneth Koyama		I56	8

Date Received	Commentor	Organization	Comment Letter Code	Chapter
Chapter 9: Form Letters				
12/01/03	Form Letters	Preserve the Pocket	FL01	9
12/16/03	Form Letters	South Pocket Preservationists	FL02	9

Chapter 5

Responses to Federal and State Agency Comments

Letter F1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

December 12, 2003

Rob Schroeder
U.S. Bureau of Reclamation
Central California Area Office
7794 Folsom Dam Road
Folsom, CA 95630

Subject: Freeport Regional Water Project Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) [CEQ # 030367]

Dear Mr. Schroeder:

The Environmental Protection Agency (EPA) has reviewed the document referenced above. Our review and comments are pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1509), and Section 309 of the Clean Air Act. Our detailed comments are enclosed.

We have rated this Draft EIR/EIS as Environmental Concerns - Insufficient Information (EC-2) (see enclosed "Summary of Rating Definitions"). EPA supports the multi-faceted approach outlined in the EBMUD Water Supply Management Program including water supply improvements, lower Mokelumne River management, water reclamation, and water conservation. Both the EBMUD Water Supply Management Program and the Sacramento County Water Agency (SCWA) water plans rely on effective management and sustainable balance of surface and ground water supplies. However, it does not appear that all needed elements of ground water management are in place and without this, the use of surface supplies can have long-term effects.

Recently updated information on the potential for water use efficiency (including water saving technologies, better management of outdoor use, and pricing strategies) is available and should be considered in estimating the water demands for the service area. EPA recommends working with the Department of Water Resources for these analyses. The Final EIR/EIS should discuss which measures, in addition to those already adopted in the Zone 40 area, can be applied to reduce urban water demand.

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...Water Agency (Zone 40) appears to have been based on water use levels for existing and planned land uses in the early 1990s. The Draft EIR/EIS states that EBMUD needs 100 million gallons per day capacity for drought circumstances. However, EBMUD currently has a 8 million gallons per day capacity, with drought conditions estimated for 3 years out of every 10. The rationale behind the increased determination of water need for drought conditions should be included in the Final EIR/EIS.

While EPA commends the decision to take delivery of water from the Sacramento River instead of the more environmentally sensitive American River, we also recommend that the Final EIR/EIS include the following information:

- an analysis of all delta water uses, including other proposed projects, the cumulative and indirect impacts to terrestrial and water resources associated with these projects, and specific mitigation practices, water conservation, and monitoring commitments;

- justification for the identification of Alternative 5 as the environmentally preferred alternative; and

- results of consultation with the US Fish and Wildlife Service for protection of species of concern and if required, Clean Water Act 404 (b)(1) compliance for impacts to wetlands.

F1-1

In addition, inconsistencies in the information regarding secondary impacts and growth-related impacts of FRWP should be resolved in the Final EIR/EIS.

We appreciate the opportunity to review this Draft EIR/EIS. Please send two copies of the Final EIR/EIS to this office when it is officially filed with our Washington, D.C. office. In the meantime, if you have any questions, please call Summer Allen, the lead reviewer for this project, at (415) 972-3847.

Sincerely,

Lisa B. Hanf, Manager
Federal Activities Office

MI# 003927
Enclosures:
EPA's Detailed Comments
Summary of Rating Definitions

2

cc:

Gregg Ellis, Freeport Regional Water Project, 2600 V Street, Sacramento, CA. 95818

Tad Berkebile, Freeport Regional Water Authority, Sacramento County Water Agency, 827 7th Street, Room 301, Sacramento, Ca. 95814

Maria Solis, Freeport Regional Water Authority, East Bay Municipal Utility District, 375 11th Street, Oakland, Ca. 94607

Wayne White, US Fish and Wildlife Service, Sacramento Field Office, 2800 Cottage Way, West 2605, Sacramento, CA. 95825-1886

Jim Bybee, National Marine Fisheries Service, Santa Rosa Office, 777 Sonoma Ave., Room 325, Santa Rosa, CA. 95404

Corps of Engineers, Sacramento District Office, 1325 J. Street, Sacramento, CA. 95814-5100

Banky E. Curtis, California Department of Fish and Game, Sacramento Valley and Central Sierra Region, 1701 Nimbus Road, Suite A, Rancho Cordova, CA. 95670

Katherine Kelly, State Department of Water Resources, 1418 Ninth Street, P.O. Box 942836, Sacramento, CA. 94236-0001

Cumulative Impacts

Projects that were determined to be within a reasonable proximity to the FRWP were included in the cumulative impacts evaluation. The current proposal was established based on previous environmental reviews such as the EBMUD Supplemental Water Supply Project. EPA provided comments on the EBMUD Supplemental Water Supply Project Draft EIS (February 17, 1998), Supplemental Draft EIS (November 20, 2000), and Final EIS (January 12, 2001).

The FRWA Draft EIR/EIS is also related to the activities of the California Bay Delta Authority (the Authority) and agencies participating in the CALFED Program. The Authority and CALFED agencies have been involved in assessing and implementing water management activities in the Central Valley of California pursuant to the CALFED Program Plan and Record of Decision. The Record of Decision for the CALFED Program (August 2000) addresses the future management of the area in detail. The FRWA Draft EIR/EIS also does not discuss the relationship to the Central Valley projects in detail.

The DEIS for the South Delta Improvements Program is expected in fall. The Notice of Intent for this project was released before the FRWP DEIS. In addition, the South Sacramento Corridor, Phase 2 transit project and its routing may affect the location of the Freeport pipeline. The Final EIS should also discuss the relationship of the FRWP to the I-5 interchange and extension, the Sacramento County Regional Sanitation District wastewater pipeline plans in the project area, the South Delta Improvements DEIS, the San Luis Unit Drainage Feature DEIS, the renewals of the Sacramento River Settlement Contract, and the Long-term Contract Renewals for the American River Division.

There are several objectives which the CALFED Program has established for the Bay-Delta that could be hindered by incremental erosion of Bay-Delta ecosystem conditions and water quality. Examples of these objectives include an established policy in "continuous improvement" of drinking water source quality and ecosystem restoration. The FRWP may contribute to significant cumulative impacts on these resources in combination with other water projects being pursued by CALFED and other parties.

Recommendations:

The Final EIR/EIS should include information regarding previous environmental reviews involved in the establishment of the current proposal and list conservation efforts that have been undertaken by EBMUD. The Final EIR/EIS should address the relationship of FRWP to the activities of the Authority and how the FRWP ties into the larger goals outlined in the August 2000 Record of Decision for the CALFED Program. It should also provide updated information on the Operating Criteria and Plan (OCAP) consultation for Central Valley Project water

F1-2

F1-3

F1-4

operations and related impacts to the Bay-Delta system. F1-4 cont

The Final EIR/EIS should analyze the cumulative effects of the FRWP and other projects on the Delta and the river system hydrology, fish, water quality, and water supply. The Final EIR/EIS should document recent or proposed changes in Delta operations associated with the CALFED program and how this could contribute to impacts in the Delta. The Final EIR/EIS should fully document groundwater sources and the long term groundwater trends in the basin. The long-term implications of using CVP surface water to avoid groundwater overdraft should be discussed. F1-5

The Final EIR/EIS should fully document cumulative impacts to drinking water quality as identified in the CALFED Water Quality Program Plan, as well as ecosystem health. The Final EIR/EIS should discuss monitoring for project impacts and identify types of mitigation responses which may be undertaken in the event specific impacts are detected. The Final EIR/EIS should also include identification of related projects and the associated impacts to aquatic and terrestrial resources, such as the conversion of upland habitat related to the Central Valley Project contracts. F1-6

Indirect Impacts

The FRWP would deliver 185 million gallons of surface water from the Sacramento River, allowing Sacramento County Water Agency (SCWA) to provide water to the Zone 40 area and EBMUD to improve water delivery reliability to its service area during drought years. The Draft EIR/EIS does not clearly address the estimated growth resulting from implementation of FRWP. On page 774 of the Draft EIR/EIS, it states, "the implementation of the FRWP would support this goal and remove an obstacle to the planned growth of the city of Rancho Cordova." However, on page 777, the Draft EIR/EIS states "growth is projected regardless of whether the FRWP is implemented because EBMUD has adequate water supplies during normal years." While EPA agrees that growth is expected in the area regardless of the alternative selected, additional available water supply may encourage a more intense rate of development. F1-7

Recommendations:

The Final EIR/EIS should resolve inconsistencies related to indirect impacts associated with future population growth.

Alternatives Analysis

Alternative 5 is identified as the environmentally preferred alternative. The basis for this conclusion seems to be the avoidance of impacts to the built environment. Alternative 2 appears to have fewer impacts on prime agricultural lands, grasslands, vegetative communities, and F1-8

production values. It is comparable with Alternatives 3, 4, and 5 with regard to impacts on fish, water quality, recreation, and construction-related traffic.

From our review, Alternative 2 or Alternative 3 appear to be the environmentally preferred alternative. In addition, the Draft EIR/EIS identifies potential significant impacts to wetlands and anticipates that a Clean Water Act 404 permit would be required. As a result of these potential impacts, choosing a less environmentally damaging alternative at this stage would be beneficial. The alignments proposed for Alternative 2 and Alternative 3 have fewer impacts to western spadefoot, fairy and tadpole shrimp, swainson's hawk, native vegetation, pasture, water, vineyards, open/agricultural land, and archaeological sensitive areas than the other proposed alignments. F1-8 cont

Recommendations:

If the Final EIR/EIS makes the determination that Alternative 5 is the preferred alternative, a more detailed analysis of the environmental preferability should be included. In addition, Option 1 has avoidable impacts to prime farmland and if this option is proposed in the Final EIR/EIS, the basis for including this optional alignment should be documented.

If a CWA 404 permit is required, the Final EIR/EIS should demonstrate compliance with respect to evaluation of alternatives, identification of the Least Environmentally-Damaging Practicable Alternative (LEDPA), siting and design of project features, and mitigation of impacts to wetlands as required by CWA 404 (b)(1) Guidelines. The Final EIR/EIS should provide examples of successful habitat preservation and conservation actions completed by the County in response to past, current, or future development. These should include plans for excavation material, erosion and sediment control, storm water prevention, channel and levee restoration, agricultural restoration, and conservation measures, as guaranteed in the FRWP's biological assessment.

Habitat and Wildlife Consideration

The Central Valley Project Improvement Act (CVPIA), signed in 1992, mandates that fish and wildlife resources receive equal consideration with other features of the proposed project. The project must comply with the Endangered Species Act, which will require consultation on both water operations-related impacts and terrestrial effects to threatened and endangered species. Although informal consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries has begun, the Draft EIR/EIS does not quantify impacts to wildlife in the project location or to fisheries. The project includes potential impacts to coldwater and warmwater fisheries; additional fisheries in the lower reaches of the American, Feather, Trinity, Mokelumne, and Sacramento rivers; and various riparian and terrestrial habitat. F1-9

US EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR FREEPORT REGIONAL WATER PROJECT, DECEMBER 12, 2003

Recommendations:

The protection of species of concern as a result of changes in American River flows should be assured. The Final EIR/EIS should discuss means of providing protective flows and habitat in the American River, the Sacramento River, and the Delta, especially as this relates to migratory and resident fish. For impacts to terrestrial and aquatic resources that cannot be avoided, the Final EIR/EIS should address mitigation. The Final EIR/EIS should incorporate the results of the Endangered Species Act Section 7 consultation with the US Fish and Wildlife Service and NOAA Fisheries. Additionally, to the extent that it is the relevant, the Final EIR/EIS should include information on the BSA consultation for the Operating Criteria And Plan. This consultation may provide specific measures for Freeport-related operations. USFWS-approved mitigation plans should be finalized prior to Project contract deliveries.

F1-9 cont

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

cc:

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Responses to Comments of the Environmental Protection Agency (Letter F01)

F01-1. This comment is apparently referring to information contained on page 1-20 of the draft EIR/EIS under "Recycled Water". In that discussion, it is noted that EBMUD anticipates that future water recycling efforts will reduce demands on potable water by an additional 8 MGD as compared to current levels of water recycling. This future recycled water program is factored in to EBMUD's dry year needs and will reduce the need that would otherwise exist. The FRWP facilities and operations assume that this additional recycled water will be available. Otherwise the FRWP would be larger than currently proposed.

F01-2. Each of the issues raised in this comment is more fully developed in the attachment to the cover letter. The individual comments are therefore specifically responded to below.

F01-3. Many of the projects listed in this comment are discussed in Chapter 20 of the draft EIR/EIS. The FRWP is not contingent on any of these projects, nor is it likely to make implementation of any of these other projects either more or less likely. To the extent that cumulative impacts may result from implementation of these projects, in combination with the FRWP, the potential cumulative impacts are described in Chapter 20

F01-4. Pages 1-18 through page 1-22 of the draft EIR/EIS provide information regarding previous environmental reviews and conservation efforts. As noted on page 1-18, previous environmental reviews undertaken by Reclamation and EBMUD led to EBMUD's current water service contract, which forms the basis for EBMUD's participation in the FRWP. Similarly, these pages list conservation and water recycling efforts undertaken by EBMUD to reduce customer demands both in normal water years and during droughts. In addition, SCWA conservation efforts are described on pages 1-10 through 1-13 of the Draft EIR/EIS.

F01-5. The CALFED Record of Decision sets out actions included in the Preferred Program Alternative for implementing Stage 1, the first 7 years of a 30-year program. These actions depend on subsequent project-specific environmental analyses as well as on subsequent review of the financial and legislative proposals by the state and federal executive branches, Congress, and the state legislature. EBMUD has been an active participant in the CALFED process since its inception. Although not a CALFED project, the FRWP planning is consistent with and contributes to the objectives of CALFED. EBMUD's resource programs contribute significantly to meeting CALFED objectives related to ecosystem restoration. Reductions in water consumption through existing and adopted conservation and recycling programs, conjunctive use programs, and the FRWA agencies' rationing programs reduce water supply needs consistent with CALFED objectives. Finally, the FRWP is a regional solution to water supply issues as encouraged by the CALFED program.

F01-6. Reclamation is in the process of reinitiating consultation on the CVP OCAP and has agreed to conduct an analysis and modeling of all reasonably foreseeable future actions, including the FRWP, on listed fish species. The FRWP is fully integrated into the OCAP hydrologic modeling and biological assessment. The OCAP

consultation will provide the basis for a portion of the compliance under the Endangered Species Act for the FRWP, in conjunction with additional information regarding site-specific effects on listed species. A summary of a comparison of OCAP modeling runs completed in February 2004 is included in Chapter 2 in the final EIR/EIS.

F01-7. Cumulative impacts on hydrology and water supply, water quality, and fisheries are discussed in Chapter 3 (pages 3-19 through 3-21 and Tables 3-3 and 3-4), Chapter 4 (pages 4-33 through 4-36), and Chapter 5 (pages 5-48 through 5-55, Table 5-16, and Figures 5-17 through 5-26) of the draft EIR/EIS, respectively. Additional cumulative impact analysis is included in Chapter 19 of the draft EIR/EIS. These analyses fully comply with CEQA and NEPA requirements to discuss potential cumulative effects of a proposed action. The analyses use the most recent information available at the time the draft EIR/EIS was published. The draft EIR/EIS fully discloses the potential environmental effects of using CVP surface water to meet the purpose and need of the project. In addition, the EIR for the Zone 40 Master Plan recently prepared by SCWA fully discusses groundwater resources within the Zone 40 area. The review period for that EIR has ended and SCWA is developing responses to the comments received. The EIR is expected to be certified and the project adopted in late spring 2004.

F01-8. The draft EIR/EIS fully discloses all potential project-related and cumulative effects on drinking water quality (see Chapter 4 of the draft EIR/EIS and Section 4 of Volume 3). These impacts were evaluated and determined to be less than significant. There is no substantial evidence to suggest that significant impacts would result from implementation of the FRWP, and therefore mitigation is not required. Water quality implications of increased growth in Sacramento County were included as part of the analysis by including increased return flows with reduced water quality from Sacramento County sources in the analysis. No other substantial conversion of upland habitat related to CVP contracts that could meaningfully affect Sacramento River and Delta water quality have been identified.

F01-9. SCWA and EBMUD have separate growth-related issues, and the analysis is not inconsistent with respect to future population growth. For SCWA, provision of additional water supplies is intended to support and allow growth within the SCWA service area that was approved in the 1993 Sacramento County General Plan and is therefore considered growth-inducing. While the analysis in the draft EIR/EIS relies on the General Plan to predict the likely population growth, there is a potential that the FRWP will increase the rate at which this identified growth will occur. However, an increase in the rate of growth, if it were to occur, would not alter the conclusions of the analysis. Within the EBMUD service area, no additional water would be provided by the FRWP during most years, and therefore the FRWP would not contribute to local growth. EBMUD is already planning to meet a substantial portion of its normal year needs through conservation and recycling, and growth is therefore not dependent on new water supplies. EBMUD also has adopted very strong policies that prevent the district from serving areas outside its currently approved Ultimate Service Boundary. Chapter 20 of the Draft EIR/EIS discusses indirect effects related to growth within the service area of each agency.

F01-10. As noted on pages 2-5 and 2-6 of the draft EIR/EIS, Alternative 5 has been identified as environmentally superior. FRWA and Reclamation believe that most of the impacts identified in this comment are avoidable, and the mitigation measures identified in the draft EIR/EIS require such avoidance to the extent feasible. It should be noted that with respect to wetlands, all of the alternatives are within the same general impact range (8.1 to 9.8 acres of potential impact, depending on the alternative). Pipeline section R, shown in Figure 2-1 of the draft EIR/EIS follows a planned roadway and utility corridor. If this corridor is not approved, FRWA could use option 1 to avoid farmland and wildlife impacts in this area. In addition, there are clear tradeoffs between the various alternatives. As noted on pages 2-5 and 2-6, Alternatives 2–4 have substantially greater impacts on traffic, noise, and air quality, and significant community input, including concerns related to environmental justice issues, has resulted in Reclamation and FRWA determining that Alternative 5 is the environmentally superior alternative. In addition, substantial input regarding environmental justice issues has been received during the public review period. Alternatives 2 and 3 would clearly have more direct environmental justice issues than alternative 5.

FRWA and Reclamation will continue to work closely with the U.S. Army Corps of Engineers with respect to compliance with Section 404 of the Clean Water Act. The draft EIR/EIS included the first two stages of alternatives screening as part of compliance with the Section 404(B)(1) Guidelines. The EIR/EIS includes the information necessary to complete the third stage of screening. This effort, while not part of this final volume, will be substantially complete by the time a Record of Decision under NEPA is anticipated to be approved.

F01-11. Potential effects on fisheries (including the lower American River, Sacramento River, and Delta) are fully disclosed in Chapter 5 of the draft EIR/EIS. Chapters 7 and 8 fully disclose impacts on vegetation and wildlife resources and identify mitigation measures to eliminate, reduce, and compensate for significant effects. Reclamation and FRWA anticipate that consultation under Section 7 of the Endangered Species Act will be completed for both OCAP and site-specific effects of the FRWP prior to Reclamation's Record of Decision on the FRWP. Reclamation and FRWA are closely coordinating with the USFWS and NOAA Fisheries on a frequent basis.

Letter F2

U.S. FISH AND WILDLIFE SERVICE

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FAX TRANSMISSION COVER SHEET

DATE: 12-15-03

TO: ROB SCHROEDER

FAX: 916-989-7208

RE: FREEPORT NEPA COMMENTS

SENDER: JOHN BROOKS, FWS I

TOTAL PAGES (excluding cover) 9

ROB,
THE SIGNED COPY WILL ARRIVE IN A DAY OR TWO. THANKS, JOHN

United States Department of the Interior

FISH AND WILDLIFE SERVICE
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Letter F2

In reply refer to
Freeport Regional Water Project

DRAFT

Memorandum

To: Regional Director, U.S. Bureau of Reclamation, Sacramento, California

From: Acting Field Supervisor, Sacramento Fish and Wildlife Office, Sacramento, California

Subject: National Environmental Policy Act Comments on the Freeport Regional Water Project

This memorandum transmits U.S. Fish and Wildlife Service (Service) comments on the U.S. Bureau of Reclamation's (Reclamation) Freeport Regional Water Project and associated *Draft Environmental Impact Report/Environmental Impact Statement* (EIR/EIS), dated July, 2003. The Service provides these comments under authority of, and in accordance with, provisions of the National Environmental Policy Act (NEPA)(40 CFR Part 1500).

Our comments and recommendations are based upon our review of Reclamation's *Freeport Regional Water Project Draft EIR/EIS* (USBR 2003) and *Biological Assessment for the Freeport Regional Water Project* (Biological Assessment), dated December 2002.

DESCRIPTION OF THE PROJECT

The draft ERS/EIR states that Reclamation, East Bay Municipal Utility District (EBMUD), and Sacramento County Water Agency (SCWA) are proposing to construct a permanent water diversion and pump station on the Sacramento River near Freeport in Sacramento County, California. The diversion point, water treatment plant, and conveyance pipelines would allow EBMUD and SCWA to take delivery of their respective Central Valley Project (CVP) water contract and future water supplies from the Sacramento River. It should be noted that Reclamation is not responsible for the construction or operation of the diversion facility or associated pipelines. Reclamation is responsible for approving EBMUD's use of the

TAKE PRIDE IN AMERICA

Sacramento/Freeport diversion point and for amending EBMUD's CVP water contract and therefore complying with the National Environmental Policy Act (NEPA). From the Freeport pumping plant, a pipeline would convey water to the proposed SCWA treatment plant prior to connecting to the "Zone 40" existing and proposed delivery system. "Zone 40" is a Sacramento County urban and industrial development area identified in the County's General Plan (1993, revised 2001). An extended pipeline would deliver EBMUD's contract supplies to the Folsom South Canal. After modifying the Canal terminus for temporary storage, a 30-mile long peripheral connector pipeline would link to the Mokelumne Aqueduct, south of the Mokelumne River. Future pipeline diversions could occur at any location along its route with water deliveries to either or both water contractors during all water year types.

The Sacramento and American River basins would experience water supply reductions and in-basin water delivery increases in the short- and long-term. CALFED Bay-Delta Program (CALFED) and Central Valley Project Improvement Act (CVPIA) environmental restoration actions continue in both basins to address deteriorated ecosystem conditions. The Draft EIR/EIS defers actions needed to avoid project-related adverse environmental effects to an updated CVP Operations Criteria and Procedures (OCAP) determination. F2-1

Reclamation proposes to implement SCWA's CVP and non-CVP water contract deliveries (up to 82,000 acre-feet (AF)/annually). Reclamation further proposes to provide EBMUD's water contract water (up to 133,000 AF annually). The proposed action, the Freeport Regional Water Project, would divert water to pipelines for conveyance to delivery areas. The Freeport Regional Water Authority, formed under State law by SCWA and EBMUD, would manage project construction. The Pumping Plant could divert up to 215,000 AF annually (both CVP and non-CVP water, including American River supplies). F2-2

SCWA could divert up to 82,000 AF annually from the Freeport Diversion site for delivery to various locations within SCWA's Zone 40 and eastern Elk Grove. SCWA supply sources include: F2-3

• CVP water contract supplies	(CVP contract)	15,000 AF
• Unused City of Folsom sub-contract	(CVP contract)	7,000 AF
• Sacramento Municipal Utilities District (SMUD) unused CVP contract quantity-dependent on contract renewals	(CVP-American River)	30,000 AF (unsecured)
• Appropriated water supplies	(Undetermined source)	20,000 AF (unsecured)
• Other water supplies	(Undetermined source)	10,000 AF (unsecured)
	Total	82,000 AF

SMUD could also assign 15,000 AF of unused CVP (American River) contract water to South Sacramento agricultural interests. The agricultural water deliveries could occur through Folsom South Canal. (Sacramento Municipal Utility District/Sacramento Water Agency, *Water Assignment, Draft Environmental Impact Report, December 2002*) SMUD would retain 15,000

AF of their CVP contract water (45,000 AF CVP total) if not transferred for agricultural uses, and City of Sacramento assigned 15,000 AF, non-CVP water rights. SMUD has used only a small portion of total contract and City assignment water since the mid-1980s. During the interim time period, the CVP and SWP used the unused water. F2-3 cont

A CVP-wide drought year triggers a SCWA groundwater conjunctive use program for a portion of their water needs. SMUD would also receive groundwater during droughts as a replacement for some surface water use. Data from the American River Water Forum Agreement (ARWFA) groundwater investigation indicated SCWA could expect a long-term average of about 41,000 AF/year from County groundwater. ARWFA determined the central County groundwater basin sustained yield at 273,000 AF/year. F2-4

EBMUD plans to divert up to 133,000 AF during years when their Mokelumne River storage supplies trigger service area rationing - determined by EBMUD's Mokelumne River water demand and supply deficiency criteria (EBMUDSIM). According to the "Base Case" storage for Pardee and Camanche Reservoirs table in the Biological Assessment (USBR 2002), Freeport diversions would be triggered every year. Sacramento River supplies could provide a supplemental water source to deliver both within and outside EBMUD's service area. EBMUD's water service contract allows water to be transferred or sold outside EBMUD's service area with Reclamation's approval. When EBMUD receives water from any source other than the Mokelumne River, 20% of the supply (up to 20,000 AF) will provide a supplemental Mokelumne River instream flow during the diversion year. F2-5

GENERAL COMMENTS

American River Flows

The Draft EIR/EIS used the CALSIM model to estimate Freeport Project's water use effect on the CVP. The CALSIM model predicted less available water for export and a negative change to Delta salinity. It remains unclear whether CVP water supply increase and/or demand reduction would occur to provide assurance that baseline environmental needs are met, while accommodating increased demand. Analysis of effects on the environmental baseline in the Freeport Project's biological assessment (Reclamation 2002) made no assumption that baseline environmental water would remain available under all alternatives. Thus, any additional diversions have the potential to affect environmental water supplies and the capacity for water exports. F2-6

For SCWA diversions, the modeling assumptions appear to include diversion of 60,000 AF of unsecured water supplies, and assumptions for delivery deficiencies during dry periods are clear. For EBMUD's analysis, modeling assumptions regarding allocation of deliveries within EBMUD's water basin during dry periods are unclear. Therefore, it is uncertain what water supply conditions and water allocation decisions determine the need for EBMUD's American River diversions for dry conditions, and how the water transfer provision in EBMUD's CVP F2-7

contract relates to diversion needs as determined by EBMUDSIM. The Service is unable to verify the reliability of the CALSIM and EBMUDSIM modeling because updated OCAP assumptions were not available as inputs into the models. However, it is clear that new demands on Folsom Reservoir, particularly if they occur during the late spring and summer, will worsen the already marginal habitat and temperature conditions for both Chinook salmon and steelhead trout in the American River. F2-7 cont

Reclamation in cooperation with State and Federal resource agencies, should continue to support implementation of improved flows on the lower American River similar to those identified by AFRP. This includes cooperating with B2 Interagency, EWA, and the Water Operations Management Team (WOMT), teams to coordinate implementation of sections (b)(1), (b)(2), and (b)(3) of the CVPIA and EWA operations, and in coordination with other programs or resource-related aspects of Project operations such as the American River Operations Group, Data Assessment Team, the Calfed Operations Group, and long-term CVP water contract renewals. F2-8

Chapter 1
The project's purpose, need and objectives statements restrict the project to the new Freeport Diversion Project. SCWA could divert water either at the City of Sacramento's American River Fairbairn (with an approved fish screen) or Sacramento River diversion facilities (fish screen under construction). This option could meet SCWA's projected water needs for anticipated growth. The option would provide, as it does now, a river diversion mechanism, but would not support SCWA's efforts to acquire additional water. However, the Draft EIR/EIS (USBR July 2003) does not analyze the impacts associated with the acquisition on additional water. F2-9

Chapter 2, Project Description
The project as described in the draft EIS/EIR would precede long-term CVP contract renewals and updating the CVP-wide OCAP. The Service believes that Reclamation should describe the relationship of this project with other concurrent actions such as OCAP, and describe that while the NEPA process for this project is preceding OCAP, the actual construction of the Freeport facility and the delivery of water cannot proceed until OCAP has been completed. F2-10

It is important for Reclamation to disclose in the EIS/EIR that portions of the impacts of this project are being analyzed and evaluated in separate forums (i.e. OCAP, long term CVP water contract renewals, and the Service's Biological Opinion (file # 1-1-97-F-0161) on water provided by P.L. 101-514 ("Fazio water")). The Service believes that Reclamation should disclose that since OCAP will not undergo NEPA review some aquatic impacts associated with the Freeport project will not be disclosed or evaluated pursuant to NEPA. To fully satisfy NEPA, Reclamation should fully disclose and evaluate all aquatic impacts associated with this project and then describe their relationship with other Reclamation actions such as OCAP. F2-11

In the Biological Assessment (USBR, December 2002) for the Freeport Regional Water Project, a number of conservation measures are included as part of the project description, however the project description in the Draft EIR/EIS (USBR, July 2003) makes no mention of these conservation measures. We believe Reclamation should restate their project description more F2-12

clearly, incorporating the conservation measures from the Biological Assessment. The exact proposed water diversion operations and project features remain unclear and should be more fully described in the EIR/EIS. F2-12 cont

SPECIFIC COMMENTS

Chapter 1, Page 1-7
Any agreement associated with the ARWFA must implement all actions as a package to maintain its integrity, and the EIR/EIS should address this. For example, fish friendly American River flow releases must accompany water supply reliability. Although the improved flow patterns from Folsom Reservoir operations have met fishery needs since 1996, the State Water Resources Control Board (Board) must update the Lower American River flow standard to reflect an improved, fishery friendly, flow pattern. The Board needs Reclamation's request to modify Folsom's operations. The Draft EIR/EIS is silent regarding American River flows. Flow standards established by D-893 are not adequate for maintaining a healthy aquatic and riparian ecosystem. The EIR/EIS should evaluate and identify how existing and proposed flows would maintain or improve riparian and aquatic habitats located along the American River and the Sacramento-San Joaquin River Delta. F2-13

Chapters 1, 2 & 3
The specific "dry year" criterion to allow EBMUD diversion is unclear and has not been defined. The EIR/EIS should clearly define this criteria. F2-14

Chapter 3
How would environmental water supply needs (e.g. CVPIA 3406 (b2), water allocation and supply be affected or changed? A description of how these environmental water accounts were considered was not found. F2-15

Chapter 3, page 3-4
It is unclear as to how EBMUD would supply the contribution of gainsharing flows (20% of actual yield of additional water supplies developed by EBMUD from new facilities up to 20,000 af). The EIS/EIR should clearly describe from where, how, and the timing of these flows into the Mokelumne River and what affect these actions would have on surface storage facilities located on the Mokelumne River. F2-16

Chapter 4
Water quality in regard to salinity (i.e. X2) has been addressed, but there are many unaddressed water quality issues (e.g. dissolved oxygen, temperature) dependent upon and managed for by American and Sacramento River outflows to the Delta. The EIR/EIS for the Freeport Regional Water Project should address future Delta water quality conditions and pumping limitations. F2-17

Chapter 5
Relevant published studies (e.g. Kjelson and Brandes 1989, Kimmerer et al. 2001) are not consistent with the conclusion that proposed water exports would have a less-than-significant F2-18

impact on fish populations. There is a broad consensus on the critical need for additional flows to restore anadromous fish populations by preventing any loss in fish spawning and rearing habitats and entrainment of egg, larval, juvenile, and adult life stages (USFWS 1995, USFWS 2001, ERP 2001). Therefore, the conclusion that the Freeport Regional Water Project would be less that significant because it will result in less than 2% change in CVP and SWP exports during most months ignores the already highly compromised environmental condition of the American and Sacramento Rivers. Additionally the conclusion that a 2% change is not significant, has not yet been supported by an analysis of OCAP. F2-18 cont

Because artificially reduced flows in the Sacramento-San Joaquin system have already caused major ecological disruptions to fishery resources in the Sacramento-San Joaquin Delta (Arthur et al. 1996) even a seemingly small decrease in flow of 1% to 2 % will greatly add to the already significant impacts of local diversions and exports. In fact, the single most critical factor resulting in recruitment failure in fishes of the upper Sacramento-San Joaquin estuary is the reduction of freshwater outflow through the estuary, which is particularly exacerbated by drought (Bennett and Moyle 1996). Thus, any increased upstream diversion will be counterproductive to ongoing CVPIA and CALFED efforts including environmental water acquisition programs and to the objectives of the Bay Delta Plan (SWRCB 1995). F2-19

Chapter 5, page 5-1
The effects of the Freeport Diversion are geographically widespread and potential environmental impacts from the Freeport Regional Water Project need be addressed as such. For example, from page 5-1: "In addition, implementation of the alternatives has the potential to change water supply operations and diversions, potentially affecting river flow and the dependent fish habitat in the Trinity, Sacramento, Feather, American, and Mokelumne Rivers and in the Sacramento-San Joaquin Delta estuary." The EIR/EIS should address potential releases and the impact of those releases from Camanache Reservoir on fish and wildlife populations and their habitat along the Mokelumne River. F2-20

Chapter 5, page 5-48
The substantiation for a finding of no significant impact on fish resources is not clear. Significance criteria as used in the EIS/EIR are not well described or adequately justified. Once fully described and justified significance criteria should be applied to each life stage of the species being evaluated. The loss of any amount of water flowing into the Delta from the Sacramento River drainage is a potential loss to fish habitat in the entire Delta. F2-21

Chapter 19
The Service believes that a complete cumulative analysis of potential impacts associated with multiple water demands on the American and Sacramento River and the Delta is necessary. We have concerns about the project-by-project approach currently being utilized for decision making under NEPA, and that Reclamation has not developed a master plan for managing the multiple demands on American River water. Having considered the more than 30 American River-related reasonably foreseeable projects, the Service believes that these projects should be evaluated together in a programmatic Environmental Impact Statement (EIS), rather than on a project-by- F2-22

project basis. We believe that the projects are interrelated and interdependent, and that, in addition to cumulative analysis of impacts, the decision making process would best be served with a programmatic EIS and programmatic Record of Decision. F2-22 cont

Under a programmatic EIS, all American River actions under Reclamation's purview would be considered together as a program, and the Record of Decision would consider the Reclamation-specific cumulative impacts in defining a program plan for the American River Basin, rather than making incremental management decisions based on incremental impacts. The programmatic EIS would develop alternatives to comprehensively address existing water demands and environmental conditions, potential American River actions, environmental effects, and mitigative measures. Reclamation could then produce a programmatic Record of Decision defining a holistic, ecosystem-level plan for managing the high demands being put on water resources in the American River Basin. The Record of Decision could determine whether the Water Forum Agreement, as a program, would be part of Reclamation's preferred alternative for Federal action, and whether Reclamation would be able o meet increased demands on the already stressed American River water resources, while fulfilling obligations to protect and enhance the American River, Sacramento River, and Delta ecosystems. F2-23

Chapter 20, Page 20-10
Much of the water proposed to be diverted by the SCWA by the Freeport Project was acquired by P.L. 101-514 ("Fazio water"). The Biological Opinion (USFWS, 1999), issued by the Service for that acquisition (file # 1-1-97-F-0161) stipulates that Sacramento County should diligently pursue the completion of a Habitat Conservation Plan for the South Sacramento County area (SSHCP). The Draft EIR/EIS for the Freeport Project makes mention of this SSHCP only in Chapter 20 (Growth-related Effects). The mitigation measures included in Chapters 5 (Fish), 7 (Vegetation and Wetland Resources), and 8 (Wildlife) should also include discussion of the SSHCP. F2-24

Thank you for the opportunity to comment on the Draft EIR/EIS for the Freeport Regional Water Project. If you have any questions regarding these comments, please contact Mark Littlefield of my staff at (916) 414-6600.

cc:

AES, Portland, OR
California/Nevada Office, Fish and Wildlife Service, Sacramento, CA
U.S. Army Corps of Engineers, Sacramento, CA
U.S. Environmental Protection Agency, San Francisco, CA
Stockton FWO, Fish and Wildlife Service, Stockton, CA

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Responses to Comments of the U.S. Fish and Wildlife Service (Letter F02)

F02-1. Given the location of the FRWP facilities, the Sacramento and American River basins would not experience a "water supply reduction." As clearly shown in Chapter 3 of the draft EIR/EIS and Volume 3, there would be minor shifts and changes in the distribution of storage and river flows in these basins with implementation of the FRWP alternatives. Overall, modeling simulations indicate that north-of-Delta CVP reservoirs would generally experience minor reductions in storage, while the rivers downstream of these reservoirs would generally experience minor increases in flow. The draft EIR/EIS fully evaluates these changes and determines that related impacts are less than significant. Consequently, no mitigation is required. Reclamation and FRWA are working with USFWS and NOAA Fisheries to complete consultation under Section 7 of the Endangered Species Act for CVP operations. This consultation will include the operation of the FRWP, along with all other anticipated CVP actions. It is incorrect, however, that the draft EIR/EIS defers mitigation actions for FRWP facilities to the updated CVP OCAP process.

F02-2. It is important to note that, although EBMUD's contract maximum is 133,000 acre-feet per year, EBMUD will not divert that quantity of water. First, EBMUD's diversion capacity under the FRWP (100 MGD) is equivalent to approximately 112,000 acre-feet. In addition, EBMUD's contract will be subject to the appropriate level of cutback during drier years, consistent with other CVP municipal and industrial water supply contractors. It also should be noted that, as shown in Figure 3-1 of the draft EIR/EIS and Table 3.4.2-1 of Volume 3, the maximum annual combined diversion through the FRWP facilities under Alternatives 2–5 is 147,000 acre-feet, not 215,000 acre-feet.

F02-3. This comment describes proposed sources of water for SCWA. Actually, deliveries using these sources would generally be less. The long-term average surface water use anticipated by SCWA is 68,500 acre-feet.

F02-4. This comment describes SCWA's proposed conjunctive use of surface and groundwater.

F02-5. This comment does not accurately describe the proposed operation of the FRWP. As stated on page 2-39 of the draft EIR/EIS, EBMUD is able to take delivery of its CVP water through the FRWP only when its October 1st Total System Storage is projected to be less than 500,000 af. Total System Storage includes EBMUD's reservoirs located within its service area in addition to storage in Pardee and Camanche Reservoirs. Total System Storage amounts are shown in Table 3.4.3-7, on page 3-152 of Volume III. As clearly shown in Figure 3-1 of the draft EIR/EIS and Table 3.4.2-3, EBMUD would take delivery of water in 32 years of the 73-year simulation period (based on water year; October through September). In 41 years of the simulation period, no EBMUD diversions would occur. Average diversion by EBMUD over the 73-year simulation period would be approximately 23,000 acre-feet. Maximum diversion would be about 99,000 acre-feet in any year. EBMUD has no plans or intention of providing water service beyond its Ultimate Service Boundary (USB) as described in Chapter 1 of the draft EIR/EIS (see pages 1-

12 through 1-24) and has adopted numerous policies that limit water service to the USB. EBMUD's contract with Reclamation contains standard CVP contract provisions regarding the transfer or sale of CVP water. EBMUD has no plans to sell or transfer any such water. Consistent with the Joint Settlement Agreement with USFWS and DFG, EBMUD will provide up to 20% of new supplies (up to 20,000 acre-feet) to increased instream flow in the Mokelumne River.

F02-6. As described throughout the draft EIR/EIS, water deliveries for the FRWP will be derived from a combination of sources, including upstream storage, surplus water, Delta outflow, and reductions in deliveries to other CVP users. Reclamation must meet a large number of instream flow, temperature, and water quality requirements before any water supply deliveries can be made. All modeling conducted for the FRWP alternatives assumed that all such requirements were met.

F02-7. The draft EIR/EIS evaluates proposed project operation at full demand levels for EBMUD and SCWA. The draft EIR/EIS analyzes the environmental effects of obtaining and using new water supplies through contract assignment, new water rights, and transfers. Modeling assumptions used to determine EBMUD deliveries are clearly described on page 2-39 of the draft EIR/EIS and 3-43 through 3-78 of Volume 3. No water transfers by or from EBMUD are planned or assumed in the CALSIM II modeling. The modeling conducted for the draft EIR/EIS was entirely consistent with the available modeling for the OCAP process. In fact, the cumulative impact analysis modeling conducted for the draft EIR/EIS was identical to the OCAP analysis published in summer 2003. Chapter 5 of the draft EIR/EIS fully evaluates impacts to salmon and steelhead in the Lower American River. No significant impacts were identified and no mitigation is required.

F02-8. Reclamation and FRWA are committed to ensuring the protection of the Lower American River and will continue to work with interested parties to determine appropriate measures.

F02-9. The purpose and need statement on pages 1-1 and 1-2 of the draft EIR/EIS do not in any way restrict the project alternatives. The purpose and need statement appropriately describes the needs for and objectives of the project. FRWA and Reclamation evaluated more than 100 alternatives to the proposed project. Many alternatives could conceivably have met the purpose and need; however, most alternatives were determined to be not practicable because of institutional issues, environmental impact, and cost. The City of Sacramento has clearly indicated that there is not sufficient capacity in its facilities over the long-term to provide significant capacity for SCWA. Therefore such an alternative could not meet the project objectives. In addition, SCWA committed under the water forum agreement to forego diversions from the lower American River. The draft EIR/EIS fully evaluates the potential environmental effects of acquiring and making use of the water supplies anticipated to be used under the FRWP alternatives.

F02-10. The relationship between this document and long-term contract renewal process is set forth on page 2-52. Construction of FRWP facilities is not anticipated until FRWA has obtained all necessary permits and approvals including completion of the Endangered Species Act

consultation for OCAP or separate consultation for the FRWP.

F02-11. The draft EIR/EIS fully evaluates all aspects of the FRWP alternatives. It is accurate that some aspects of regulatory compliance have been, or are expected to be, accomplished through other processes (e.g., previous PL 101-514 consultation, OCAP). All potential aquatic effects are fully evaluated in the draft EIR/EIS. The modeling that formed the basis for the aquatic component of the cumulative impact analysis is identical to the modeling conducted for the OCAP process that was available at the time the draft EIR/EIS was published. As discussed in Chapter 2 of this final EIR/EIS, hydrologic modeling using the OCAP version of CALSIM II released in February 2004 would not affect the impact analysis conducted in the draft EIR/EIS.

F02-12. The conservation measures are included as mitigation measures in Chapters 7 and 8 of the draft EIR/EIS. Under CEQA and NEPA it is appropriate to include such measures as mitigation so that they can be more readily included in the mitigation monitoring program for the project. The proposed project operations are fully described in Chapter 2 of the draft EIR/EIS. In addition, detailed monthly modeling data regarding project operations are included in Section 3.1 of Volume 3 of the draft EIR/EIS.

F02-13. The processes described in this comment are entirely separate. Reclamation and FRWA are committed to working with interested parties to ensure the protection of important resources on the Lower American River. The draft EIR/EIS for the FRWP describes the potential environmental effects of a specific proposed project and alternatives. Modification of flow standards in the Lower American River are not a part of the proposed project, but siting the FRWP facilities on the Sacramento River below the confluence of the American River will facilitate the availability of water to provide adequate fishery flows in the American River.

F02-14. Modeling assumptions used to determine EBMUD deliveries are described on page 2-39 of the draft EIR/EIS and pages 3-43 through 3-78 of Volume 3. As stated on page 2-39 of the draft EIR/EIS, EBMUD is able to take delivery of its CVP contract water at FRWP facilities only when its October 1st Total System Storage is projected to be less than 500,000 af.

F02-15. As noted above, the modeling conducted for the FRWP assumed that all such needs were met prior to any deliveries under the project alternatives. Specific information regarding modeling procedures is located in Volume 3 of the draft EIR/EIS, on pages 3-40 through 3-42.

F02-16. Information regarding changes in Mokelumne River flows resulting from project implementation is included on page 3-15 of the draft EIR/EIS, and in sections 3.4.4 and 3.4.5 of Volume 3. Overall, such changes were determined to be largely beneficial. Under the terms of the Joint Settlement Agreement between EBMUD, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game, use of the gainsharing water is at the discretion of USFWS and DFG. The Joint Settlement Agreement also specifies that water carried over in storage for the gainsharing program shall not affect subsequent water year type determination. As

stated on page 3-48 of Volume III, the gainsharing water is incorporated into the hydrologic modeling by increasing the dead storage in EBMUD's Mokelumne Reservoirs. By holding the water in storage, the impact analysis ensures that the water will be available, but conservatively does not speculate on how that water might best be used for fishery flow enhancement, and thus underestimates any improvement in Mokelumne River fishery flows resulting from the FRWP.

F02-17. As noted on page 4-7 of Volume 3, there are not sufficient predictive tools to accurately evaluate the potential effect of changes in flows that may result from this project on parameters other than salinity and temperature and is not required by NEPA or CEQA. Potential effects of the FRWP on water temperature and related effects on fish are fully evaluated in Chapter 5 of the draft EIR/EIS. Potential effects on river and Delta water quality are fully evaluated in Chapter 4 of the draft EIR/EIS and in Section 4 of Volume 3. Future conditions are also fully evaluated in these chapters under the cumulative impact analysis, which is identical to the OCAP modeling available at the time the draft EIR/EIS was published. These effects were fully evaluated and determined to be less than significant based on the criteria set forth on page 5-20 of the draft EIR/EIS.

F02-18. This comment appears to confuse changes in flows with changes in exports. In general, as shown in Section 3.4.4 of Volume 3, flows in the American River and the Sacramento River upstream of the FRWP intake are very slightly higher under the FRWP alternatives than under the no-action alternative. The draft EIR/EIS discussion relating to CVP and SWP reductions in exports addresses potential changes in water supply conditions south of the Delta and is not related to flow in the American River and the Sacramento River upstream of the FRWP intake. No significant impacts were identified as a result of minor increases in flow in the Sacramento and American Rivers.

F02-19. As shown in Figure 3-7 of the draft EIR/EIS, there is no substantial change in Delta inflow under the FRWP alternatives. Therefore no significant impacts were identified and no mitigation is required.

F02-20. Flows in the Mokelumne River are generally increased under the FRWP alternatives. Such increases in flows have the primary potential to affect fish. Potential effects on fish in the Mokelumne River are fully disclosed in Chapter 5 of the draft EIR/EIS (see for example page 5-27).

F02-21. Impact evaluation methods, significance criteria, and potential effects of the FRWP on all life stages of the evaluated fish species are fully described on pages 5-14 through 5-48, in Figures 5-1 through 5-16, and in Tables 5-4 through 5-15 of the draft EIR/EIS. The significance criteria are appropriate and are thoroughly explained on pages 5-19 and 5-20. As noted in that section, the criteria were developed after detailed review of the significance criteria of several other recent project environmental documents. In evaluating impacts on fish, it is necessary to examine effects at each life stage, but the overall effect must be analyzed in the context of each species total life history.

F02-22. The cumulative impact analysis included in Chapters 3, 4, and 5 of the draft EIR/EIS fully evaluates the potential

effects of all known reasonably foreseeable surface water diversion projects and is entirely consistent with the OCAP analysis available at the time the draft EIR/EIS was published. Because this cumulative impact analysis includes all reasonably foreseeable future federal and non-federal actions, it is the appropriate analysis to include in the draft EIR/EIS.

F02-23. Reclamation is not currently considering the preparation of such a programmatic EIS. The cumulative impact analysis contained in the draft EIR/EIS is appropriate and fully describes the potential effects of all known past, present, and reasonably foreseeable future water demands throughout the CVP and addresses the potential environmental effects.

F02-24. The SSHCP process is separate from the FRWP. The SSHCP is a condition of use of Fazio water by Sacramento County. The SSHCP is not a condition of use of the FRWP. Sacramento County is diligently pursuing the SSHCP and has been closely coordinating with USFWS on its progress. The mitigation measures described in Chapters 5, 7, and 8 of the draft EIR/EIS focus on specifically addressing the potential environmental impacts of the FRWP alternatives as required under CEQA and NEPA.

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922
REPLY TO
ATTENTION OF

RECEIVED
JAN - 5 2004

Letter F3

January 5, 2004

Regulatory Branch (200000025)

Thomas J. Aiken
Bureau of Reclamation
U.S. Department of the Interior
7794 Folsom Dam Road
Folsom, California 95630-1799

Dear Mr. Aiken:

I am responding to your July 18, 2003, letter and providing comments on the July 2003, Draft Environmental Impact Report/Environmental Impact Statement (DEIS) for the Freeport Regional Water Project. This linear project is located in South Sacramento County, California.

To facilitate and streamline environmental review and processing, we accept your request to participate as a cooperating agency for this project, provided our comments are satisfied in the Final Environmental Impact Statement (FEIS). The following is a list of our comments on the DEIS:

1. WETLAND IMPACTS

a. With regard to the wetlands section of the DEIS, the study method used only gives a rough assessment of wetland impacts. This method is not likely to result in an accurate impact assessment for permitting requirements under Section 404 of the Clean Water Act (CWA). We recommend that formal wetland delineations, in accordance with our 1987 Wetlands Delineation Manual and current standards (enclosed), for all alignments and potential sites for the Zone 40 Wastewater Treatment Plant be conducted and submitted to this office for verification as soon as possible. F3-1a

b. We have verified wetland delineations for Alternatives 2 & 4 of the Folsom South Canal Connection, both of which expire on October 10, 2005 and January 22, 2005, respectively. F3-1b

c. Indirect and secondary effects, such as the loss of wetlands through draining, should be quantified and addressed in the FEIS. F3-1c

2. ALTERNATIVES

a. For CWA purposes, we believe the basic project purpose is to deliver the SCWA and EBMUD with necessary water to their Zone 40 WTP and EBMUD facilities. This project is not considered water dependent. As such, alternatives that do not involve the discharge of dredged or fill material into waters are presumed to exist. F3-2a

b. Your preferred Alternative 5 appears to have the greatest amount of wetland impacts, and would not be considered the least environmentally damaging practicable alternative (LEDPA) under the 404(b)(1) guidelines. We believe there are practicable alternative routes, such as Alternative 2 and other routes through existing urban development, which may be less damaging to waters of the United States, including wetlands. F3-2b

c. Your 3rd Stage Screening criteria should include a detailed explanation of the practicability of all alternatives. Practicability is defined in terms of costs, logistics and existing technology. F3-2c

d. The alternatives analysis should be consistent with the sequencing of 33 CFR 320.4(r) and 40 CFR 230, and clearly demonstrate the least environmentally damaging practicable alternative (LEDPA). F3-2d

3. MITIGATION

a. You propose to avoid and minimize wetland impacts through the use of tunneling and restoration of the project area to preconstruction contours, wherever feasible. To avoid the need for later project modifications, we recommend you identify areas that are practicable for tunneling in your application. F3-3a

b. You propose to mitigate unavoidable impacts to wetlands by means of a compensatory wetland mitigation plan. However, no details of this plan are provided in the DEIS. A specific wetland mitigation plan should be developed and included in the FEIS. In particular, you should include a conceptual plan for the proposed site(s) or bank(s) that would be used to accomplish mitigation requirements. Compensatory mitigation should be in-kind and occur within the same watershed. F3-3b

4. NAVIGATION

a. Your preferred alternative requires the construction of an intake structure in the Sacramento River, which is a navigable water under Section 10 of the Rivers and Harbors Act of 1899. As such, a Section 10 permit would be required. The FEIS should include a section on the direct and indirect effects of this project on navigation, including potential effects from lowered water levels in the Delta. F3-4a

5. APPLICATION

a. Once an accurate assessment of wetland impacts has been conducted for all alternatives, you should apply for a Department of the Army permit from this office as soon as possible. F3-5a

b. Based on the available information, your project appears to have more than minimal impacts to wetlands. As such, Nationwide Permit(s) would not be applicable and we recommend a standard permit application to process this project. F3-5b

We appreciate the opportunity to provide comments and participate as a cooperating agency. Our web-site at www.spk.usace.army.mil/cespk-co/regulatory is available for detailed permit application information and wetland delineation minimum standards.

Please refer to identification number 200000025 in any future correspondence concerning this project. If you have any questions, please write to Mr. Justin Cutler at the letterhead address, e-mail Justin.Cutler@usace.army.mil, or telephone 916-557-5258.

Sincerely,

Michael S. Jewell
Chief, Central California/Nevada Section

Enclosure

Copy furnished w/ Enclosure:
Kirt Kroner, Freeport Regional Water Project, Draft EIR/EIS Comments, Freeport Regional Water Authority, 1510 J Street #140, Sacramento, California 95814-2098

Copies furnished w/o Enclosure:
Tim Vendlinski, Chief, Wetlands Regulatory Office, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105-3941

Wayne S. White, Field Supervisor, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W2605, Sacramento, California 95825-3901

MINIMUM STANDARDS FOR ACCEPTANCE OF PRELIMINARY WETLANDS DELINEATIONS

- ☐ Any observed and/or documented examples of an interstate or foreign commerce connection. Examples include, but are not limited to:
  - Recreational or other use by interstate or foreign travelers.
  - Sale of fish or shellfish in interstate or foreign commerce.
  - Use by industries, including agriculture, operating in interstate or foreign commerce.
- ☐ A delineation map at an appropriate scale (for most projects, a scale of one inch to 100 or 200 feet) The map should not exceed one inch to 400 feet unless there are extenuating circumstances. (Note: map scales must be accurate and in round numbers, any maps using a photographic base must be corrected for distortions, and any overlays must be of identical scale) The map must include:
  - ☐ The boundary of the entire project area.
  - ☐ All features which meet the criteria for wetlands or other waters of the United States.
  - ☐ Color or thatched coding of the different wetlands types present.
  - ☐ Topography.
  - ☐ Clearly and accurately identified data point locations and the location and identification number of surveyed or GPS established flags, stakes, or wetland boundaries.
  - ☐ All waters of the U.S., including but not limited to, interstate waters, tributaries, wetlands, and all other waters such as intrastate lakes, rivers, streams, and mudflats as described in 33 CFR 328.3, must be shown on the delineation map. Those features which meet wetlands criteria or are potential waters of the U.S., but which may be isolated and lacking an interstate or foreign commerce connection or non-jurisdictional for other reasons must still be shown on the map. Any justification for the Corps to make a non-jurisdictional determination should be provided in the report.
  - ☐ Standard mapping conventions (e.g., north arrow, location map, etc.) and other identifying features which facilitate the correlation of map locations with ground features (e.g., buildings, fence lines, roads, right-of-ways, trees, streams, topographic features, etc.).
  - ☐ A reference block which identifies the project, the delineators, surveyors, date of initial preparation and date(s) of any revisions.
  - ☐ Individual numbers or other designations for each water feature identified.
  - ☐ A table displaying the respective size (in acres) of each water and the cumulative acreage of each type of water.
- ☐ Data sheets completely and appropriately filled out. Data forms may be modified from the Corps' standard version, but they must present all essential information necessary to make a wetlands/nonwetlands determination.
- ☐ At least one set of paired data points documented for each feature or complex. Additional data forms may be necessary depending on various factors including the size and shape of the wetlands on the site, difficulty in identifying a precise wetlands/uplands boundary, and the width of any transition zones.
- ☐ Additionally, before the Corps can complete its verification. of the delineation, wetland boundaries must be marked with flags or stakes. Flags or stakes must be individually numbered and surveyed by traditional methods or by GPS equipment accurate to less than one meter. The survey data must specify the geographic coordinate system used in referencing the data, including projection and datum (e.g., Latitude-Longitude : NAD27 or UTM - Zone 10 : NAD83). Data should be provided in a digital geographic information system (GIS) format to expedite review, with ESRI Shapefiles being the preferred format. The Corps also strongly recommends that property boundaries be flagged or staked and surveyed.
- ☐ Additional information often can expedite a wetland verification. Particularly helpful data includes topographic maps, aerial and ground photographs, and related reports. Expanded narrative reports may also clarify the investigation. However, the Corps emphasizes that these reports should be succinct with only the relevant information presented. Irrelevant, verbose, or perfunctory information will only delay the Corps' evaluation.

MINIMUM STANDARDS FOR ACCEPTANCE OF PRELIMINARY WETLANDS DELINEATIONS

November 30, 2001

The Regulatory Branch of the Sacramento District, U.S. Army Corps of Engineers (District), receives numerous requests to perform wetlands delineations for potential applicants for permits under Section 404 of the Clean Water Act. Due to limited staff and resources, the response time can be several months or longer, To expedite this process, the District encourages applicants to use consultants to conduct preliminary wetlands delineations, especially for large and/or complex areas. Preliminary delineations may then be submitted to the District for review and verification.

While accurate delineations by qualified individuals have resulted in a quicker review and response from the District, substandard or inaccurate delineations have resulted in unnecessary time delays for applicants. These delays are due to insufficient, incomplete, or conflicting data, which prevent the District from verifying the proposed wetland boundaries. Such delineations must be returned by the District to the applicant or consultant for revision.

To improve the quality and consistency of delineations, the District has developed **minimum standards necessary for accepting a delineation for verification of the jurisdictional boundaries.** Any submittal that does not meet these requirements will be returned to the applicant or consultant. All deficiencies must be corrected by the applicant or a consultant prior to re-submittal

A. MINIMUM REQUIREMENTS

The preliminary wetlands delineation report shall include:

- ☐ A statement that the delineation has been conducted in accordance with the 1987 "Corps of Engineers Wetlands Delineation Manual."
- ☐ A narrative describing the wetlands.
- ☐ Justification for the wetlands boundaries.
- ☐ The total acreage of the project site.
- ☐ Existing field conditions such as season and flood/drought conditions.
- ☐ A discussion of the hydrology source(subsurface or surface, including potential irrigation influence) and drainage gradients.
- ☐ A site location map, preferably outlined on a 7.5-minute USGS quadrangle, along with any other pertinent maps of the site. The map must provide the name of the USGS quadrangle, Section, Township, Range, and UTM or latitude and longitude.
- ☐ Directions to the site.
- ☐ Contact information for the applicant(s) and property owner(s).
- ☐ A discussion of plant communities and habitat types present on the site and a list of the scientific name, common name(s), and indicator status of all plants.
- ☐ Soil descriptions, soil map(s), and a list of hydric soils or soils with hydric inclusions on the site.

MINIMUM STANDARDS FOR ACCEPTANCE OF PRELIMINARY WETLANDS DELINEATIONS

IMPORTANT SOURCES OF INFORMATION

CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL (1987 VERSION)
NATIONAL TECHNICAL INFORMATION SERVICE (NTIS)
ATTN ORDER DEPT SPRINGFIELD VA 22161
703-487-4650 FAX 703-321-8547

WETLANDS PLANTS LISTS (Out-of-print lists available from NTIS above)
US FISH AND WILDLIFE SERVICE
PUBLICATIONS UNIT
1849 C STREET NW
MAIL STOP 130 – WEBB BUILDING
WASHINGTON DC 20240

HYDRIC SOILS OF THE UNITED STATES (Obtain local lists from county or state NRCS offices)
NATIONAL TECHNICAL COMMITTEE FOR HYDRIC SOILS
NATURAL RESOURCE CONSERVATION SERVICE
PO BOX 2890
WASHINGTON DC 20013

MAPPING PRODUCTS AND DIGITAL DATA (National Wetlands Inventory and USGS Topographic Maps)
USGS EARTH SCIENCE INFORMATION CENTER (ESIC)
NATIONAL HEADQUARTERS
507 NATIONAL CENTER
RESTON VA 22092
1-800-USA-MAPS
(703) 648-6045

FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 4.0 (March 1998)
Russell F. Pringle
NRCS, WSI, LSU
104 Sturgis Hall
Baton Rouge, LA 70803-2110

Aerial Photography - National Sources of Photos (additional sources form ESIC above)

ASCS AERIAL PHOTO FIELD OFFICE
PO BOX 30010
SALT LAKE CITY UT 84130
(801) 524-5856

USGS EROS DATA CENTER
SIOUX FALLS SD 57198
(605) 594-6151

National List of Scientific Plant Names
USDA SOIL CONSERVATION SERVICE
OFFICE OF ECOLOGICAL SCIENCES
PO BOX 2890
WASHINGTON DC 20013
(202) 447-2587
PubINo. SCS-TP-159(1982)

Keys to Soil Taxonomy (1982 ed.)
POCAHONTAS PRESS
832 HUTCHINSON DRIVE
PO DRAWER F
BLACKSBURG VA 24063
(703) 951-0467

Publication on "Redoximorphic Features for Identifying Aquic Conditions"
Technical Bulletin 3 01 of the North Carolina Agricultural Research Service (1992)
DEPARTMENT OF AGRICULTURAL COMMUNICATIONS
PO BOX 7603 NORTH CAROLINA STATE UNIVERSITY
RALEIGH NC 27695-7603

Response to Comments—U.S. Army Corps of Engineers (Letter F03)

F03-1. Wetland Impacts

a. The study methods used to determine wetland impacts for the draft EIR/EIS, including reconnaissance surveys, interpretation of aerial photography, and analysis of existing data, are adequate to determine the level of impacts under both CEQA and NEPA. FRWA and Reclamation also believe it is adequate for purposes of Clean Water Act Section 404(b)(1) compliance (e.g., identification of the least environmentally damaging practicable alternative). FRWA and Reclamation do agree that additional detail is required for permitting requirements under Section 404 of the Clean Water Act and will conduct formal wetland delineations in compliance with Corps requirements in Spring 2004. Formal delineations will be conducted only for the alignment selected as the preferred alternative in the final EIR/EIS and all facility sites, including the Zone 40 Water Treatment Plant.

b. FRWA and Reclamation are aware of those portions of alternatives that have previously received verified wetland delineations and their expiration dates. FRWA and Reclamation will include these previously verified delineations in the FRWP permitting process.

c. All wetland impacts, including indirect and secondary effects, were included in the draft EIR/EIS analysis. Additional refinements to the analysis will likely occur during preliminary and final design of the project.

F03-2. Alternatives

a. Based on the results of the screening analysis and the need for a surface water supply, the portion of the project that requires diversion of water from the Sacramento River is water-dependent and, as such, there are no alternatives to that portion of the project that would not involve the discharge of dredged or fill material into waters of the U.S. With regard to the other project elements (e.g., pipeline, pumping plants, and water treatment facilities), extensive efforts were taken to avoid, minimize, and/or mitigate impacts on wetlands. The process included an evaluation of both engineering and environmental factors, including those based on cost and non-cost. As described on page 2-4 of the draft EIR/EIS, in order to identify potential alignments for the pipeline, FRWA and Reclamation evaluated numerous alignment segments that could be used to create a complete alignment alternative. Each of these alignment segments was evaluated in a non-cost rating process for environmental and other factors and assigned an overall rating of "neutral," "less favorable," or "more favorable." Evaluation rating categories included the potential for the various segments to have environmental effects on water quality, fisheries, recreation, vegetation and wetlands, wildlife, geology, hydrology, air quality, noise, land use, transportation, public health and safety, and visual and cultural resources, as well as engineering and right-of-way feasibility. Cost factors were included in the evaluation of engineering feasibility. The alignments ultimately selected to create the alternatives carried forward for analysis were those that minimized environmental impacts to the extent possible and were feasible from an engineering design, construction, and cost standpoint. This comprehensive approach of identifying alternatives and facility locations that protect environmental resources to the extent practicable results in few impacts on wetlands but, because of the regional landscape, does not

completely eliminate wetland impacts. The alignments considered in the Draft EIR./EIS were designed to maximize the use of public rights-of-way, particularly areas already developed. However, in some areas, because of traffic and utility conflicts and limited availability of right-of-way, some impacts are unavoidable. Mitigation is provided for all remaining wetland impacts.]

b. The preferred alternative identified by FRWA and Reclamation, Alternative 5, was identified based on a comprehensive evaluation of environmental effects and not limited to the analysis of impacts on wetlands. As noted on pages 2-5 and 2-6 of the draft EIR/EIS, Alternative 5 has been identified as environmentally superior. FRWA and Reclamation believe that most of the impacts identified in this comment are avoidable, and the mitigation measures identified in the draft EIR/EIS require such avoidance to the extent feasible. It should be noted that with respect to wetlands, all of the alternatives are within the same general impact range (8.1 to 9.8 acres of potential impact, depending on the alternative). In addition, there are clear tradeoffs between the various alternatives. As noted on pages 2-5 and 2-6, Alternatives 2–4 have substantially greater impacts on traffic, noise, and air quality, and significant community input, including concerns related to environmental justice issues, has resulted in Reclamation and FRWA determining that Alternative 5 is the environmentally superior alternative. It should also be noted that draft EIR/EIS results were considered the "worst case" and refinements during the design process will likely result in many opportunities to avoid and/or minimize impacts to wetlands; Alt 5 includes the Delta Shores segment that will be impacted regardless of the FRWP as a result of construction of the Cosumnes River Blvd. Extension and the Lower Northwest Interceptor project. At numerous public meetings, citizens and their representatives have provided input that Alt 5 is the preferred alignment through the Delta Shores area.

c. The practicability of each alternative carried into third stage screening will be fully disclosed in the final Alternatives Screening Report. Information for the third-stage screening will be drawn from the Draft EIR/EIS as well as from comments received on the Draft EIR/EIS and discussions with various public agencies that have occurred during the public review process. As noted above, it is also likely that the potential impacts on wetlands can be reduced during the detailed design process by avoiding wetland areas to the extent feasible.

d. The alternatives analysis is consistent with the sequencing of 33 CFR 320.4r and 40 CFR 230. The third-stage of the screening analysis will use the information developed through the EIR/EIS process, including comments received from the public and agencies, to identify the LEDPA alternative.

F03-3. Mitigation

a. Areas practicable for tunneling will be identified in FRWA and Reclamation's 404 permit application.

b. The comment is correct in stating that FRWA and Reclamation propose to mitigate unavoidable impacts on wetlands by means of a compensatory wetland mitigation plan as described in Mitigation Measure 7-11 of the draft EIR/EIS (pages 7-24 and 25). The mitigation measure includes an adequate amount of detail, as required by CEQA and NEPA, describing the approach, process, suggested mitigation ratios, specific design aspects, and monitoring requirements. Compensatory mitigation will be in-kind and within the same watershed. Additional site-specific detail

will be developed through the 404 permit process following verification of wetland delineations and final impact calculations.

F03-4. Navigation

a. FRWA acknowledges that a permit under Section 10 of the Rivers and Harbors Act will be required for the intake facility. The Freeport intake facility would not result in any direct or indirect effects on navigation. Only a small portion of the facility would be within the waterway and the facility would be less obtrusive than many other existing and recently permitted facilities in the vicinity. All navigation requirements, such as lighting, would be fully complied with. During preparation of the Draft EIR/EIS, discussions were held with the U.S. Coast Guard and no major issues relating to navigation were identified for the project. In addition, the project would not cause any change whatsoever in water levels in the Delta. The Delta is tidally controlled and the slight decrease in near-project water levels described in Chapter 4 would not result in any changes further downstream. No significant impact would result and no mitigation is required.

F03-5. Application

a. An application for a Department of the Army permit will be prepared by FRWA and Reclamation and submitted following a formal wetland delineation. As previously stated, FRWA and Reclamation anticipate that delineations will be conducted in spring 2004.

b. The recommendation to pursue a standard permit rather than using Nationwide Permits is appreciated and will be considered by FRWA and Reclamation during the pre-application process.

State of California

Memorandum

Date: SEP 8 2003

The Resources Agency

RECEIVED
SEP 15 2003

Letter St1

To: 1. Nadel Gayou
Resources Agency Project Coordinator
Environmental Review Section, DPLA
901 P Street
Sacramento, California 95814

2. Mr. Kurt Kroner ✓
Freeport Regional Water Authority
1510 J Street #140
Sacramento, California 95814

From: Department of Water Resources

Subject: SCH #2002032132, Draft Environmental Impact Report/Environmental Impact Statement for the Freeport Regional Water Project, dated July 2003, Sacramento County

The Division of Safety of Dams has reviewed the Environmental Impact Report/Environmental Impact Statement for the Freeport Regional Water Project. Based on the information provided, we note that Alterative 6 is a replacement structure downstream of Pardee Dam.

A construction application, together with plans and specifications, must be filed with the Division for the new dam. All dam safety issues must be resolved prior to the approval of the application. Design and construction of the new dam must be performed under the direction of a civil engineer registered in California. The Acting Design Engineering Branch Chief is responsible for the application approval process and can be reached at (916) 227-4660. St1-1

If you have any questions, please contact Office Engineer Chuck Wong at (916) 227-4601 or Regional Engineer Richard Baines at (916) 227-4625.

David A. Gutierrez, Acting Chief
Division of Safety of Dams
(916) 227-9800

Response to Comments of the California Department of Water Resources Division of Safety of Dams (Letter St01)

St01-1. Alternative 6 is not currently considered the preferred alternative. Should this situation change, FRWA would consult with the Division of Safety of Dams and submit an application for the dam before starting construction.

RECEIVED
OCT 0 6 2003

STATE OF CALIFORNIA GRAY DAVIS, *Governor*

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

PAUL D. THAYER, *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: **(916) 574-1814**
Contact FAX: **(916) 574-1885**

September 30, 2003 Letter St2

File Ref: SCH 2002032132

Ms. Nadell Gayou
The Resources Agency
901 P Street
Sacramento, CA 95814

Mr. Kurt Kroner
Freeport Regional Water Authority
1610 J. Street #140
Sacramento, CA 95814

Dear Ms. Gayou and Mr. Kroner:

Subject: Draft Environmental Impact Report for the Freeport Regional Water Project, Sacramento, San Joaquin, Amador and Calaveras Counties

Staff of the California State Lands Commission (Commission or CSLC) has reviewed the subject document. The CSLC is a responsible agency under the California Environmental Quality Act.

The proposed project involves the Sacramento River and the Mokelumne River, which are State sovereign lands under the jurisdiction of the CSLC. Section 6327 of the Public Resources Code provides that if a facility is for the "procurement of fresh-water from and construction of drainage facilities into navigable rivers, streams, lakes and bays," and if the applicant obtains a permit from the local reclamation district, State Reclamation Board, the U.S. Army Corps of Engineers, or the Department of Water Resources, an application shall not be required by the Commission. Since the proposed project appears to fall within this section, you will not need to obtain a lease from the Commission, provided you obtain one of the above-listed permits. Please forward a copy of the permit to Diane Jones, Public Land Manager, State Lands Commission, 100 Howe Avenue, Suite 100 South, Sacramento, CA 95825, once it has been obtained.

St2-1

This action does not constitute, nor shall it be construed as a waiver of any right, title or interest by the CSLC in any lands under its jurisdiction.

If you have any questions, please call Diane Jones, Public Land Manager, at (916) 574-1843.

Sincerely,

Stephen L. Jenkins, Asst. Chief
Division of Environmental
Planning and Management

cc: Diane Jones

Response to Comments of the California State Lands Commission (Letter St02):

St02-1. Before starting construction, FRWA will obtain appropriate permits from the U.S. Army Corps of Engineers and the State Reclamation Board. Therefore, based on this comment, a lease will not need to be obtained from the State Lands Commission. However, FRWA will still consult with the State Lands Commission during the project design process.

RECEIVED
OCT 09 2003

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 3 – Sacramento Area Office
Venture Oaks - MS 15
P.O. Box 942874
Sacramento, CA 94274-0001
PHONE (916) 274-0638
FAX (916) 274-0648
TTY (530) 741-4509

Flex your power!
Be energy efficient!

Letter St3

October 7, 2003

03SAC0124
03-SAC- Various
Freeport Regional Water Project
DEIR/DEIS
SCH#2002032132

Mr. Kurt Kroner
Freeport Regional Water Authority
1510 J Street, Suite 140
Sacramento, CA 95814

Dear Mr. Kroner:

Thank you for the opportunity to review and comment on the Freeport Regional Water Authority project. Our comments are as follows:

- It appears that there are two possible water pipeline alignments under study that will cross at least four State highway and freeway routes. These State Routes (SR) are SR5 and 99 in Caltrans District 3 and SR88 and 12 in Caltrans District 10. Any pipeline work to be performed within Caltrans right-of-way will require an encroachment permit. For permit assistance within Caltrans District 3, please contact Bruce Capaul at (530) 741-4403. For permit assistance within Caltrans District 10, please contact Alex Menor at (209) 948-3819. St3-1

- A Traffic Management Plan (TMP) should be prepared for our review. Guidance information for the TMP is enclosed. St3-2

- The truck haul routes used for moving dirt and materials for the overall project should be indicated. We recommend that to the extent possible, the applicant limit truck trips during morning and evening peak traffic periods (6-9 AM and 3-6 PM) to avoid exacerbating highway traffic congestion. St3-3

- Pipeline undercrossings should be installed by boring and jacking, directional drilling, or another method meeting Caltrans approval. Any new or replacement pipes crossing conventional State highways or otherwise entering the traveled way must be bored or jacked at a minimum 36 inch depth. Transverse crossings are allowed within 30 degrees of a right angle. St3-4

- Pipeline portals need to be located outside of the ultimate highway right-of-way line. For District 3 right-of-way assistance, contact Scott Jackson of Right-of-Way Engineering at (530) 741-4307. For District 10 right-of-way assistance, contact Michael Wagner at (209) 948-7897.

- Coordination with Caltrans should be made at the permit stage to determine where the exact pipeline placement is planned and to examine further details. At undercrossings, the water transmission line should be placed in casings extending beyond the highway right-of-way. This will assure that the water transmission line (1) can be installed and removed from outside of State right-of-way; (2) reduces the likelihood that potential leaks would flow into State right-of-way, with a number of possible ill effects; and (3) is protected from damage during highway maintenance and capacity-increasing construction activities. Any other option besides casing must be approved by Caltrans. The following information should be provided to Caltrans - Districts prior to the permit request to expedite the process: St3-4

  - Type of pipe used
  - Line pressure and flow volumes
  - Type of casing or other measures planned to prevent leaks over the long term, especially if there are to be joints or sealed connections in the State's right-of-way

- Any material to be removed from State right-of-way, e.g. during drilling or boring and jacking, must be disposed of properly. The potential for both soil and/or groundwater contamination must be assessed prior to construction. The environmental assessment should include an inventory of potential hazardous waste/contamination properties along the pipeline route and should discuss how the potential for contamination was evaluated in the vicinity of the State highway. This information will determine if special handling and disposal of waste soil and water is necessary and if any special health and safety issues exist for site workers. St3-5

- New or replacement pipes longitudinal to the highway should be located outside the traveled way and outside freeway access controlled rights-of-way.

- Soon after the close of the project, the location of all new and out-of-service pipes should be documented and shared with Caltrans. The precise location of the pipeline crossing installations in relation to State highway right of way lines and structures should be provided to Caltrans on "As-Built" plans. St3-6

Please provide our office and Caltrans District 10 with the requested information, copies of the FEIR/FEIS, and any further action regarding this project. If you have any questions regarding these comments, please contact Ken Champion at (916) 274-0615.

Sincerely,

JEFFREY PULVERMAN, Chief
Office of Regional Planning

c: Scott Morgan, State Clearinghouse

State of California

Department of Transportation

Transportation Management Plan Guidelines

Prepared By:

Division of Traffic Operations

Office of Systems Management Operations

Table of Contents

I. INTRODUCTION

A. BACKGROUND

With the construction of California's state highway system virtually complete, the California Department of Transportation (Department) major emphasis on transportation projects has largely shifted from new construction to reconstruction, operation, and maintenance of existing facilities. As traffic demand steadily increases, Department work activities can create significant additional traffic delay and safety concerns on already congested highways. Planning work activities and balancing traffic demand with highway capacity becomes more critical.

In order to prevent unreasonable traffic delays resulting from planned work, Transportation Management Plans (TMPs) must be carefully developed and implemented in order to maintain acceptable levels of service and safety during all work activities on the state highway system.

B. WHAT ARE TRANSPORTATION MANAGEMENT PLANS?

A TMP is a method for minimizing activity-related traffic delay and accidents by the effective application of traditional traffic handling practices and an innovative combination of public and motorist information, demand management, incident management, system management, construction strategies, alternate routes and other strategies.

All TMPs share the common goal of congestion relief during the project period by managing traffic flow and balancing traffic demand with highway capacity through the project area, or by using the entire corridor. Certain low-impact Maintenance and Encroachment Permit activities do not require the development of individual TMPs. "Blanket" TMPs are developed for those activities. A blanket TMP is a generic list of actions that would be taken to keep delay below the delay threshold when performing activities on highways. Each district Maintenance and Encroachment Permit office should have a list of activities to which blanket TMPs apply.

All Capital projects require individual TMPs. Blanket TMPs are suitable for minor projects. Major TMPs are required for high-impact projects. Generally, major TMPs are distinguished by being:

- Multi-jurisdictional in scope, encompassing the Department of California Highway Patrol (CHP), city, county and regional governments, state DOTs, employers, merchants, developers, transit operators, ridesharing agencies, neighborhood and special interest groups, emergency services, and Transportation Management Associations;
- Multi-faceted, comprised of an innovative mix of traffic operations, facility enhancement, demand-management and public relations strategies, as well as more traditional work zone actions, construction methods and contract incentives, customized to meet the unique needs of the impacted corridor;
- In place over a longer period of time, sometimes implemented up to a year or more prior to the start of actual construction, with specific elements often implemented incrementally to coincide with construction phasing.

C. POLICY

Department Deputy Directive 60 (DD-60) titled Transportation Management Plans (see APPENDIX) requires TMPs and contingency plans for all state highway activities.

Policy Statement:

The Department minimizes motorist delays when implementing projects or performing other activities on the state highway system. This is accomplished without compromising public or worker safety, or the quality of the work being performed.

TMPs, including contingency plans, are required for all construction, maintenance, encroachment permit, planned emergency restoration, locally or specially-funded, or other activities on the state highway system. Where several consecutive or linking projects or activities within a region or corridor create a cumulative need for a TMP, the Department coordinates individual TMPs or develops a single interregional TMP.

TMPs are considered early, during the project initiation or planning stage.

Major lane closures require District Lane Closure Review Committee (DLCRC) approval.

Definitions:

Major lane closures are those that are expected to result in significant traffic impacts despite the implementation of TMPs.

Significant traffic impact is 30 minutes above normal recurring traffic delay on the existing facility or the delay threshold set by the District Traffic Manager (DTM), whichever is less.

Contingency Plans address specific actions that will be taken to restore or minimize effects on traffic when congestion or delays exceed original estimates due to unforeseen events such as work-zone accidents, higher than predicted traffic demand, or delayed lane closures.

II. TMP DEVELOPMENT AND IMPLEMENTATION

A. OVERVIEW

Responsibilities:

The DTM:

- Acts as the single focal point for all traffic impact decisions resulting from planned activities on the state highway system.
- Determines the extent of a TMP.
- Facilitates review and approval of TMP measures and planned lane closure requests.
- Directs the termination or modification of active planned lane closure operations when traffic impact becomes significant, without compromising traveler or worker safety.

The TMP Manager:

- Acts as the single focal point for development and implementation of TMPs.

The Construction Traffic Manager (CTM):

- Serves as a liaison between Construction, the DTM and the TMP Manager.
- Reviews the TMP and traffic contingency plan for constructability issues.
- Act as a resource for the Resident Engineer, DTM and TMP Manager during TMP implementation and reviews the contractor's contingency plan.

The extent of a TMP is determined by the DTM during the preliminary studies of a capital project. For all TMPs, an itemized estimate of the proposed strategies and their respective costs are included in the Project Study Report (PSR) or Project Study Scoping Report (PSSR) for proper funding consideration. The workload required to develop and implement TMPs is estimated in advance and captured in the district work plan.

For major TMPs, a TMP team may need to be formed and led by the TMP Manager. The itemized strategies and costs are further refined in the project report stage as determined by the TMP team and appropriate functional units using the most current geometric information available. Those elements of the TMP not included as part of the main construction contract should be itemized under State Furnished Material and Expenses using the appropriate Basic Engineers Estimate System (BEES) codes in the plans, specifications and estimates. During construction, TMP activities are to be monitored and evaluated by the TMP team and those elements found not to be cost effective should be modified as deemed appropriate or eliminated. The TMP process is explained in detail in the following sections.

B. FUNDING AND PROGRAMMING

When identifying funding for various TMP elements, it is important to distinguish between capital outlay and capital outlay support.

Work done by district staff for the planning and designing of TMP activities for capital projects are a normal part of the project development process and should be captured as capital outlay support. The TMP Manager and each functional manager should work closely with the project manager to ensure that TMP activities are included in all project work plans. TMP support activities to consider include ridesharing programs, Freeway Service Patrol (FSP) contracts, public awareness campaigns, parallel route improvements and the Request for Proposal (RFP) process up to award of the contract. Note that some of these activities may also have a capital component in addition to the support component discussed here. Workload hours for TMP activities must be included in the Capital Outlay Support (COS) project's work plan in order to be resourced (funded) by COS. These activities should then be charged to each project's expenditure authorization (EA), using the appropriate Work Breakdown Structure (WBS) code for that stage of the project. TMP-related work should be charged only to the WBS codes reserved for those activities. These codes can be found on the Department's Division of Project Management's Intranet web page.

Work done by district staff for implementing TMP elements during construction of capital projects are also a normal part of the project development process. Again, workload (hours) for implementing TMP activities must be included in the COS project's work plan in order to be resourced (funded) by COS. These activities should then be charged to the appropriate project's phase three EA, and WBS code 270 (Perform Construction Engineering and Contract Administration).

Some funds necessary to implement TMP elements not done by the Department staff, including consultant contracts, can be sourced from capital outlay funds allocated by the California Transportation Commission (CTC) as itemized in the plans, specifications and estimates. Some TMP elements, such as parallel route improvements and highway advisory radios, could be a phase of the construction contract or separate construction contracts while others such as public awareness campaigns and transit subsidies must be separate contracts or cooperative agreements.

The TMP elements that need to be in place prior to start of construction are identified and funded as stage construction or first order of work under a single package presented to the CTC. If approved, the Division of Budgets may assign specific amounts for each TMP activity. All TMP activities may not necessarily be included under the main contract. Service contracts such as those for freeway service patrols, public service or consultant contracts, information campaigns, or establishing telephone hotlines must be arranged separately with consultants and other providers. For most projects, it takes four to six months to get a service contract in place. This means that all consultant contracts have been advertised, the consultant selected, and the contract ready for signature and award immediately following CTC allocation of funds. Other activities such as parallel route improvements are usually included in the main construction contract and as a first order of work under a cooperative agreement.

In some cases, the CTC can be petitioned to fund a portion of the TMP as an initial phase of the main project. This is usually for a high priority project where plans, specifications, and estimates for the main project are not yet finalized, but early funds are needed to initiate TMP activities such as making transit arrangements with local governments. The petition to fund an initial phase comes from the district, explaining why a portion of the project must proceed before funding for the main project is allocated. These early funds reduce the programmed funds for the main project accordingly.

The Federal Highway Administration (FHWA) supports the TMP concept and views major reconstruction projects as an excellent opportunity to initiate continuing traffic management strategies that provide improved traffic operations long beyond the completion of work. Examples include: installation of permanent Changeable Message Sign (CMS), full structural section shoulders, continuing auxiliary lanes, and wider shoulders for incident management during construction if cost-effective in the long term. All cost-effective transportation management activities that address the problem of delay or safety are eligible for 100 percent Federal Aid funding.

TMPs and contingency plans for Encroachment Permit projects are developed by the permittee or by Department staff. Staff time for development, review and implementation of TMPs for Encroachment Permits is charged to the permit. Maintenance normally develops TMPs for its projects; Maintenance and staff from other functional areas that expend time on Maintenance TMP charge to the designated Maintenance EA.

C. TMP IN PROJECT INITIATION DOCUMENT

The TMP is part of the normal project development process and must be considered in the Project Initiation Document (PID) or planning stage (project K phase). Since projects are generally programmed, budgeted, and given an Expenditure Authorization (EA) upon PID approval, it is important to allow for the proper cost, scope and scheduling of the TMP activities at this early stage of development. TMPs that are retrofitted to projects already programmed must be handled on a case by case basis and may require a contract change order.

Prior to PID approval, the initiating unit sends conceptual geometrics to the district Division of Operations for evaluation. The DTM estimates the extent of the TMP required and determines whether potential traffic delays are anticipated that cannot be mitigated by traditional traffic handling practices or well-planned construction staging. The TMP Manager must sign-off on the TMP DATA SHEET in the PID. A TMP cost estimate should be developed for each alternative being considered. An estimate should not be based only on the project cost. The cost of a TMP could range from a small percentage of project cost to 20 percent or more. Further guidance can be obtained from the following publications "Wilbur Smith & Associates TMP Effectiveness Study" and Frank Wilson & Associates "A Traffic Management Plan Study for State Route 91" located in Headquarters Traffic Operations, Office of System Management Operations.

TMP Elements

A list of potential TMP strategies with their respective elements is categorized in TABLE 1. As many different elements as are feasible should be considered for the proposed project's preliminary TMP.

When developing a preliminary TMP at this early stage, use the most current layout of the roadway (geometrics) information available and consider:

- Contingency Plans
- Lane closure policies and procedures
- TMC coordination
- Multi-jurisdictional communication and buy-in
- CHP and local law enforcement involvement
- Emergency closures
- Clearance of alternate routes for STAA and oversized
- Special training or workforce development
- Duration of construction (months)
- Length of project (miles)
- Number of major construction phases
- Urbanization (urban, suburban, or rural)
- Traffic volumes
- Expected vehicle delay (from data sheet)
- Public/media exposure
- Political or environmental sensitivity
- Business impacts and affected activity
- Percent trucks
- Potential increase in accidents
- Permit issues
- Conflicting construction projects
- Percent reduction in vehicle capacity
- Special factors (if any)
- Impact on Transit/Railroad services
- Viability of alternative routes

Wilbur Smith Associate's TMP Effectiveness Study and Frank Wilson & Associate's A Traffic Management Plan Study for State Route 91 During Construction of HOV Lanes (both available from Headquarters Division of Traffic Operations, Office of System Management Operations) are excellent sources for guidance on selecting the most cost-effective TMP elements. The district Public Information office is also an experienced source for estimating the effectiveness of public information campaign options, and can help the TMP Manager estimate their cost and effectiveness in reducing traffic demand through the project area.

Public information campaigns serve two main purposes in TMPs. They inform the public about the overall purpose of the project to generate and maintain public support; and they encourage changes in travel behavior during the project to minimize congestion. Because they give travelers the information they need to make their own travel choices, public information campaigns can be the single most effective of all TMP elements.

The FSP is a congestion relief program of roving tow trucks operating in most metropolitan and some rural areas. The FSP program is operated by Regional Transportation Planning Agencies (RTPAs) with funding from the Department. The Department also reimburses the CHP for training and supervisory services provided for the FSP. The RTPAs contract with tow companies

for commute time service and some weekend and mid-day service to assist motorists with simple repairs (i.e. flat tire, one gallon of gas) or tow the automobile from the highway.

FSP is available for incident management during construction. However, construction-related FSP service needs to be funded as part of the TMP. A cooperative agreement with the RTPA is required, outlining the services provided and the fund transfer. An interagency agreement with the CHP is required for any support services (field supervision and dispatch operator services). These agreements should be initiated with the RTPA and the CHP as soon as it is determined that FSP should be in the project TMP.

The Department's HQ Traffic Operations is currently working on Master Agreements with the RTPAs for future FSP services. This process will simplify the process for both the Department and the RTPAs by eliminating the need for a cooperative agreement for each project. Only a task order form will be needed for each project. A similar agreement is being created with the CHP. Please contact HQ Traffic Operations, Freeways Operations Branch for more information.

TABLE 1

TMP STRATEGIES AND THEIR ELEMENTS

A. Public Information	Off peak/Night/Weekend Work
Brochures and Mailers	Planned Lane/Ramp Closures
Media Releases (including	Project Phasing
Minority Media Sources)	Temporary Traffic Screens
Paid Advertising	Total Facility Closure
Public Information Center	Truck Traffic/Permit Restrictions
Public Meetings/Speaker's Bureau	Variable Lanes
Telephone Hotline	Extended Weekend Closures
Visual Information (videos, slide shows, etc.)	Reduced Speed Zones
Local cable TV and News	Coordination with Adjacent Construction
Traveler Information Systems (Internet)	Traffic Control Improvements
Internet	Total Facility Closure
B. Motorist Information Strategies	E. Demand Management
Electronic Message Signs	HOV Lanes/Ramps
Changeable Message Signs	Park-and-Ride Lots
Extinguishable Signs	Parking Management/Pricing
Ground Mounted Signs	Rideshare Incentives
Commercial Traffic Radio	Rideshare Marketing
Highway Advisory Radio (fixed and mobile)	Transit Incentives

Planned Lane Closure Web Site	Transit Service Improvements
The Department's Highway Information Network (CHIN)	Train or Light-Rail Incentives
Radar Speed Message Sign	Variable Work Hours
	Telecommutin
C. Incident Management	Shuttle Service Incentives
Call Boxes	
Construction or Maintenance Zone Enhanced	F. Alternate Route Strategies
Enforcement Program – COZZEEP or MAZEEP	Ramp Closures
Freeway Service Patrol	Street Improvements
Traffic Surveillance Stations (loop detectors and CCTV) Closures	Reversible Lanes
911 Cellular Calls	Temporary Lanes or Shoulder Use
Transportation Management Centers	
Traffic Control Officers	G. Other Strategies
CHP Officer in TMC during construction	Application of new technology
Onsite Traffic Advisor	Innovative products
CHP Helicopter	Improved specifications
Traffic Management Team	Staff Training/Development
D. Construction Strategies	
Incentive/Disincentive Clauses	
Ramp Metering	
Lane Rental	

If the DTM determines that a major TMP is required, the TMP Manager forms a TMP development team. The team's membership will vary according to the TMP elements proposed and the project's impacts. At a minimum, it should include representatives from Construction, Public Affairs, Project Development, Traffic Operations (including Transportation Permits), the CHP and local agencies. Others to be considered as the plan gets refined are Rideshare, Transportation Planning, Public Transportation, Maintenance, Structures, CHP, local law enforcement, local transit agencies, emergency services, and FHWA. Local Maintenance field staff familiar with conditions in the project area should be team members or should be consulted as needed as the TMP develops.

D. TMP IN PROJECT REPORT

As more information becomes available during the project report phase the preliminary scope and cost of the overall TMP and the individual elements should continue to be refined. The TMP team will coordinate the TMP strategies with the project engineer and appropriate units, with

each team member handling their area of expertise. For major projects, subcommittees or task forces may be formed to handle the planning, implementation, monitoring, and evaluation details of some elements. The TMP Manager will keep the Project Manager and district Construction Coordinator updated and must sign-off on the TMP data sheet of the project report.

It is appropriate at this point to develop a timeline schedule for major TMPs keeping in mind that many elements of the TMP have to begin prior to the start of construction. Many TMP elements listed in Table 1 need to be developed separately but concurrently with the project plans. They may be bid and constructed or initiated separately from the project or be included in the project plans and be installed or implemented as the first order of work.

Some tasks may take a long time depending on the complexity of the major project and the type of transportation management necessary. For example, if building new park-and-ride lots are necessary for the Ridesharing element, the planning phase would have to be extended for several months and a design phase added.

An additional activity involves analyzing the existing traffic volume in the corridor, both on the freeway and surface streets. This will provide a basis for establishing the goal of the TMP, i.e., the number of vehicles that should be removed from the freeway, and in determining the capability of the surrounding surface streets to handle the additional traffic demand. It can also provide a database for evaluating the overall effectiveness of the TMP.

E. TMP IN PS&E

Those TMP elements that are not part of the main contract, but are identified as capital outlay costs tied to the main project, should be itemized as State Furnished Materials and Expenses using the appropriate BEES item cost (see TABLE 2). The Project Engineer should consult with the TMP Manager to ensure that the appropriate "Maintaining Traffic" Standard Special Provisions (SSP) are included in the PS&E. The SSPs should always require the contractor to submit a contingency plan.

The TMP and PS&E should address oversize and overweight vehicles traveling under a transportation permit. Additional construction area signs should be provided that restrict travel to overwidth vehicles whenever the lateral clearance drops to 15 feet or less.

The DTM must concur with the PS&E and with Encroachment Permit and Maintenance TMPs.

TABLE 2

TMP BEES ITEM CODES
066003 State Furnished Materials
066004 Miscellaneous State Furnished Materials
066005 Concurrent Work
066006 Miscellaneous Concurrent Work
066008 Incentive Payment
066009 Utility Expense

066010 Work by Others
066060 Additional Traffic Control
066061 CHP Enhanced Enforcement
066062 COZEEP Contract
066063 Traffic management plan – public information
066064 Specter Radar Unit
066065 Freeway Service Patrol
066066 Public Transit Support
066069 Rideshare Promotion
066070 Maintain Traffic
066072 Maintain Detour
066074 Traffic Control
066076 Temporary Traffic Control
066077 Install Traffic Control Devices
066578 Portable Changeable Message Signs
066825 Temporary Striping
066872 Service Contract
128602 Traffic Control System (One Way)
128650 Portable Changeable Message Signs
129150 Temporary Traffic Screen
861793 Telephone Service (Location 1)
860811 Detector Loop
860925 Traffic Monitoring Station (Count)
860926 Traffic Monitoring Station (Speed)
860927 Traffic Monitoring Station (Incident)
860930 Traffic Monitoring Station
861088 Modify Ramp Metering System
861985 Travelers Information system
869070 Power and Telephone Service
991046 Public Address System
991047 Telephone Facility
994920 Bicycle Parking Rack

995000 Bus Shelter
995002 Bus Passenger Shelter (Type S-1)
995004 Bus Passenger Shelter (Type SM-1)
995005 Bus Passenger Shelter (Type LM-1

F. TMP DURING CONSTRUCTION AND MAINTENANCE OPERATIONS

During construction, those TMP elements that are part of the main contract or Encroachment Permit are implemented under the general direction of district Construction or Encroachment Permits. Those separate contracts/agreements such as for rideshare and transit activities and public awareness campaigns will be under the direction of their respective contract managers.

Special effort should be given to assure that Changeable Message Sign (CMS), Highway Advisory Radio (HAR) and other media tools provide accurate and timely information to motorists regarding lane closure times and

TMP elements must be carefully monitored for cost effectiveness. The TMP team should determine whether the implemented measures are reaching the predetermined goals for cost effectiveness. If an element's predetermined goal is not immediately reached during implementation, but there is a general trend toward meeting that goal, the element can remain in effect and the FHWA will continue to participate. Elements that show no sign of approaching their predetermined goals as determined by the TMP Manager must be modified as deemed appropriate or dropped.

Contractor compliance with lane closure pickup deadlines can be enforced in two ways. A "maintaining traffic" SSP allows a penalty to be assessed to the contractor for value of traffic delay when the contractor exceeds the lane closure window. The minimum penalty is $1,000 per 10 minutes, but it can greatly exceed the minimum, depending on traffic volumes and the highway facility. The DTM calculates the "delay penalty" during PS&E. The second method is for the state representative to suspend the contract work.

A contractor or the Department forces (such as Maintenance) can be ordered to pick up a lane closure early if traffic impacts become significant either due to a project incident or activities outside the project area. Early pickup should only be ordered when traveler and worker safety will not be compromised. The "maintaining traffic" SSPs for capital projects provide for compensating contractors for early pickup. Encroachment Permit provisions require the permittee to pick up a closure early without compensation.

DTM's are to ensure that lane closures will not be terminated early, or may be extended beyond the lane closure window when the activity needs to be completed for the safety of the public or workers. These activities may include structure inspections and repairs, guardrail repairs, culvert replacement.

In order to avoid significant traffic impacts, it is essential to monitor and respond immediately to delay, pick up closures on time, and have solid traffic and contractor contingency plans.

A Department staff member who can make informed decisions about implementing contingency plans and modifying, terminating or extending approved lane closures should be available to respond to significant delays and other unexpected events whenever lane closures are in place.

The designated employee(s) may be Traffic Operations, Construction, or TMC staff, depending on the district.

At the end of the project a post-TMP evaluation report must be completed by the TMP Manager for all major TMPs and for TMPs where the actual delay exceeded the threshold set by the DTM. Post-TMP meetings with the CHP and other partners can be held to identify what went well and what could have been done differently. Samples of past TMP reports can be obtained from headquarters' Traffic Operations, Office of System Management Operations and from the DTM.

Contingency Plan

Both traffic and contractor contingency plans are required for all planned work. Both blanket and individual TMPs must include contingency plans. The traffic contingency plan, prepared by the Department or a consultant, addresses specific actions that will be taken to restore or minimize affects on traffic when the congestion or delay exceeds original estimates due to unforeseen events such as work-zone accidents, higher than predicted traffic demand, or delayed lane closures. The contractor contingency plan addresses activities under the contractor's control in the work zone. After the contractor's contingency plan is submitted and approved, it becomes part of the TMP contingency plan.

The TMP contingency plan should include, but is not limited to the following:

- Information that clearly defines trigger points which require lane closure termination (i.e., inclement weather, length of traffic queue exceeds threshold;
- Decision tree with clearly defined lines of communication and authority;
- Specific duties of all participants during lane closure operations, such as, coordination with CHP or local police, etc.;
- Names, phone numbers and pager numbers for the DTM or their designee, the Resident Engineer (RE), the Maintenance Superintendent, the Permit Inspector, the on-site traffic advisor, the CHP Division or Area Commander, appropriate local agency representatives, and other applicable personnel;
- Coordination strategy (and special agreements if applicable) between DTM, RE, on-site traffic advisor, Maintenance, CHP and local agencies;
- Contractor's contingency plan;
- Standby equipment, State personnel, and availability of local agency personnel for callout (normally requires a Cooperative Agreement);
- Development of contingencies based on maintaining minimum service level.

G. RETROFITTING PROGRAMMED PROJECTS

Usually the extent of the TMP is to be determined prior to programming (PID approval). However, it may sometimes be necessary to retrofit a TMP to a project that is already programmed due to project changes, policy changes, emergencies or unforeseen conditions. These projects must be handled on a case by case basis since the course of action will depend on how far along the project development process is and how extensive the TMP needs to be. Retrofitted TMPs may require a TMP team and TMP Manager and involvement from all functional units as discussed earlier in these guidelines. The project manager is responsible for

initiating a TMP investigation since they are most knowledgeable of project status. Some suggestions for funding retrofitted TMP are:

Use of Minor Funds

Minor A and B money has been used to pay for TMP measures that total less than $1,000,000. The districts will not usually be reimbursed for this even though the FHWA agrees to participate (it is not economically feasible for the Department to process minor funds for reimbursement). There have been exceptions however, and that decision is at the discretion of the Federal Resources Branch in headquarters Budgets Program.

Charge to Other Project Phase 4 (Construction) Funds

Funds from other construction contracts in the district may be used if those projects are in the vicinity of, or will be affected by, the project requiring TMP funds. At the discretion of the Deputy District Director for Construction a list of chargeable project EAs may be submitted to headquarters Accounting for prorated charging. Very few Accounting staff are aware of the process required and headquarters Traffic Operations, Office of System Management Operations should be contacted for assistance.

Project Cost or Scope Changes

The CTC has delegated to the Director of the Department the authority to increase a project's cost by up to 20 percent without prior commission approval. This authority has been delegated to other Department managers as described in Project Management Directive PMD6. This increase can be used for TMP implementation and will be 100 percent reimbursable by the FHWA. The increased costs must be absorbed by other projects in the district since the total capital outlay allocation remains the same.

H. LOCAL INVOLVEMENT

The TMP Deputy Directive 60 applies to all projects on state facilities, including those not funded by the state. District Directors are responsible for assuring local compliance. Since many measure projects are split funded, the Department and local entities must work cooperatively to develop an effective TMP. The Department is responsible for approving all PSRs and it is at this point that agreements should be reached concerning the costs and scope of TMP measures.

III. CORRIDOR, REGIONAL AND MULTI-FUNCTIONAL AREA TMPS

When multiple or consecutive projects are within the same general corridor, the cumulative impact can result in excessive traffic delays and detour conflicts. These may be multiple capital projects, the involvement of more than one district, or a combination of capital projects and Encroachment Permit and/or Maintenance activities. Corridor or regional coordination will minimize or eliminate these impacts and reduce inconvenience to the motoring public.

When multiple projects are in the same corridor or on corridors within the same traffic area, it may be possible to develop a single corridor or regional TMP. In other cases, individual TMPs are developed and funded from their own sources, and a bare-bones corridor or regional TMP addresses the cumulative impact. Each project covered by corridor and regional TMP contributes resources in proportion to its traffic impact. During TMP implementation, the TMC serves as an information clearinghouse and coordinates operations. The TMC helps identify conflicts and recommends appropriate action. When provided with accurate and up-to-date lane closure information the TMC provides real-time traffic information via electronic media, CMS, and HAR.

The TMP Manager coordinates the development and implementation of corridor and regional TMPs. The TMP Manager forms a TMP team including, as a minimum, representatives from Construction, Maintenance, Public Affairs and Traffic Operations for each of the affected districts. The initial meeting is held several months in advance of the construction season to set milestones, and allow time to gather project information and prepare and distribute information.

The corridor/regional TMP may need elements in addition to those provided by the individual TMP for each project. Those elements may include changeable message signs at key locations outside individual project limits, the establishment of an information hot line and web-sites for all projects involved. The use of the statewide Caltrans Highway Information Network (CHIN) number (1-800-427-ROAD), and particularly the use of TMCs as a central reporting hub. The Northern Valley TMC in District 3 has established reporting procedures specifically for interregional TMPs that are obtainable from headquarters Traffic Operations.

IV. MAJOR LANE CLOSURE APPROVAL PROCESS

This process applies to all major lane closures on the state highway system. Major lane closures are those lane closures that are expected to result in significant traffic impacts despite the implementation of TMPs. A "significant traffic impact" is defined in DD-60 as (a) 30 minutes above normal recurring traffic delay on the facility, or (b) the delay threshold set by the DTM, whichever is less. When a planned lane closure is expected to have a significant traffic impact, Headquarters District Lane Closure Review Committee (DLCRC) review and approval is required. The functional unit directly involved in the work must submit the major lane closure request to the DLCRC for approval as detailed below.

A traveler's trip should not be increased by more than 30 minutes due to planned Department activities. The DTM may set a lower maximum if the economic impact of a delay over 20 minutes would be high. The lesser of these delay limits is the maximum delay threshold allowed for any activity. Only the DLCRC can approve a higher delay threshold for a project.

Additionally, it should be noted that TMP activities are comprehensive, and involve actions in addition to traffic management through the work zone, as detailed in these TMP Guidelines. All lane closure operations and other planned activities should be evaluated at the earliest possible developmental stage for potential impacts and mitigation strategies. Pre-implementation meetings and contingency plans remain important aspects of all lane closure operations to minimize impacts of unforeseen events.

A. THRESHOLD CRITERIA FOR LANE CLOSURES REQUIRING APPROVAL OF THE DLCRC

DLCRC review and approval is required when planned activities are expected to result in a traffic delay that exceeds 30 minutes or the delay threshold set by the DTM, which ever is less.

DLCRC review and approval is not required for emergency closures due to natural events or incidents. However, the DTM must be notified, and every effort must be made to minimize traveler delay and reopen traffic lanes as soon as practical.

Applicability

The DLCRC, comprised of the CHP, District Public Information Officer, and Deputy District Directors of Construction, Design, Maintenance and Operations, approves all requests for major lane closures that meet the above threshold criteria. The criteria are applicable for moving or static lane closure operations. The DLCRC will decide when to submit lane closure requests that

are of an interregional, statewide, environmental, or otherwise sensitive nature to the Headquarters Lane Closure Review Committee (HQLCRC) for their approval.

The DLCRC is responsible for determining when HQLCRC approval is required. The HQLCRC is comprised of the Division Chiefs for Construction, Maintenance, Design and Local Programs, and Traffic Operations along with the Headquarters Public Information Officer, and a representative from the CHP. The HQLCRC may review the closure or leave the decision to the DLCRC. The HQLCRC should be advised of all planned lane closures that exceed the above threshold criteria. All planned lane closures that exceed the above threshold criteria and are of an interregional, statewide, environmental, or otherwise sensitive nature, as determined by the district LCRC, may also require approval of the HQLCRC.

Contents of Major Lane Closure Request Submittal

The functional unit requesting the lane closure and responsible for its performance prepares a proposed lane closure submittal. Sufficient information is provided to ensure complete understanding of the proposal. The submittal is sent through the DTM for review before sending it on to the LCRC. If additional TMP efforts can reduce the expected additional delay to less then 30 minutes, then the closure does not have to go to the LCRC. The DLCRC/HQLCRC may require additional information during its review. At a minimum, the following information is recommended initially:

1. Location and vicinity maps showing the state highway(s), local street network, and other adjacent lane closures or nearby work that may affect traffic during the same period, including special events;
2. Dates, times and locations of the lane closure(s);
3. Brief description of the work being performed during the lane closure(s);
4. Brief description of each lane closure and its anticipated affect on traffic;
5. Amount of expected delay and corresponding queue length for each lane closure;
6. Summary of TMP strategies that will be used to reduce delay and motorist inconvenience during the lane closure(s) (refer to Table 1). A copy of the approved TMP for the project, if available;
7. Contingency plan (see "Contingency Plan" below).

B. EVALUATION

The LCRC is responsible for approving major lane closures and will use the items below for evaluating lane closure operations. In its evaluation of the proposal, the LCRC will give consideration to the accuracy, reliability, and completeness of information provided as well as other reliable sources of information available to the LCRC.

Proposals will be evaluated on the basis of effectiveness in the following areas:

- Promoting motorist and worker safety;
- TMP strategies;
- Plans for coordination with adjacent construction, maintenance, encroachment permits, and special events;

- Plans for coordination with TMC and field personnel;
- Plans for coordination with public media;
- Plans for use of existing field elements such as traffic surveillance loops, changeable message signs, highway advisory radio, and Closed Circuit Television cameras;
- Lines of communication and authority (top to bottom);
- Plans for monitoring delay (or corresponding queue length) during lane closure operations;
- Alternatives to proposed closures;
- Viability of contingency plans;

C. Post-Closure Evaluation Statement

A Post-Closure Evaluation statement will be submitted to headquarters' Traffic Operations Program, Office of System Management Operations, on all projects that exceed expected delay or run outside of the closure window. No more than one page is suggested. The functional unit performing the lane closure will prepare the statement within five working days of the date the lane closure exceeded the threshold criteria. The statement should explain:

- The cause and impact of delays;
- Either actions taken or to be taken to avoid or mitigate an occurrence or recurrence;
- Why the expected delay was exceeded and/or why it was necessary to exceed the closure window;
- How the situation can be avoided in the future.

Post-closure evaluation statements are only for closures formally approved by the District LCRC under this process (i.e. exceed the lesser of 30 minutes or the DTM limit).

Responses to Comments of the California Department of Transportation (Caltrans) (Letter St03)

St03-1. A Caltrans encroachment permit, as required by California Streets and Highways Code, is noted as a required permit in the DEIR/EIS on page 2-55 of Chapter 2, "Project Description." This permit will be applied for and acquired before construction is begun.

St03-2. As mentioned in Chapter 2 under the section Environmental Commitments, a Traffic Control Plan will be developed and implemented for construction activities. The plan is discussed in more detail on pages 2-45 and 2-46.

St03-3. As mentioned in Chapter 12, under Impact 12-1, roadways used as construction haul routes would include I-5, Florin Road, Sunrise Boulevard, Grant Line Road, and Kiefer Boulevard. FRWA will limit truck trips during peak hours to the extent feasible.

St03-4. FRWA appreciates the suggested design guidelines and will consult with Caltrans during the detailed design process and provide "as-built" plans.

St03-5. As mentioned in the Environmental Commitments section of Chapter 2 of the DEIR/EIS, FRWA will complete all Phase I and II hazardous materials studies for the project area before beginning construction. These studies will be used to assess what properties contain potentially hazardous materials. If contaminated soil or groundwater is exposed or encountered during construction, the appropriate hazardous materials agencies will be notified and any required hazardous materials plans will be completed.

St03-6. See response St03-4

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse

Gray Davis
Governor

Tal Finney
Interim Director

October 8, 2003

Letter St4

RECEIVED
OCT 09 2003

Kurt Kroner
Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Subject: Freeport Regional Water Project
SCH#: 2002032132

Dear Kurt Kroner:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 7, 2003, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. St4-1

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
(916)445-0613 FAX(916)323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH#	2002032132
Project Title	Freeport Regional Water Project
Lead Agency	Freeport Regional Water Authority
Type	EIR Draft EIR
Description	The proposed project would construct and operate a water supply project to meet regional water supply needs.

Lead Agency Contact

Name	Kurt Kroner		
Agency	Freeport Regional Water Authority		
Phone	916.326.5489	**Fax**	
email			
Address	1510 J Street #140		
City	Sacramento	**State** CA	**Zip** 95814

Project Location

County	Sacramento, San Joaquin, Amador, Calaveras				
City	Sacramento				
Region					
Cross Streets	Multiple				
Parcel No.	Multiple				
Township	7N/5N	**Range** 4E/10E	**Section** 11/28	**Base**	Clarksbu

Proximity to:

Highways	160, 5, 99, 12, 88, 49
Airports	Sac.International, Sac.Executive
Railways	Union Pacific,Southern Pacific
Waterways	Sacramento River
Schools	Multiple
Land Use	Linear project crossing numerous parcels with various land uses, zoning designations, and general plan land use designations.
Project Issues	Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects
Reviewing Agencies	Resources Agency; Department of Boating and Waterways; Office of Historic Preservation; Reclamation Board; Department of Water Resources; Caltrans, Division of Aeronautics; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Department of Health Services; State Lands Commission
Date Received	08/08/2003 **Start of Review** 08/08/2003 **End of Review** 10/07/2003		

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to Comments of the State of California Governor's Office of Planning and Research, State Clearinghouse (Letter St04)

St04-1. Comment noted.

DEPARTMENT OF CONSERVATION
STATE OF CALIFORNIA

DIVISION OF LAND RESOURCE PROTECTION

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GRAY DAVIS
GOVERNOR

RECEIVED
NOV 18 2003

RECEIVED
NOV 14 2003

November 7, 2003

Mr. Kurt Kroner
Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Letter St5

Subject: Freeport Regional Water Project Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS)

Dear Mr. Kroner:

The Department of Conservation (Department) Division of Land Resource Protection is responsible for monitoring farmland conversion on a statewide basis and administering the California Land Conservation (Williamson) Act. We have reviewed the document cited above.

Project Description and Necessity

In order to address drinking water needs of Sacramento County Water Agency (SCWA) and East Bay Municipal Utilities District (EBMUD) customers, a joint water project (The Freeport Project) is being developed. SCWA and EBMUD are coordinating with the City of Sacramento and the U.S. Bureau of Reclamation. The goal of the Freeport Project is to address the drinking water needs of SCWA and EBMUD. The Freeport Project will provide up to 100 millions of gallons per day (mgd) of water for EBMUD to use during drought years and 85-mgd for SCWA for use in all years. The Freeport Project will provide river water to SCWA to be used in conjunction with groundwater to help meet future drinking water needs in the central Sacramento County area as well as Alameda and Contra Costa Counties. These future water needs have been identified to support the growth projected in the Sacramento County General Plan.

The Freeport Project is intended to provide up to 85-mgd of surface water to SCWA to be used in conjunction with groundwater to help meet future water supply needs in the central Sacramento County area. Future water supply needs have been identified and recognized as a part of the landmark Water Forum Agreement that was ratified April of 2000. In addition the Project is intended to provide up to a 100-mgd, dry-year Water supply to EBMUD customers to supplement customer needs, and

offer the opportunity for use of EBMUD capacity by others during non-drought periods. The Freeport Project would consist of:

- A proposed new 185-mgd intake on the Sacramento River near the community of Freeport, including state-of-the-art fish screens;
- A proposed new pipeline to convey water east to the existing Folsom South Canal;
- A proposed future water treatment plant in central Sacramento County, to be owned and operated by the SCWA, to provide treated surface water supplies; and;
- Proposed new facilities to transport Sacramento River water for EBMUD from the southern end of the Folsom South Canal to the existing EBMUD Mokelumne Aqueducts, through which the water will be conveyed to the EBMUD service area.

We offer the following comments:

The Methods and Assumptions paragraph under Chapter 11, Agricultural Resources, indicates that land use maps from Department of Water Resources (DWR) were used to determine location and extent of crop types. What year were the maps from DWR generated? The most current maps should be used; if new information is available, it should be incorporated into the final document. We recommend that the maps from the Department's Farmland Mapping Program be utilized to depict cropping patterns. The site for the proposed water treatment plant, as well as the new facilities appear to be located on agricultural land, and may still be under Williamson Act contract, unless the contract was cancelled by eminent domain or in lieu of eminent domain. Public acquisition notification provisions of the Williamson Act are described in Government Code section 51291. The final document should disclose the notification procedures that have been complied with. Please contact the Department's Division of Land Resource Protection for assistance should the need arise. St5-1 St5-2

The project appears to have nexus with several other federal and state efforts that pertain to water delivery and quality. How does this project interface with California Bay Delta Authority's programs such as the Drinking Water Quality Program and agency plans such as the Department of Water Resources' Water Plan? St5-3

Thank you for the opportunity to review this document. Please contact Jeannie Blakeslee at (916) 323-4943 if you have any questions.

Sincerely,

Dennis J. O'Bryant
Acting Assistant Director

Response to Comments—Department of Conservation, State of California (Letter St05)

St05-1. The DWR Land use/land cover data maps used in the analysis are from 2000 and are the most recent maps currently available. The California Department of Conservation important farmland maps are from 2000 and are the most recent currently available. The California Department of Conservation Williamson Act maps for Sacramento County are from 2000 and for San Joaquin County are from 2001; each are the most recent available.

As described in Chapter 11 of the draft EIR/EIS, some project facilities are located on agricultural land, including some land under Williamson Act contract. FRWA will initiate the notification provisions of Williamson Act as described in Government Code Section 51291 once a project has been approved.

St05-2. The FRWP is consistent with both CALFED and the working draft of the California Water Plan Update 2003. The CALFED Record of Decision sets out actions included in the Preferred Program Alternative for implementing Stage 1, the first 7 years of a 30-year program. These actions depend on subsequent project-specific environmental analyses as well as on subsequent review of the financial and legislative proposals by the state and federal executive branches, Congress, and the state legislature. The components are as follows: governance, ecosystem restoration, watersheds, water supply reliability, storage, conveyance and environmental water account, water use efficiency, water quality, water transfers, levees, and science. The FRWP planning is consistent with and contributes to the objectives of CALFED, in particular the CALFED Drinking Water Quality Program goal of safe, reliable, and affordable drinking water through cost-effective improvements in source water quality. The source water for this project is consistent with the CALFED long-term water quality goal of 0.050 mg/L bromide and 3.0 mg/L total organic carbon concentration. EBMUD's resource programs contribute significantly to meeting CALFED objectives related to ecosystem restoration. Reductions in water consumption through existing and adopted conservation and recycling programs, conjunctive use programs, and the FRWA agencies' rationing programs reduce water supply needs consistent with CALFED objectives. While only the preadministrative draft of the California Water Plan Update 2003 had been issued, the FRWP is generally consistent with Water Plan Update material currently available for review. In particular, the Water Plan's emphasis on improving integration of regional resource planning. Finally, the FRWP is a regional solution to water supply issues as encouraged by both the CALFED program and the 2003 Water Plan Update.

State of California - The Resources Agency ARNOLD SCHWARZENEGGER, Governor
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Sacramento Valley - Central Sierra Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

RECEIVED
DEC 17 2003

Letter St6

December 15, 2003

Mr. Kurt Kroner
Freeport Regional Water Authority
1510 J Street, #140
Sacramento, CA 95814

Dear Mr. Kroner:

The Department of Fish and Game (DFG) has reviewed the Draft Environmental Impact Report / Environmental Impact Statement (DEIR) for the Freeport Regional Water Project. Freeport Regional Water Authority's (FRWA) proposed project would construct and operate a water supply project to meet regional water supply needs. The project would support acquisition of additional Sacramento County Water Agency (SCWA) surface water entitlements to promote efficient conjunctive use of groundwater in its Zone 40 area, consistent with the Sacramento Area Water Forum Agreement and County of Sacramento General Plan. The project would provide facilities through which SCWA can deliver existing and anticipated surface water entitlements to the Zone 40 area. The project provides facilities through which East Bay Municipal Utility District (EBMUD) can take delivery of a supplemental supply of water that would substantially meet its need for water and reduce existing and future customer deficiencies. The project would improve EBMUD system reliability and operation flexibility during droughts, catastrophic events and scheduled major maintenance at Pardee Dam or Reservoir. Major facilities include: a new intake structure on the Sacramento River near Freeport; a raw water pipeline; a new water treatment plant in central Sacramento County; a new pumping plant near the existing terminus of Folsom South Canal; and a new pumping and treatment facility near the Mokelumne Aqueduct/Camanche Reservoir area. The project is located in Sacramento, San Joaquin, and Calaveras counties.

Wildlife habitat resources within the project area consist of a mixture of natural habitat, agricultural lands, and urban development. Significant natural resources of the project include habitat for sensitive species, the Sacramento River, Cosumnes River, Mokelumne River, tributary streams, vernal pools, grasslands, wetlands, and woodland and riparian habitat. Natural resources within the project area are of considerable significance and value.

Given the significance, we are concerned that the DEIR fails to adequately describe natural resources present in the project area, fails to discuss the potential impacts that may result from the Freeport Regional Water Project, and fails to provide | St6-1

mitigation that will offset probable impacts. Additionally, the FRWA project is a new facility projected to divert water under Central Valley Project (CVP) and State Water Project (SWP) contracts. Yet, the DEIR fails to provide any explanation of its relationship to the current Operation Criteria and Plan (OCAP) revision being conducted by the Bureau of Reclamation and the State Department of Water Resources for CVP and SWP operations. Moreover, the DEIR treats the South Delta Improvements Project (SDIP) and Environmental Water Account (EWA) as "speculative" despite the fact that the EWA has circulated a draft EIS/EIR. Although the EWA was considered a four-year experiment for CALFED and the draft EIS/EIR only continues through year 7, the CALFED Record of Decision calls for a decision on its continuance by August of 2004, and it is already part, of the existing operational baseline. The following outline specific concerns. | St6-1 | St6-2

Chapter 1 Purpose and Need

Page 1-8. Central Valley Project Water Supply Contracts: This section does not contain any reference or explain its connection to the upcoming revised OCAP even though, presumably, the revised OCAP will analyze Freeport Operations. Besides the acronyms section, the first mention of OCAP occurs on page 3-8 with reference to CALSIM modeling. | St6-3

Chapter 2 Project Description

Page 2-52. Intended Uses: There are several references to the DEIR being the basis for long-term CVP contract renewals. Is this accurate? Will the document be used in conjunction with the revised OCAP and OCAP Biological Opinions? If so, once again, the document lacks an articulation of the relationship between the two. | St6-4

Chapter 3 Hydrology, Water Supply and Power

Page 3-10. Simulated EBMUD and SCWA Deliveries for Alternatives 2-5. Paragraph 1 and 2: The first paragraph states that minimum annual SCWA deliveries are 42,000 af, while paragraph 2 uses 41,000 af. We recommend that the DEIR clearly state the minimum annual delivery, and correct any inconsistencies. | St6-5

Paragraph 2 also states that average and maximum annual EBMUD deliveries under 2020 conditions are the same as the 2001 scenario with only small differences in some months. We recommend that the DEIR indicate what the differences are and specify which months. | St6-6

Page 3-13. Impact 3-1: Changes in Upper Sacramento River Basin Hydrologic Conditions: The paragraph states that average annual changes in end of September storage for upstream reservoirs would be slightly greater during dry periods and that very infrequent, larger increases and reductions in storage are observed in some | St6-7

individual months. However, it states that these changes represent less-than-significant impacts. In Figure 3-6 for Folsom Reservoir, the end of September storage for a 90% exceedence is nearly 100 TAF difference between the no-action and Alternatives 2-5. We recommend that the DEIR explain what a 100 TAF decrease in storage does to the cold-water pool volume in Folsom Reservoir and determine its significance. St6-7 cont

Page 3-15 and 16. Impact 3-4: Changes in South-of-Delta Water Supply Delivery Operations: These two paragraphs indicate that alternatives 2-5 would result in reductions of annual average SWP and CVP South-of-Delta deliveries and a decrease in end-of-September storage in San Luis Reservoir. The DEIR indicates that these are not substantial changes, but does not indicate if reservoir operations might be modified to make up for the reduction in deliveries. We recommend that the DEIR explain how reservoir operations may be changed to compensate for the reductions in deliveries from SWP/CVP. St6-8

Page 3-20. Cumulative Conditions: Assumptions for OCAP modeling do not assume increased CVP demand in 2020 (or 2030) except in the American River basin. SWP demands south of the Delta are presumed to increase, but the reality is that demand has already escalated to near 2020 levels. The ability to deliver water in support of these demands may increase in the future, reducing the frequency or magnitude of supply deficiencies. This increased delivery capability will come about largely through the South Delta Improvements Program, Delta-Mendota Canal/California Aqueduct Intertie and CVP/SWP operations integration which will have systemwide effects similar to the FRWP. These should be included in your cumulative impact assessment. St6-9

Chapter 4. Water Quality:
The DEIR states that there will be several months where water quality variables, such as salinity and chlorides will increase in the Delta during 2001 and 2020 conditions. We recommend that the DEIR list the cumulative operation effects on Delta water quality from diversions at Freeport, SWP/CVP, proposed Los Vaqueros Expansion, and with the proposed South Delta flow barriers on the anadromous fish resources, sturgeon and other native species. We recommend also that the DEIR specify which months would have significant increases in salinity and chlorides and how reservoir operations would be affected during such months. St6-10

Page 4-18. Impact 4-4. Changes in reservoir Temperature Patterns: This section describes water temperature patterns in Camanche and Pardee Reservoirs with these alternatives but does not mention effects on other reservoirs. We recommend that the DEIR describe effects of the alternatives to water temperatures and cold-water pool volumes in the other affected reservoirs. St6-11

Chapter 5 Fish

Page 5-11. Water Temperature. 2nd Paragraph: Unsuitable water temperatures for adult Chinook salmon, steelhead, and Coho salmon can also lead to mortality. We recommend that the DEIR re-word the paragraph to include adult fall-run Chinook mortalities associated with unsuitable water temperatures in the early fall. St6-12

Page 5-12. 1st paragraph: This paragraph states that juvenile steelhead have been captured at Chipps Island in June and July at water temperatures exceeding 68° F. We recommend that the DEIR specify what percentage of fish were collected each month during the years that the study was performed and what percentage of steelhead were collected during the period when water temperatures exceeded 68° F. St6-13

Page 5-12. Predation. 1st Paragraph: Native species, like pike minnow, cause substantial predation as well. Predators do not make the distinction whether a potential prey fish is native or non-native. St6-14

Page 5-13. Entrainment. 1st Paragraph, last sentence: It has been well documented, in numerous studies, that a low approach velocity minimizes stress and entrainment. It is not just "assumed." St6-15

Page 5-14. Spawning Area and Rearing Area: Response to Changes in Flow. 2nd Paragraph: The DEIR states that spawning habitat for fall-run Chinook salmon peaks at about 1,500 to 2,000 cfs in the American River. This is not the case from studies done on the American River. California Department of Fish and Game (2001) reported that the amount of available habitat suitable for a spawning population of 70,000 adult fall-run Chinook salmon in the lower American River is greatest at 2,650 cfs. We recommend that the DEIR consider recent reports by DFG on habitat availability and flow in the American River. St6-16

There is no mention of the amount of streamflow necessary to create peak spawning habitat available to steelhead in the affected rivers. We recommend that the DEIR explain, in detail, the amount of flow necessary to create peak spawning habitat available for steelhead in the rivers affected by the Freeport Diversion operations. St6-17

The DEIR does not mention the relationships between streamflow and flow fluctuations to redd dewatering and redd superimposition in the affected rivers. We recommend that the DEIR fully explain the effects of redd dewatering and superimposition on all salmonid species associated with changes in flow pattern for the rivers affected by the Freeport Diversion operations. St6-18

The DEIR does not mention stranding and isolation of Chinook salmon or steelhead fry and juveniles in relation to flow fluctuations resulting from Delta water quality calls and how the resulting changes in water quality from the FRWP alternatives will effect stranding and isolation from reservoir operations. We recommend that the DEIR St6-19

indicate to what extent the FRWP alternatives will result in Delta water quality calls that could potentially cause stranding and isolation of Chinook salmon and steelhead fry from reservoir operations. St6-19

Provide references for the flow/habitat relationships for the Sacramento and Feather Rivers. St6-20

Page 5-16. Habitat Migration Conditions. 1st paragraph: The DEIR states that during June through September, water temperature is a controlling factor affecting migration. We recommend that the DEIR indicate if this is adult or juvenile migration that is being affected. St6-21

The same paragraph goes on to say that changes in flows that would substantially affect depth and velocity would also result in warmer water temperature. We recommend that the DEIR indicated what types of changes in flow (increase or decrease) would result in warmer water temperatures. St6-22

Reservoir operations, available cold-water pool, and use of temperature control devices also can influence water temperatures besides just changes in flow. The objective of reservoir operations for anadromous fish survival is to prevent warm water conditions in the affected rivers. A decrease in flow during the summer months can increase water temperatures downstream of reservoirs, but can be offset by drawing water from the cold-water pool, which can deplete the volume of cold water available. We recommend that the DEIR include reservoir operations and available cold-water pool in the upstream reservoirs as temperature factors influencing anadromous fish survival in downstream rivers and describe the impacts to these fish associated with the FRWP alternatives. St6-23

Page 5-16. Habitat Migration Conditions. 2nd Paragraph: We recommend that the DEIR specify to which age class of Chinook salmon and steelhead (juvenile or adult) it refers. St6-24

Page 5-19. Entrainment: The DEIR uses the word "assumed" in describing the relationship between increased diversion and increase in entrainment. There are numerous factors affecting entrainment besides volume of export (species, size, swimming ability, migration pattern, density of fish, location of diversion, season, climatic conditions, etc). It has been demonstrated that, when properly designed and operated, fish screens can effectively reduce entrainment of all species life stages, with the exception of eggs and larval fishes of most species, not just Delta smelt. The effectiveness of fish screens has been well documented throughout the Pacific Northwest. St6-25

Page 5-24. Predation, 3rd paragraph, 1st sentence: The DEIR reads: "Predation associated with the addition of the intake facility and fish screens to the river channel could cause a small, and likely negligible, increase in mortality of the fish moving past St6-26

the structure in the Sacramento River." We recommend that the DEIR include data to support this statement. Even though a fish screen structure is designed to minimize turbulence, the structure itself can create hydraulic conditions favorable to predators that were not present prior to the structure thus, causing increased predation. St6-26 cont

Page 5-24. Predation, 4th paragraph, 1st sentence: The intake structure itself may concentrate predators if changes in hydraulic conditions create holding areas that were not present before. St6-27

Page 5-25. Operation-Related Impacts: Simulated patterns of flow volume for 1922-1993 in the Sacramento, Feather, and American Rivers are reduced in some months and years. We recommend that the DEIR indicate which months and years that the flow is reduced for changes in spawning, rearing, and migration habitat. Also we recommend that the DEIR simulate patterns of flow during below normal, dry, and critically dry years and describe the resulting monthly changes in spawning, rearing, and migration habitat. St6-28

Page 5-26. 2nd Paragraph: The DEIR states that flow in the Mokelumne River is reduced by 10% or more during a few months. We recommend that the DEIR specify in which months flows are reduced by 10% or more, by how much more, and what impacts will result from the flow reductions during those months. St6-29

Page 5-32. Water Temperature: Rearing habitat in the lower American River for juvenile steelhead extends well below Sunrise Boulevard. We recommend that water temperatures impacts to anadromous fish life stages be simulated for below normal, dry, and critically dry water years in the American River at Watt Avenue instead of Sunrise. St6-30

Page 5-48. Cumulative Impacts, Less than significant Impacts: We recommend that the DEIR explain the cumulative impact of removing water from the system by this project and other proposed new or modified projects that would have similar effects on delta outflow. St6-31

Chapter 7 Vegetation and Wetland Resources

The applicant did not follow the DFG's Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities (May 8, 2000) which requests that a floristic survey should be conducted by a qualified biologist during the appropriate time of year when the plants are both evident and identifiable. St6-32

Large portions have not been surveyed. Reconnaissance level surveys (visual observations from roads and other publicly accessible areas; analysis of aerial St6-33

photographs) are adequate for an Initial Study but are not adequate for a final environmental document. Areas (i.e. the eastern portion of the Freeport Intake Facility to Zone 40 WTP/Folsom South Canal) with a high potential for rare plants (e.g., Slender Orcutt Grass, Sacramento Orcutt Grass, and Bogg's Lake hedge-hyssop) have only received reconnaissance level surveys. It is not possible to determine the potential impacts of this project on the botanical resources that could potentially occur in the project area. Furthermore, impacts to rare plant communities and habitat (e.g., vernal pools) have not been adequately assessed. St6-33 cont

To compensate for the inadequacy of the assessment for this project and potential yet to be identified impacts of this project on Special-Status Plant Populations three mitigation measures have been offered.

Mitigation Measure 7-12: Conduct Preconstruction Surveys in Areas Not Previously Inventoried: We recommend that the DEIR include surveys using the DFG's Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities (May 8, 2000). If not included in a subsequent DEIR, we recommend that work shall not commence on any portion of the project prior to the completion the survey and DFG's acceptance of that survey as adequate.

Mitigation Measure 7-13: Avoid Known Special-Status Plant Populations during Project Design: We recommend that project areas be surveyed prior to determining the final alignment of the pipeline and other infrastructure. Shifts in alignment due to the presence of special-status plants populations are more likely to be achieved prior to commencement of construction. We recommend that the DEIR evaluate shifts in the alignment where the proposed alignment will alter the hydrology that the species may depend on. We recommend that the DEIR describe how the project would be affected if the appropriate preserve for the occurrence(s) of special-status plants is determined to be 20 acres or even greater than 200 acres.

Mitigation Measure 7-14: Compensate for Impacts on Special-Status Plant Populations: The negotiations for the mitigation of special status species can be lengthy. We recommend that the DEIR indicate if the work on the pipelines will begin before surveys are completed. Is FRWA prepared to stop work when a special-status species is found in the alignment? To avoid this case, we recommend that the DEIR state that surveys will be completed before construction begins on any alignment that could potentially cross special-status plant habitat. We recommend that the DEIR acknowledge that take of some species may not be allowed, for example, Sacramento Orcutt grass.

Chapter 8 Wildlife

Page 8-8. Valley Elderberry Longhorn Beetle (VELB): The DEIR states that VELB occurs primarily in riparian and oak savanna communities. In addition to riparian habitats, valley elderberry plants commonly occur along roadway right-of-ways, and dredge spoils sites. We recommend that the DEIR be revised to reflect the range of possible habitats that support valley elderberry, and include a requirement for either avoidance or mitigation of impacts to habitat of the VELB wherever that might occur along the construction route. St6-34

Page 8-9. Swainson's Hawk: The DEIR state that Swainson's hawks nest in tall deciduous trees in or near riparian habitats such as, the Sacramento River, Mokelumne River, and the Deer Creek. The DEIR's description of Swainson's hawk nesting habitat is misleading. In addition to riparian habitat mentioned in the DEIR, DFG files contain records for Swainson's hawk nests throughout the project area in a variety of habitats. We recommend that the DEIR be revised to accurately describe the distribution of Swainson's hawk's nesting along the pipeline route. DFG can provide nesting information collected during surveys conducted in 2002 and 2003. St6-35

Page 8-16. Methods and Assumptions. Freeport Intake Facility to Mokelumne Aqueducts 1st paragraph: The DEIR reads: "Indirect impacts on wildlife include changes in habitat suitability and other effects on wildlife populations that occur after completion of the project and that result indirectly from project implementation (e.g., increased human population, vehicle traffic or other disturbance)." The DEIR does not adequately address the significant increase in the amount of urban growth the project will facilitate. The growth-inducing impacts will far outstrip the relatively minor direct impacts of the pipeline and facilities. Growth-inducing impacts are not mentioned in the Wildlife chapter. The DEIR should address growth stimulation and loss of wildlife habitat. For instance, the DEIR should assess the amount of growth the proposed project will accommodate and then convert this into an analysis of the amount of land that will be developed and therefore, the amount of impact to fish and wildlife habitat for which this project will be responsible. St6-36

Page 8-16. Methods and Assumptions. Freeport Intake Facility to Mokelumne Aqueducts 2nd paragraph: The DEIR reads: "Because the exact location and extent of disturbances related to pipeline installation, equipment and material staging areas and haul routes cannot be precisely determined at this time, impacts are described qualitatively." Without knowing the possible impacts, adequate mitigation cannot be proposed. CEQA requires the project to disclose all the impacts, even if this means an analysis of all the possible pipeline routes. St6-37

Page 8-21. Mitigation measure 8.1 Conduct Surveys and Develop a Mitigation Plan for Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp: Some of these crustaceans live in roadside ditches, and the USFWS requires at least two season St6-38

surveys to prove absence. Since the project is likely to impact habitat for shrimp, the DFG recommends that there be an assumption that **Vernal Pool Fairy Shrimp** and **Vernal Pool Tadpole Shrimp** are present, i.e. forego surveys and mitigate for the potential impacts. The DEIR should state which strategy the project will follow, otherwise the project is not providing an actual mitigation proposal as part of the DEIR. St6-38 cont

Page 8-21. Impact 8-11: Potential Mortality of, Disturbance to, or Removal of Habitat of the Valley Elderberry Longhorn Beetle during Construction: As stated in comments on VELB above, this implies that VELB impacts only occur in riparian areas. The DFG recommends that this statement be clarified. St6-39

Page 8-24. Mitigation Measure 8-6: Consult with California Department of Fish and Game if Swanson's Hawks Are Present and Follow Mitigation Guidelines to Avoid Disturbance of Nesting Swainson's Hawks: The DEIR acknowledges that Swainson's Hawk nest trees may be removed but does not offer any mitigation for the loss of Swainson's hawk nesting habitat. The DFG recommends that the DEIR be revised to include a proposal to off set any loss of Swainson's hawk nesting habitat. St6-40

Page 8-25. Mitigation Measure 8-8: Consult with the DFG and Follow the Burrowing Owl Mitigation Guidelines. The impression of this mitigation measure is that it is acceptable to move burrowing owls if they are in the way. The DFG recommends the DEIR address burrowing owls by surveying for them along the entire route and construction sites. If they are present and nesting, do not disturb the nest site until the young are fledged, and living independently. (Fish & Game Code Section 3503.5) St6-41

Page 19-8. Cumulative Effects: The fifth bullet describes the CALFED Environmental Water Account in a way that suggests its purpose is to insulate (buffer) water supplies from the effects of drought, rather than from the effects of modifications to project operations to benefit at-risk fish species dependent on the Delta. Moreover, both SDIP and EWA are treated as "speculative" with the DEIR advising that "[e]ach of these programs is in the very early planning and feasibility stages. They have not been adopted in any planning document or official plan beyond a highly programmatic environmental document. No firm description of these projects and programs is available, and many do not have a schedule for environmental compliance or project implementation." This assertion appears incorrect in light of recent developments, such as the EWA DEIS/EIR (as referenced above), and the public meetings regarding the OCAP, the SDIP, and the "Napa Proposal" which references FRWA project operations. More importantly perhaps, there is no explanation of how or where the cumulative effects of FRWA project operations with respect to each of these other reasonably foreseeable projects will be analyzed. If such an analysis will be made in the OCAP or SDIP, that should be acknowledged in this document. For example, how will the FRWA project be operated to keep it from directly or indirectly increasing the need for EWA assets? St6-42

Volume 3. Page 3-122. Environmental Water Account. Problems with the way the EWA was being represented in CALSIM II have been uncovered and modifications made in recent months to provide a more realistic simulation. Please note that the CALSIM II version you have used is an earlier version does not include recent improvements. St6-43

This project will have a negative impact to fish and/or wildlife habitat. Assessment of fees under Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4 is necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency. St6-44

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to this office. St6-45

Thank you for the opportunity to review the DEIR. If the DFG can be of further assistance, please contact Mr. Gary Hobgood, Environmental Scientist, telephone (916) 983-6920 or Ms. Terry Roscoe, Habitat Conservation Supervisor, telephone (916) 358-2382.

Sincerely,

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Responses to Comments of California Department of Fish and Game (Letter St06)

St06-1. Page 3-8 of the draft EIR/EIS provides details regarding the CALSIM II modeling conducted for the FRWP EIR/EIS. As noted in that discussion, the modeling conducted for the FRWP is consistent with Reclamation's 2020 OCAP modeling. The project-level impact analysis for the draft EIR/EIS uses the 2001 level of development modeling, which is most representative of existing conditions. The cumulative impact analysis uses the version of the OCAP analyses that was available at the time the draft EIR/EIS was published. As discussed in Chapter 2 of this final EIR/EIS, hydrologic modeling using the most recent version of CALSIM II published in February 2004 would not affect the conclusions reached in the impact analysis conducted for the draft EIR/EIS. The OCAP currently under revision is intended to address future CVP operations and deliveries, including the FRWP, and will be used as the basis for consultation with NOAA Fisheries and USFWS under the federal Endangered Species Act. For purposes of the EIR/EIS, FRWA and Reclamation determined that use of the 2001 level of development CALSIM model scenarios provides a more accurate basis on which to perform impact analysis. Section 3.1.1.2 of Volume 3 of the draft EIR/EIS provides additional details regarding the relationship of the FRWP modeling to the OCAP modeling.

St06-2. Both the South Delta Improvement Project and the Environmental Water Account (EWA) program are not quantitatively addressed in the detailed cumulative impact analysis for the FRWP draft EIR/EIS because insufficient details were available regarding these projects to provide the necessary input into the CALSIM II model (see "Hydrologic Modeling Assumptions" in Chapter 2 of this final EIR/EIS). As noted in Chapter 19 of the draft EIR/EIS, these projects, along with several other projects, are discussed qualitatively in the cumulative impact discussion (pages 19-3 through 19-12 of the draft EIR/EIS). In addition, the currently available representation of the EWA is incorporated into the CALSIM II hydrologic analysis. The draft EIR/EIS describes as speculative assumptions regarding how the EWA may be operated in the future and whether or not it will continue beyond its intended project life. The approach used in the draft EIR/EIS is a reasonable and appropriate approach for addressing cumulative impacts that fully complies with NEPA and CEQA. The revised OCAP CALSIM II modeling discussed in Chapter 2 of this final EIR/EIS incorporates the South Delta Improvement Project in the cumulative case study. The difference in results from the modeling used in the FRWP draft EIR/EIS were very small and would not affect the analysis or conclusions reached in the draft EIR/EIS regarding cumulative impacts.

St06-3. See response to comment St6-1 above. The revised OCAP will be used by Reclamation to initiate consultation under Section 7 of the Endangered Species Act on overall CVP operations, including the FRWP. The draft EIR/EIS uses the 2001 level of development for purposes of impact analysis, as determined to be most appropriate by FRWA and Reclamation. This approach is appropriate because it provides for the most clear description of the impacts of the FRWP using existing conditions as the baseline for impact analyses.

St06-4. Reclamation and the FRWA agencies anticipate that the draft EIR/EIS will be used to provide the necessary CEQA documentation for approval by SCWA and EBMUD of the renewal of long-term CVP contracts. The OCAP analyses will be used under Section 7 of the Endangered Species Act to consult on overall CVP operations, including the FRWP. Reclamation intends to conduct its own NEPA review of the renewal of all American River Division long-term contracts.

St06-5. This comment identifies a typographical error. The first entry should have been "41,000 af."

St06-6. Monthly deliveries to EBMUD under 2001 and 2020 modeling scenarios are shown in Volume 3 of the draft EIR/EIS, in Tables 3.4.2-3 and 3.5.2-3, respectively. As shown in those tables, both the monthly and annual patterns of delivery are nearly identical.

St06-7. The change in Folsom Reservoir storage identified in this comment occurs during 1 year of the 73-year simulation period (i.e., 1931). The actual simulated reduction in storage is 66,700 acre-feet (not 100,000 acre-feet), and is shown in Tables 3.4.3-25 through 3.4.3-29. Under the no-project condition, simulated reservoir storage at the end of September was 284,500 acre-feet. Under Alternatives 2-5, simulated reservoir storage in that same year was 217,800 acre-feet. With such low reservoir storage, there would be no cold-water pool remaining in Folsom Reservoir under the no-project condition. The impacts of such storage reductions on fish are fully described in Chapter 5 of the draft EIR/EIS. See pages 5-32 through 5-41 of the draft EIR/EIS for a complete discussion of temperature impacts on fish.

St06-8. The analyses in the draft EIR/EIS rely on CALSIM II simulations to model the response of the CVP and SWP systems to changes in water deliveries. CALSIM II does reoperate the system, including reservoir storage, in response to changed inputs such as increased demands caused by new projects or changes in instream flow requirements for example. CALSIM II is the best available tool for conducting this kind of analysis. In general, deliveries and San Luis Reservoir storage are reduced because the FRWP would result in an overall reduction of Delta exports. Reduced San Luis Reservoir storage is a function of both decreased exports and possibly increased use of the reservoir to provide deliveries to contractors.

St06-9. The cumulative impact assessment did address the potential future projects mentioned in this comment (see pages 19-1 through 19-9). The analysis is qualitative because no information is available regarding how these projects might be constructed and operated. The analyses conducted for the draft EIR/EIS are appropriate. The revised OCAP CALSIM II modeling discussed in Chapter 2 of this final EIR/EIS incorporates the South Delta Improvement Project in the cumulative case study. The difference in results from the modeling used in the FRWP draft EIR/EIS were very small and would not affect the analysis or conclusions reached in the draft EIR/EIS regarding cumulative impacts. See also, "Hydrologic Modeling Assumptions" in Chapter 2 of this final EIR/EIS.

St06-10. Chapter 4 of the draft EIR/EIS contains a detailed quantitative (i.e., based on detailed hydrodynamic modeling) cumulative impact discussion (see pages 4-33

through 4-36). Additional detail including simulated monthly values of water quality effects are provided in Section 4.4.6 of Volume 3 of the draft EIR/EIS. Potential cumulative impacts on water quality are also discussed in Chapter 19 of the draft EIR/EIS. This discussion is qualitative and is based on the best information available at the time the draft EIR/EIS was published. Detailed monthly modeling data is provided in Sections 3 and 4 of Volume 3 of the draft EIR/EIS. This data displays both the occurrence of simulated monthly changes in chlorides as well as simulated monthly changes in reservoir operations and river flow. As discussed in Section 2 of Volume 3 of the draft EIR/EIS, this data should not be assumed to be precise predictions of system operations. Rather the models are very complex representations of a very complex system using historic hydrology. The results are best interpreted using long-term averages to smooth any anomalies.

St06-11. Changes in reservoir temperature patterns have the greatest potential to affect fish resources. Therefore, reservoir temperature analyses are incorporated into Chapter 5 of the draft EIR/EIS. See pages 5-32 through 5-41 for a detailed discussion of temperature effects, including changes in reservoir temperature patterns, on fish. The temperature modeling (described in Section 5 of Volume 3 of the draft EIR/EIS) incorporated reservoir temperature models for Trinity, Whiskeytown, Shasta, Oroville, Folsom, Lewiston, Keswick, Thermalito, and Natomas Reservoirs. The output of thiese simulations were then used to simulate downstream river temperatures.

St06-12. The issue of temperature-related mortality to fall-run Chinook salmon is discussed later in the section starting on page 5-11. Temperature effects associated with the FRWP, including fall-run Chinook salmon, are fully analyzed in pages 5-32 through 5-41.

St06-13. The information requested by this comment is more detailed than is necessary to provide an appropriate setting for the impact analysis. The impact analysis for the FRWP is not reliant on specific percentages of fish captured at a specific location. Because the FRWP has the potential to affect overall CVP operations, the analysis examines those potential effects on a system-wide basis.

St06-14. The second sentence of this section suggests that native fish also pose threats to juvenile salmon.

St06-15. Low approach velocities do reduce stress and are more protective of fish.

St06-16. Page 5-14. Flow changes are minimal during the spawning and rearing months. Application of a revised flow-habitat relationship will not change the result (i.e., no effect on spawning and rearing habitat in the American River). The study cited in this comment has apparently not been published and is not available to FRWA or Reclamation.

St06-17. As noted on page 5-15 in the last sentences of the first partial paragraph, no accepted data regarding flow/spawning habitat relationships are available except for the Mokelumne River. On that river, the relationship has been determined to be similar to Chinook salmon.

St06-18. It is acknowledged that flow fluctuation during the spawning period can result in redd dewatering and superimposition. However, such fluctuations are caused by changes in releases needed to meet downstream water quality, instream flow, and temperature requirements and are not the result of individual projects or diversions. The FRWP would have no effect on such flow fluctuations. Therefore, flow fluctuations are not discussed in detail.

St06-19. See response to comment St6-18 above.

St06-20. References for Sacramento and Feather River flow-habitat relationships used in draft EIR/EIS were inadvertently omitted from the section. These references are provided below.

California Department of Water Resources. 1993. Upper Sacramento River habitat modeling progress report: End of phase 1. CDWR Northern District, Technical Information Report TIR ND-93-01.

California Department of Water Resources. 1994. Results of lower Feather River instream flow study. Prepared for the State Water Resources Control Board in cooperation with the California Department of Fish and Game, Sacramento, CA.

St06-21. The referenced sentence in the draft EIR/EIS on page 5-16 refers to adult migration.

St06-22. The referenced sentence refers to the potential effects of substantially reduced flows on water temperatures.

St06-23. There is not sufficient information available regarding cold water pool operation and reservoir temperatures to undertake the analysis requested in this comment. Detailed analyses of the potential effects of the FRWP on water temperature and resulting effects to fish are contained in pages 5-32 through 5-41 of the draft EIR/EIS. This analysis uses the best available information and technology to address these concerns.

St06-24. The paragraph discusses juvenile Chinook salmon and steelhead.

St06-25. The draft EIR/EIS does recognize the issues addressed in this comment; numerous factors do affect entrainment besides diversions and it is difficult to account for all of the variables. However, for purposes of the draft EIR/EIS, increased diversions are generally assumed to increase entrainment. This is the most conservative assumption, and would tend to overstate the actual impact.

St06-26. As noted in the draft EIR/EIS, the presence of the intake could cause an increase in predation. It is likely that any increase in predation would be small because the facility itself is small when viewed in the context of the Sacramento river at that location and because the facility will be designed to minimize predation to the extent practicable.

St06-27. See response to comment St6-26 above.

St06-28. The simulated flows under the FRWP alternatives are within the variation simulated for the No Action Alternative. Migration conditions related to flow, therefore, are not affected. The assessment for spawning

and rearing habitat was conducted for the months of spawning and rearing. The results are summarized as the number of spawning and rearing months affected for each species and the potential magnitude of effect, which is small. Given that the difference between the No Action Alternative and the FRWP alternatives is small, assessment by water year-type does not provide any additional insight into the potential project effects. The simulated flow data for all rivers is provided for the reader in the modeling technical appendix and can be reviewed by water year-type (Volume 3, Section 3.4.4).

St06-29. As shown in Figure 5-4 of the draft EIR/EIS, moderate simulated decreases in Mokelumne River flows occur in only a very few months out of the 896-month period of record (specifically December 1956, January 1973, and February 1945, 1950, and 1986 as shown in Table 3.4.5-9 in Volume 3). These flow reductions are taken into account in the overall impact analysis on habitat and temperature.

St06-30. During the initial development of the impact assessment, the appropriate locations to use relative to water temperature effects were thoroughly considered. Watt Avenue was found to be less sensitive to the small water temperature changes that could occur with implementation of the FRWP alternatives. The sensitivity is based on the occurrence of water temperatures that exceed the upper suitability criteria. Water temperatures at Sunrise Boulevard were more sensitive. Use of Sunrise Boulevard water temperature data provides an indicator of potential water temperature effects of the project on water temperature conditions for steelhead rearing in the American River. The water temperature data for Watt Avenue also indicates minimal effect of the project on water temperature. Considering that changes in American River flow are small and that changes in water temperature are also relatively small, use of Sunrise Boulevard is a good indicator of the potential effect of the alternatives on reservoir operations on water temperature conditions.

St06-31. The cumulative impact analysis (pages 5-48 through 5-55, Figures 5-17 through 5-24, and Table 5-16) fully assesses the potential cumulative effects of the FRWP in combination with other past, present, and reasonably foreseeable future actions, including increased demands by other agencies that have been recognized in statewide water planning efforts. No additional projects were suggested in this comment.

St06-32. As described in the draft EIR/EIS on pages 7-1 and 2, the methodology used to determine impacts on vegetation included reconnaissance surveys, interpretation of aerial photography, and analysis of existing data. Qualified botanists conducted this work. This approach is appropriate under CEQA and NEPA to characterize existing conditions, identify the type and extent of impacts that a project may have on environmental resources, and identify appropriate mitigation measures. FRWA and Reclamation will conduct surveys consistent with DFG's recommended guidelines in Spring 2004 when plants of concern are evident and identifiable. This information will be made available to State and federal agencies to assist with formal consultation under the State and federal Endangered Species Acts and compliance with Section 404 of the Clean Water Act.

St06-33. The complete project area was surveyed following the methodology described in response St06-32 above. Almost all areas that were not accessible from public roads are within the project area between the Folsom South Canal and the Mokelumne Aqueducts. These areas had previously been surveyed for wetlands and special-status species during recent planning efforts and, as a result, good quality data was readily available. The draft EIR/EIS identified significant impacts for all of the rare plants identified in the comment and proposed mitigation measures to reduce these impacts to a less than significant level and comply with resource agency regulations, including those of DFG. However, the mitigation measures suggested by DFG in their comment letter are consistent with the mitigation measures already included in the Draft EIR/EIS (mitigation measures 7-12, 7-13, and 7-14). FRWA will conduct surveys consistent with DFG's recommended guidelines and coordinate with DFG approval regarding consultation under the California Endangered Species Act (if required) prior to any construction of project facilities. Furthermore, these surveys will be completed prior to the final design stage of project development, thereby allowing modifications to the project footprint to avoid or minimize impacts to special-status plant species where feasible.

St06-34. The comment is correct that Valley Elderberry Longhorn Beetle and elderberry plants, the beetle's host plant, can occur in a variety of central valley landscapes. As described in mitigation measure 8-2 on page 8-22 of the draft EIR/EIS, surveys for VELB and elderberry plants will be conducted for the entire project area, and not limited to just riparian areas. FRWA and Reclamation will implement the USFWS guidelines for avoiding impacts on VELB and/or fully mitigating for any impacts when avoidance is not feasible.

St06-35. The description of Swainson's Hawk habitat on page 8-9 of the draft EIR/EIS is somewhat general in nature but the description goes on to say that potential nesting habitat and suitable foraging habitat can be found in various areas throughout the project area. Additionally, Table 8-2 identifies each project facility or pipeline segment that may potentially affect Swainson's Hawk and Figures 8-1 and 8-2 show known occurrences within the project area. These figures are based on DFG's 2002 CNDDB data.

St06-36. Growth-related effects are addressed in Chapter 20 of the Draft EIR/EIS. As described in that chapter, there are no growth-related effects associated with the EBMUD Service Area. Growth-related effects would occur in the SCWA service area. As fully described on pages 20-10 and 11 of the draft EIR/EIS, growth-related effects include those on biological resources. In addition, these potential effects were fully addressed in the Sacramento County General Plan and associated EIR. The FRWP is entirely consistent with the adopted General Plan and will not result in growth beyond that approved through the General Plan process. SCWA also recently prepared and submitted for public review the EIR for the Zone 40 Master Plan. Growth issues are also fully addressed in that document. Additionally, Sacramento County is pursuing development of a Habitat Conservation Plan to ensure protection of important habitat areas.

St06-37. The analysis included in the draft EIR/EIS adequately discloses all impacts for all alignments/alternatives. Because the precise location of all pipelines within an

alignment are not yet known, a worst case analysis was conducted as described under "Methods and Assumptions" on page 8-16 of the draft EIR/EIS. For example, installation of the pipeline may not require disturbance of the entire 130-foot-wide corridor, however impact calculations assumed that the entire 130-foot-wide corridor would be required. Furthermore, while adjustments within the 130-foot-wide corridor will likely be made during the final design stage to avoid sensitive resources, the analysis in the draft EIR/EIS assumes that resources will be impacted rather than avoided. As a result, the analysis in the draft EIR/EIS fully discloses all possible impacts and in many cases, overstates the impacts that are likely to occur.

St06-38. The draft EIR/EIS describes two approaches for mitigating impacts to vernal pool habitat and/or species. In both cases, the end result is a mitigation measure that ensures compliance with ESA through implementation of a compensation plan that includes preservation of existing habitat and creation or enhancement of compensatory habitat. CEQA allows a list of potential mitigation measures without selection in a final EIR (see Sacramento Old City Assn. v. City Council (1991) 229 Cal.App.3d 1011 case).

St06-39. See response to comment St6-34 above.

St06-40. All efforts will be made to avoid the removal of Swainson's hawk nesting trees. Nest trees will not be removed unless there is no feasible way of avoiding it. If it is determined that a nest tree must be removed, FRWA will consult with DFG to obtain appropriate DFG approvals and determine, through consultation with DFG, appropriate mitigation measures such as habitat replacement, habitat preservation, or other measures determined appropriate by FRWA and DFG. Similarly, Mitigation Measure 8-7 is revised to clarify that mitigation would be implemented as a result of consultation with DFG. At this time, no nest trees have been identified that would require removal. As a result, FRWA can only identify the types of mitigation that will be implemented (e.g., habitat replacement, habitat preservation). Specific details about the appropriate mitigation are dependent on the physical context of the nest tree to be removed (e.g., tree health and vigor, type of tree, nesting history, location and proximity to other suitable nest trees and foraging habitat).

St06-41. Mitigation measure 8-8 provides a two-step mitigation process, consistent with DFG Burrowing Owl Mitigation Guidelines. The first step is to not disturb occupied burrows. The second step only applies if an active burrowing owl burrow cannot be avoided during construction. FRWA will conduct preconstruction surveys and make every effort to avoid disturbance of active nests during construction, consistent with DFG's guidelines.

St06-42. See response to comment St6-2 above. Reclamation is currently developing a revised OCAP analysis that will incorporate most of the elements described in this comment, including the FRWP. The revised OCAP CALSIM II modeling discussed in Chapter 2 of this final EIR/EIS incorporates the South Delta Improvement Project in the cumulative case study. The difference in results from the modeling used in the FRWP draft EIR/EIS were very small and would not affect the analysis or conclusions reached in the draft EIR/EIS regarding cumulative impacts.

St06-43. See response to comment St06-42 above.

St06-44. FRWA will pay the necessary fees to DFG upon filing of the Notice of Determination.

St06-45. FRWA and Reclamation will provide written notice to DFG regarding proposed actions and pending decisions associated with this project.

Letter St7

Terry Tamminen
Secretary for Environmental Protection

State Water Resources Control Board

Division of Water Rights
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Arnold Schwarzenegger
Governor

DEC 1 9 2003

In Reply refer to:JF:A013370

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COMMENTS ON FREEPORT REGIONAL WATER PROJECT, DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

Staff of the State Water Resources Control Board (SWRCB), Division of Water Rights (Division), as a responsible agency, appreciates the opportunity to comment on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR) for the proposed project of the Freeport Regional Water Authority (FRWA). General comments are being submitted, along with specific comments on various chapters in the draft document. These include: Chapter 1: Water Rights; Chapter 4: Water Quality; Chapter 5: Fish; Chapter 7: Vegetation; Chapter 8: Wildlife; and Chapter 17: Cultural Resources.

General Comments

The proposed project involves the additional diversion of between about 40,000 and 140,000 acre-feet per year of water from the Sacramento River for municipal use by the Sacramento County Water Agency (SCWA) and the East Bay Municipal Utility District (EBMUD) under an existing Central Valley Project (CVP) contract with the United States Bureau of Reclamation (USBR). The DEIR states that the project may impact flows in the Trinity, Sacramento, Feather, American, and Mokelumne Rivers and in the Delta. Storage may be affected in Trinity, Shasta, Oroville, Folsom, Pardee, and Camanche reservoirs. In addition, changes in flow may result in changes to exports from the Delta by the CVP and State Water Project (SWP). The DEIR includes significant modeling of CVP, SWP, SCWA, and EBMUD operations including assumptions regarding the operation of CVP and SWP reservoirs. The results of this modeling generally indicate that the FRWA project will have less than significant impacts on water quality and fishery resources within these potentially impacted waterways and the Delta.

The SWRCB has significant concerns regarding the DEIR's conclusion that the FRWA project will have less than significant impacts on water quality and fishery resources within the potentially impacted waterways and the Delta. The DEIR states (on page 3-7):

St7

"The available planning models…do not forecast actual operations of EBMUD, SCWA, CVP or SWP facilities. For purposes of this project evaluation, the water demands, instream flow requirements and applicable Delta Water quality objectives are assumed to remain unchanged."

The limitations of the available planning models, and the numerous assumptions required to model a system as complex as the Sacramento River/Delta calls into question the DEIR's conclusion of less than significant impact. Additionally, The modeling does not include any analysis of cumulative impacts associated with the South Delta Improvements Project (SDIP), the Environmental Water Account (EWA), the revised Operation Criteria and Plan (OCAP) and OCAP Biological Opinions, and water right applications submitted by the SCWA and San Joaquin County which use the proposed Freeport intake to divert water.

St7-1

Given these limitations, the SWRCB strongly recommends that the DEIR be revised to include measures to mitigate any potential impacts of the FRWA project on SWP and CVP operations, water quality (including potential salinity impacts to diversions by Contra Costa Water District), and fishery resources (including potential EWA assets). It should be noted that regardless of the amount of water delivered to SCWA and EBMUD under the FRWA project, USBR and the Department of Water Resources are required to meet all applicable Delta water quality standards.

In addition to the aforementioned general comments, the SWRCB has the following specific comments:

Water Rights: Chapter 1

Comment 1: Page 1-18 "In 1970, EBMUD signed a water services contract with Reclamation (United States Department of the Interior), which administers the CVP, for the delivery of American River water from the Folsom South Canal. In 2001, this contract was amended to provide for delivery of water from three possible diversion points, with defined amounts for each location. From Freeport on the Sacramento River, EBMUD can take delivery of up to 133,000 af of American River water annually…"

St7-2

As noted in the letter of March 11, 2003 from Richard Stevenson of Reclamation to Ed Anton, Division of Water Rights, the exact location of the intake structure at Freeport has not been finalized. Before the project can proceed the FRWA must advise Reclamation of the exact location. If the intake location is a significant change from that stated in the November 3, 1999 Order by the Chief of the Division of Water Rights amending permit numbers 13370 and 13371, Reclamation, as the permittee, will be required to petition the SWRCB for another change. This action could delay commencement of the proposed project.

Chapter 4: Water Quality

Comment 2: Page 4-1 "…water quality typically *changes* as a result of water diversions and return water".

St7-3

Water quality degrades would be a more accurate statement than changes. All sentences following the one quoted above elaborate on water quality degradation.

Comment 3: Page 4-1: "Most parameters do not exhibit strong seasonal or water year variation".
Table 4-1 only shows average values for various parameters. It is not clear whether there is any seasonal or water year variation from average values. St7-4

Comment 4: Page 4-2: "A review of the data shown in Table 4-1...."
The data shown in Table 4-1 are averages and not ranges. The sentence should instead read: " A review of the data used to compile the average values shown in Table 4-1...." St7-5

Comment 5: Page 4-8: "Dissolved organic carbon is a byproduct of decaying vegetation ...." St7-6

Dissolved organic carbon also occurs without decaying vegetation material, through a process of mass transfer between water and soil over time.

Comment 6: Page 4-16: "The potential for Freeport Regional Water Project (FRWP) diversions to contain highly diluted wastewater ...is not considered an environmental impact because the maximum quantity potentially entrained by FRWP diversions under most likely conditions would be very small (less than 3%) ...." St7-7

Does an entrained quantity of 3% ensure that the contaminant of concern (COC) with the lowest maximum contaminant level (MCL) value will not exceed the Department of Health Services (DHS) standard?

Comment 7: Page 4-16: "The intake facility would also generally not be operated during the few hours of the peak higher high-tide during extreme low flow/high-tide events if there is potential to exacerbate water quality concerns associated with reverse flow conditions". St7-8

It is unclear what the operating criteria are. "Exacerbate water quality" does not signify any specific water quality parameters or follow-up operational triggers. These criteria should be made more specific.

Comment 8: Page 4-18: " Under these alternatives, reservoir storage and associated water depth will be higher more frequently in both reservoirs. Consequently, Comanche Reservoir release temperatures are expected to improve ...". St7-9

Do simulations indicate the frequency of higher reservoir levels? How frequently? And what would be the corresponding reservoir release temperatures?

Comment 9: Page 4-19: " ...it is difficult to predict what the numerical effect of the new water source would be on existing algae populations in the terminal reservoirs." St7-10

What is the worst-case scenario effect of the new source on algae in the reservoirs ?

Comment 10: Page 4-24,: "Additionally, trace metal and organic compound transport is generally at least partially associated with suspended sediment transport". St7-11

How much (i.e. what percentage) of the trace metal and organic compound transport is associated with suspended sediment transport?

Chapter 5: Fish

Comment 11: Page 5-21,: "Construction activities under Alternatives 2-5 potentially affect environmental conditions... Impacts to fish species potentially result from changes in spawning habitat area, rearing habitat area, migration habitat conditions, contaminants, predation, and direct injury." St7-12

Timing of construction activities should be planned so that minimal disturbance to fish species occurs. Increased sedimentation, temperature, and contamination are all factors to consider. Since the location of the intake facility is still under consideration, placement of the intake should be such that impacts to rearing habitat are minimized.

Chapter 7: Vegetation

Comment 12: Page 7-21 "...washing trucks and equipment prior to entering any natural vegetation communities, particularly vernal pools and wetlands..." St7-13

Trucks and equipment should not have access to vernal pools and wetlands.

Comment 13: This comment applies to the following mitigation measures: Mitigation Measure 7-5: Identify and Avoid Oak Woodland and Individually Protected Trees, and Mitigation Measure 7-12: Conduct Preconstruction Surveys in Areas not Previously Inventoried" St7-14

For these resources, Oak Woodland, individually protected trees and special status plants, the DEIR states that floristic surveys will be completed (*after the best alternative is selected*) to avoid or minimize impacts. However, the surveys should be completed before a final decision is made on the best alternative. This would allow FRWA to minimize significant impacts to these resources.

Comment 14: Page 7-24 "A monitoring plan would be implemented to ensure the success of the restoration effort over a period of 5 years." St7-15

What is the basis of deciding the duration of the monitoring effort?

Chapter 8: Wildlife

Comment 15: Comments are similar to those made for Vegetation (Chapter 7). Mitigation Measure 8-1, 8-2, and 8-4 call for pre-construction surveys to be made for animals that are listed as endangered. St7-16

As with the plant surveys, please explain why these surveys are not completed before alternative selection thereby minimizing potential impact. St7-16

Chapter 17: Cultural Resources

Comment 16: The DEIR needs to provide a full disclosure of the proposed project and alternatives to supply the permitting agencies approving the project enough information to make an informed decision. While this DEIR provides an analysis of the proposed project and alternatives, the Responsible agencies have not participated in review of the alternatives, and Section 106 of the National Historic Preservation Act (NHPA) consultation with the Office of Historic Preservation (SHPO) has not been undertaken by the federal Lead Agency. St7-17

Comment 17: Pages 17-5 thru 17-13. In general the Area of Potential Effect (APE) has not been defined. Consequently, the evaluation of effects of the proposed project and alternatives has not been completed. The APE must first be defined, and then the consultation process should begin with all the permitting agencies and SHPO. The DEIR, as currently written, does not provide enough information to adequately address cultural resources. St7-18

Comment 18: Page 17-22 thru 17-23. The cultural resource section of the report needs to be developed to incorporate additional information regarding the state process for addressing cultural resources under CEQA, as was done for the federal process under Section 106. There also needs to be more discussion provided for the California Register of Historical Resources that was created by amending the Public Resources Code in 1992 (Pub. Resources Code, § 5024.1), as is listed for the eligibility criteria under 36 CFR 60.4. The section titled Environmental Consequences; Significance Criteria would read better with a more balanced view of the federal/state section. There are actually three sets of criteria that should be addressed, including National Register of Historic Places (NRHP) eligibility, CEQA significance and NEPA significance. The following is suggested as possible language for NRHP and CEQA from which to base the section, while the consultant should develop the language for the NEPA significance. St7-19

"A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." (Pub. Resources Code, § 21084.1.) In evaluating historical resources, several criteria are considered. A resource shall generally be considered "historically significant" if the resource is listed or the lead agency determines that the resource meets the criteria for listing on the California Register of Historic Resources. (Pub. Resources Code, § 21084.1; Cal. Code Regs., tit. 14, § 15064.5, subd. (a)(3).) The criteria used for determining the eligibility of a resource for the California Register are similar to those developed by the National Park Service for the NRHP. To be eligible for listing on the NRHP, historic properties must possess integrity of location, design, setting, materials, workmanship, feeling, and association, and meet at least one of the following NRHP criteria:

- that are associated with events that have made significant contributions to the broad patterns of the history of the United States;
- that are associated with the lives of people significant in United States history;
- that embody the distinctive characteristics of a type, period, or method of construction or that represent of the work of a master; or that possess high artistic values; or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- that have yielded, or may be likely to yield, information important in prehistory or history.

St7-19 cont

The criteria of eligibility for the California Register were reworded to better reflect California history. (Cal. Code Regs., tit. 14, § 15064.5, subd. (a)(3)(A-D.) The criteria include the following:

- is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- is associated with the lives of persons important in our past;
- embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values, or has yielded, or may be likely to yield, information important in prehistory or history.

As with the process of evaluating historical resources for National Register eligibility, California Register evaluations include the consideration of seven aspects of integrity: location, design, setting, materials, workmanship, feeling and association. The evaluation of integrity must be judged with reference to the particular criterion or criteria under which a resource may be eligible.

Under CEQA, impacts on some historical resources besides those listed or eligible for listing on the CRHR must also be considered. "The fact that a resource is not listed in, or determined to be eligible for listing in the (California Register), not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1." (Cal. Code Regs., tit. 14, § 15064.5, subd. (a)(4).)

An archeological resource constitutes a significant historical resource if it meets the definition of an "historical resource" described above. In addition, an archaeological resource may meet the definition of a "unique archeological resource" under Public Resources Code section 21083.2.

Comment 19: Page 17-24. An agreement document (i.e., a Memorandum of Agreement (MOA) or Programmatic Agreement (PA)) needs to be completed, as it will define the agency and roles and responsibilities, and specify how and when mitigation will occur. All of the parties should be signatory to the document. Execution of this agreement and implementation of its terms evidences that the appropriate agencies have afforded the Advisory Council on Historic Preservation a reasonable opportunity to comment. Evidence of compliance with the processes St7-20

that address cultural resources should be included in a final EIR/EIS. The steps necessary to comply with Section 106 of the National Historic Preservation Act are usually adequate to address the requirements of NEPA and CEQA. St7-20 cont

Comment 20: Page-17-24 thru 17-25. Determination of the appropriate mitigation measures will be made by the lead federal and state agencies in consultation with the SHPO as part of the determination of eligibility and effect process. After consultation with the Native Americans, implementation of the selected mitigation measures should follow the development and execution of the appropriate agreement document. The mitigation as proposed for Unidentified Cultural Resources is adequate for unanticipated finds; however, additional survey of the APE needs to be completed in order to identify impacts of the project on cultural resources. This information is necessary in order for the permitting agencies to fully evaluate the impacts of project alternatives. St7-21

Comment 21: There is no discussion of contemporary ethnographic resources in the DEIR. Has there been consultation with the Native Americans and the Native American Heritage Commission? Are there any resources that are utilized by the existing Native American population within any of the alternatives that will be impacted by any of the project alternatives? The cultural resource section needs to be expanded to include this information. St7-22

Comment 22: A section discussing the cumulative impacts of the proposed project on cultural resources also needs to be incorporated into the DEIR. St7-23

Comment 23: The cultural resources analyses for this project are inadequate. It is impossible to complete an impact evaluation if the Area of Potential Effect has not been defined. Also the consultation pursuant to Section 106 of the NHPA, should have been initiated at the start of the environmental review process. The Division recommends that these issues be addressed and the document re-circulated for review and comment to provide a full disclosure of the potential effect of the project. St7-24

Thank you for considering these comments to the Freeport Regional Water Project, Draft Environmental Impact Report/Environmental Impact Statement. Should you have any questions or if we can be of further assistance, please contact Jane Farwell, Environmental Scientist, at (916) 341-5349.

Sincerely,

Gita Kapahi, Chief
Special Projects Unit

Response to Comments of the SWRCB (Letter St07)

St07-1. The draft EIR/EIS relies on the best information and modeling tools available to conduct impact analyses. Reclamation and FRWA employed the best available technology to assess the potential effects of implementing the FRWP and alternatives through extensive computer modeling of the entire CVP and SWP. This modeling tool, CALSIM II, is the only available and accepted tool for such modeling and has been subjected to rigorous review and refinement. Reclamation and the California Department of Water Resources (DWR) developed this model and fully accept the results of the model. The FRWP modeling was conducted in close coordination with Reclamation and has been made publicly available. Reclamation and DWR have reviewed and accepted the results. In addition, the modeling has been discussed extensively with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NOAA Fisheries). No major issues with modeling assumptions or approaches have been identified by these agencies, which collectively share actual responsibility for managing the CVP, SWP, and fisheries resources. Furthermore, the CVP is operated as an integrated system. Reclamation is committed and obligated to provide specified instream flows to protect environmental resources, including flow, temperature, senior water rights, and water quality. These requirements are met prior to Reclamation making allocations to water supply contractors and are set as constraints in the baseline modeling. As CVP contractors, the FRWA agencies will be treated identically to other CVP contractors and will receive the same priority as other contractors. No detailed proposed operational data are available for the future projects listed in this comment, therefore no detailed hydrologic modeling is appropriate or possible at this time. The modeling conducted for the cumulative impact analysis includes the most up to date representations of future projects. The results of this detailed modeling are included in chapters 3, 4, 5 and 6 of the draft EIR/EIS. In addition, chapter 19 of the draft EIR/EIS addresses other potential future projects qualitatively. Assessments of potential impacts and determinations of mitigations measures in the draft EIR adhere to and fully comply with the intent of CEQA and NEPA. Also see Hydrologic Modeling Assumptions in Chapter 2 of this final EIR/EIS.

St07-2. FRWA and Reclamation are currently coordinating with SWRCB staff regarding the exact location of the proposed water intake facility, its relationship to the existing permits, and any possible changes to the existing permits that may be needed.

St07-3. FRWA agrees that using the word “degrade” in place of “changes” in this sentence referenced in the comment would be an accurate way of introducing the discussion that follows.

St07-4. The comment is correct in noting that it is not clear whether there is any seasonal or water year variation from average values. The source data that were used to develop Table 4-1, as referenced in the notes of Table 4-1, provides the basis for determining seasonal or water year variability. In addition to the data averages included in Table 4-1, the text provides additional information about parameters that exhibit seasonal or water year variability (for example, the last paragraph on page 4-2).

St07-5. FRWA agrees that the first sentence of the last paragraph on page 4-2 of the draft EIR/EIS should read "A review of the data used to compile the average values shown in Table 4-1 indicate that . . . ."

St07-6. The comment is correct in noting that dissolved organic carbon is not only a byproduct of decaying vegetation but can result from a process of mass transfer between water and soil over time. However, due to conditions in the Delta, dissolved organic carbon is most often a byproduct of decaying vegetation as a result of the predominately peat soils of the Delta.

St07-7. The maximum entrained quantity of 3% treated wastewater is the result of a modeled worst-case scenario (e.g., the intake is operated continuously during the most severe reverse flow events). The Department of Health Services does not have a specific quantitative standard by which to determine if a maximum contaminant level will be exceeded. However, as described in Chapter 2 of the draft EIR/EIS under "Environmental Commitments," FRWA is working with SRCSD to coordinate operations with one another. One result of this coordination would be to ensure that the FRWP intake does not divert water during reverse flow conditions when highly diluted treated wastewater might be present in the river at the intake facility.

St07-8. The operating criteria are generally described on page 2-51 in Chapter 2 of the draft EIR/EIS under "Environmental Commitments, Coordinated Operations between FRWA and SRCSD." As a result of this ongoing coordination, the FRWA Board approved Principles of Agreement with SRCSD and SCWA at their January 8, 2004, meeting. The Principles of Agreement will ensure: adequate separation of treated wastewater effluent and drinking water supplies, reliable and efficient operation of SRCSD's SRWTP and FRWA's facilities, and minimization of operational impacts on both facilities. A coordinated operations agreement will be developed as a result of this coordination and the process will involve those agencies with jurisdictional responsibilities.

St07-9. Simulations do indicate the frequency of higher reservoir levels (as indicated in numerous figures and tables in Section 3.4.3 [starting on page 3-143] of Volume 3 of the draft EIR/EIS). The corresponding reservoir release temperatures have not been quantified, but as stated in the draft EIR/EIS, ". . . are expected to improve because the frequency of these low storage conditions will decrease." The first paragraph under Impact 4-4 of the draft EIR/EIS (page 4-18) describes the basis for this assumption.

St07-10. A reliable quantitative estimate of the worst-case scenario effect of a new Sacramento River water source on algae in EBMUD terminal reservoirs is not available. A number of factors affect algae level in the EBMUD terminal reservoirs. EBMUD will determine the extent of water treatment of the Sacramento River water prior to entering the terminal reservoirs and adjust the existing treatment process to assure that all potential adverse effects due to algae are minimized to the extent possible.

St07-11. The degree to which trace metal and organic compound transport is associated with suspended sediment transport was not determined as a part of the draft EIR/EIS analysis because it was previously noted on page 4-24 that elevated concentrations for trace metals of concern and organic constituents occur infrequently and concentrations are routinely below regulatory limits

of guideline threshold criteria. Therefore no significant effects would result.

St07-12. Construction timing for the intake facility will be coordinated with the appropriate resource agencies. including the U.S. Fish and Wildlife Service, NOAA Fisheries, and DFG, consistent with Biological Opinions to be issued as a result of Endangered Species Act consultation. The intake site evaluated in the draft EIR/EIS currently provides minimal rearing habitat due to the lack of vegetative cover and the artificially hardened substrate. The placement and design of the intake facility will minimize impacts on rearing habitat to this already degraded area.

St07-13. As described in Impact 7-7 of the draft EIR/EIS (page 7-23), impacts on vernal pools and wetlands may occur in designated construction areas during project implementation. However, these impacts will be avoided, minimized, and/or mitigated. Trucks and equipment will only have access to these areas if absolutely necessary.

St07-14. Adequate studies and/or surveys have already been conducted to determine impacts to sensitive resources for purposes of CEQA and NEPA and the selection of a preferred alternative. Additional surveys will be conducted in Spring 2004 for compliance under the Endangered Species Act and to assist in minimizing potential impacts further during the final design phase.

St07-15. Use of a 5-year monitoring effort is based on professional judgment and is consistent with regulatory agency guidance provided by DFG and USFWS.

St07-16. Similar to response St07-14 above, adequate studies and/or surveys have already been conducted to determine impacts to sensitive resources for purposes of CEQA and NEPA and the selection of a preferred alternative. Additional surveys will be conducted in spring 2004 for compliance under the Endangered Species Act and to assist in minimizing potential impacts further during the final design phase.

St07-17. The draft EIR/EIS does provide full disclosure of the proposed project and alternatives, including Cultural Resources. Responsible Agencies were invited to review the alternatives during the public review period. Reclamation has initiated consultation under Section 106 of the NHPA process.

St07-18. Information to be submitted during the Section 106 process will make a clearer distinction of the APE. However, the project description of the draft EIR/EIS provides an adequate description of the area of potential effect for purposes of public/agency review.

St07-19. The description of the regulatory process as it relates to cultural resources reasonably describes the CEQA and NEPA processes for purposes of the associated impact analysis. The suggested modifications would not change the results of the analysis included in the draft EIR/EIS.

St07-20. Consistent with Section 106, and as described on page 17-1 of the draft EIR/EIS, the consultation process usually results in a Memorandum of Agreement. However, an MOA is not required. The need for an MOA for the FRWP has not yet been determined.

St07-21. The information provided in the draft EIR/EIS is adequate for impact identification under CEQA and NEPA at this stage of environmental review. Additional inventory surveys will be conducted in order to complete the Section 106 process.

FRWA and Reclamation have coordinated with the Native Americans and the Native American Heritage Commission. This coordination will continue throughout the planning and implementation of the FRWP.

St07-22. Chapter 19 of the draft EIR/EIS analyzes cumulative impacts that may result from the project. Cumulative impacts on cultural resources are presented on page 19-11.

St07-23. As stated above, the information included in the draft EIR/EIS is adequate to conduct an impact evaluation. Furthermore, Reclamation has initiated the Section 106 consultation process. On January 22, 2004, in FRWA staff discussions with SWRCB staff, SWRCB staff indicated that it was not necessary to recirculate the draft EIR/EIS.

Chapter 6

Responses to Local Agency Comments

RECEIVED
SEP 15 2003

Letter L1

OFFICE OF THE
CITY MANAGER

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 304
730 I STREET
SACRAMENTO, CA
95814

PH 916-808-5704
FAX 916-808-7618

September 9, 2003

Eric Mische
General Manager
Freeport Regional Water Authority
1510 J Street, Suite 140
Sacramento, CA 95814

RE: DRAFT ENVIRONMENTAL IMPACT REPORT / STATEMENT – EXTENSION OF THE COMMENT PERIOD

Dear Mr. Mische,

The City of Sacramento has received the draft EIR/EIS for the Freeport Regional Project. After an initial review of the EIR/EIS, the City has defined a number of substantial issues and concerns. In order to allow sufficient time for City staff to perform a more complete analysis, and to also allow time for staff to brief the City Council, the City respectfully requests that the Freeport Regional Water Authority extend the public comment period from October 7th to November 6th. L1-1

The City appreciates your cooperation in this matter. If you have any questions, please contact Dan Sherry at (916) 264-1419.

Sincerely,

Robert P. Thomas
City Manager

cc: Kirk Rodgers, Bureau of Reclamation
Terry Schutten, County of Sacramento
Dennis Diemer, East Bay Municipal Utility District
Mayor Heather Fargo
City Council

30624:RT

Response to Comment of the City of Sacramento (Letter L01)

L01-1. The comment period was extended per the request. Also, see the master response to Public Outreach Process.

Letter L2

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

221 W. Pine St., Lodi, CA 95240

RECEIVED
SEP 24 2003

September 22, 2003

Mr. Eric Mische
General Manager
FRWA
1510 J Street, Suite 140
Sacramento, CA 95814

SUBJECT: Freeport Project – Draft EIR

Dear Mr. Mische:

The North San Joaquin Water Conservation District makes the following comments on the subject DEIR.

Discussion on pages 7-12 and 7-13 of Volume 2 includes statements that the American River Diversion at the Folsom South Canal Alternative "...meets the technical and operational, economic cost, and water quality criteria, it fails to meet the timing/schedule criteria and does not meet most of the basic project objectives". Minus the details available from further evaluation, how can you be certain that timing criteria can't be met? And, what basic project objectives are not met? It seems obvious that this alternative should be fully explored in the DEIR. The simple fact that it would save substantial amounts of electrical energy dictates its inclusion. And, references to earlier EIR evaluations is not enough. This alternative must be evaluated in this current DEIR and compared side by side with the current alternatives. L2-1

Pages 7-18 through 7-20 of Volume 2 contain a discussion of possible surface water diversions, including diversion from the American River for groundwater banking in Sacramento County. It is stated that this alternative will be carried forward to third stage screening, but a page labeled "chapter 8, Third Stage Evaluation Results" contains the following, "This chapter will be published with the Final EIR". L2-2

We have three comments. 1) San Joaquin County should be included for potential groundwater banking, 2) the third stage evaluation must be included within the DEIR in order that all alternatives may be reviewed equally, prior to preparation of the final EIR, and 3) Folsom South Canal conveyance of water surplus to the needs of the Lower American River for banking in Sacramento and San Joaquin Counties is obviously the least costly and least environmentally damaging of all alternatives considered for an EBMUD supply. L2-2 cont

The DEIR cannot summarily dismiss a wet year diversion of American River water for banking on the basis that it "...would not be allowed under the Hodge Decision". Common sense and reason demand that this alternative be evaluated and the Hodge Decision amended . L2-3

Figure 2-2, Volume 1 shows two pipeline routes within San Joaquin County. It should also include an unlined canal extending from the proposed pipeline at Dry Creek, along the planned route of the Folsom South Canal to the EBMUD aqueduct. Such a canal would be 1,000 feet shorter than the preferred Liberty Road pipeline, would conserve the electrical energy required to overcome the 100' feet of friction loss through the pipeline, and would benefit adjacent areas. Such a canal could be constructed jointly by EBMUD and San Joaquin County's Eastern Water Alliance. We are convinced that there would be local support for this joint use canal where there would be no support for an EBMUD only facility. The canal could be used locally with or without Freeport water. It could convey wet year Dry Creek and Mokelumne River Water for groundwater recharge. It could also be the northerly most section of a canal proposed by the Alliance to extend southerly to the existing Farmington Canal. L2-4

Page 6-16,17 of Volume 2 includes a discussion concluding that a Duck Creek Reservoir alternative was eliminated from further consideration because of water quality concerns. We believe this could be a viable alternative for EBMUD if water so stored were made available to the Alliance, in exchange for a portion of the increase in groundwater resulting from Alliance use of Duck Creek water. This concept should be investigated. L2-5

Pages 6-18,19 of Volume 2 conclude that groundwater banking in San Joaquin County is "overly speculative" and that it be eliminated from further consideration because no control of groundwater overpumping, no legal framework for EBMUD recovery of stored L2-6

water, no strong local authority, and no consensus that a project with EBMUD is desirable. L2-6 cont

The recently enacted SB-833 provides an opportunity for the Eastern Water Alliance to develop a project with EBMUD. The legislation also eliminates water code section 1220 obstacles for projects approved by the County and the Alliance. L2-7

Chapter 18, Volume 1 and Appendix F, Volume 2 contain detailed analysis of possible groundwater banking in Sacramento County with water diverted at Freeport. A similar analysis must be made for San Joaquin County. And, analyses for San Joaquin banking of wet year American River water diverted into the Folsom South Canal must also be included. L2-8

Finally, should a Liberty Road pipeline be the ultimate choice, should wet year capacity be available for San Joaquin County use, and should the proposed treatment plant be located near Camanche Dam, adequate plumbing should be provided for wet year bypass of the plant for supply of raw water for a possible storage at Duck Creek. L2-9

Thanks for the opportunity to comment on the DEIR.

Sincerely,

Fred Weybret

FW/bss

cc: Farm Bureau
Eastern Water Alliance
Mel Lytle, GBA

Response to Comments of the North San Joaquin Conservation District (Letter L02)

L02-1. The alternative discussed in this comment was eliminated from further consideration because it is not capable of meeting several criteria, does not appear to clearly reduce project impacts, and—most importantly—it would not meet most of the basic project objectives for the FRWP, it does little to improve EBMUD system reliability and operational flexibility during droughts, and it does not substantially meet the District's need for water. Neither CEQA nor NEPA requires the consideration of alternatives that are not capable of meeting the basic objectives of a proposed project.

L02-2. The alternatives suggested in this comment were evaluated in Chapter 6 of the Alternatives Screening Report for the FRWP (Volume 2, Appendix B). Groundwater banking/exchange programs in San Joaquin County were eliminated from further consideration. The information used to screen this alternative remains valid and is supported by substantial information in the administrative record. No additional information is presented that would alter the conclusions reached in the Alternatives Screening Report. The information developed for the EIR/EIS will form the basis of the third-stage (most detailed) evaluation of the project alternatives. This section of the screening report will be completed once the final EIR/EIS is completed.

L02-3. The institutional considerations regarding alternative screening appropriately consider legal and regulatory constraints (see pages 6-18 and 6-19 in Appendix B, Volume 2 of the draft EIR/EIS). See also response to comment L02-2 above.

L02-4. There is no evidence to suggest that such a canal would be locally supported. In addition, a canal alternative was considered and rejected in Chapter 5, Volume II of the October 1997 EBMUD Supplemental Water Supply Project draft EIR/EIS because it would have substantially greater environmental and property impacts than either of the pipeline alternatives under consideration and thoroughly evaluated in the draft EIR/EIS because the right-of-way would be substantially wider and because it could not follow property lines and public rights-of-way. A pipeline along the same route was rejected for similar reasons in that document as well.

L02-5. The FRWP Alternatives Screening Report appropriately examines the alternative suggested in this comment. No information exists to suggest that the conclusions reached in the Alternatives Screening Report should be reevaluated. Should the North San Joaquin Water Conservation District or another entity develop appropriate information in a timely manner that shows that the conclusions reached in the Alternatives Screening Report should be reevaluated, FRWA and Reclamation would consider the information. Also see response to comment L02-2 above regarding groundwater banking in San Joaquin County.

L02-6. This comment accurately reflects the conclusions of the Alternatives Screening Report.

L02-7. Should the Eastern Water Alliance develop a reasonable proposal that provides equal or greater benefits at equal or less cost and that would result in minimal environmental impact, EBMUD would consider the proposal. No such proposal has been presented to date.

L02-8. See responses to comments L02-1 through L02-7 above.

L02-9. The concept of bypassing the proposed water treatment plant to supply raw water for possible storage at Duck Creek is not part of the FRWP. There are currently no plans for use of the unused capacity of the FRWP facilities other than the small quantities described in Chapter 2 of this final EIR/EIS. These facilities may provide additional regional benefits in the future by enabling regional water supply solutions. However, no such plans have been identified at this time, and any such future plan will be required to provide a new source of water (EBMUD's CVP contract does not allow for diversion of water in normal and wet years, when excess capacity would generally be available) and will undergo appropriate separate environmental review.

Letter L3

GBA MEMBERS
SAN JOAQUIN COUNTY
CITY OF LODI
CITY OF STOCKTON
STOCKTON EAST WATER DISTRICT
WOODBRIDGE IRRIGATION DISTRICT
CENTRAL SAN JOAQUIN WATER CONSERVATION DISTRICT
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT
CENTRAL DELTA WATER AGENCY
SOUTH DELTA WATER AGENCY

NORTHEASTERN SAN JOAQUIN COUNTY GROUNDWATER BANKING AUTHORITY

P.O. BOX 1810
1810 EAST HAZELTON AVENUE
STOCKTON, CALIFORNIA 95201
(209) 468-3089
(209) 468-2999/FAX

RECEIVED
OCT 0 6 2003

JACK A. SIEGLOCK
CHAIRMAN

TOM FLINN
SECRETARY

RECEIVED
OCT 0 2 2003

October 1, 2003

Freeport Regional Water Authority
1510 J Street #140
Sacramento, California 95814

Attention: Mr. Kurt Kroner

SUBJECT: COMMENTS ON THE FREEPORT REGIONAL WATER PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

The Northeastern San Joaquin Groundwater Banking Authority (GBA), comprised of the California Water Service Company, Central Delta Water Agency, Central San Joaquin Water Conservation District, City of Lodi, City of Stockton, North San Joaquin Water Conservation District, San Joaquin Farm Bureau Federation, San Joaquin County Flood Control and Water Conservation District, Stockton East Water District, South Delta Water Agency, and the Woodbridge Irrigation District, appreciates the opportunity to constructively comment on the Freeport Regional Water Project (Freeport Project) Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS). The following comments are submitted on behalf of the member agencies of the GBA and represent the unified position of the GBA with regards to the Freeport Project.

The San Joaquin County's involvement in an enhanced Freeport Project has the potential to exceed the expectations and benefits of the Freeport Regional Water Authority by providing additional yield, supply reliability, and regional resource flexibility. The GBA suggests that further analysis of an expanded Freeport Project with a regional groundwater banking component in San Joaquin County will undoubtedly be a viable alternative that meets or exceeds the expectations of the Freeport Regional Water Authority while providing benefits to water users and the environment throughout the region and the State. The GBA's comments are related to potential project modifications that have the ability to improve the Freeport Project and the efficiency of the DEIR/EIS's response to comments made at the April scoping meetings. L3-1

As documented in Appendix B: Alternatives Screening Report of the DEIR/EIS, several specific reasons for not carrying forward a regional groundwater banking program in San Joaquin County are listed as follows:

1. No effective control of groundwater overpumping by overlying agencies and pumpers;

2. No legal framework for East Bay Municipal Utility District (EBMUD) recovery of stored water that would justify investment in a conjunctive use project;

3. No strong local authority with clear boundaries and sufficient powers to join EBMUD in such a project; and

4. No consensus among local water users that a conjunctive-use project with EBMUD is desirable.

The County's interests have made substantial progress towards the resolution of the above issues as demonstrated in the following sections.

Efforts of the Northeastern San Joaquin County Groundwater Banking Authority
The GBA was formed in 2001 with the short-term goal of participating in the Freeport Project and with the long-term goal to develop "...locally supported groundwater banking projects that improve water supply reliability in Northeastern San Joaquin County...and provide benefits to project participants and San Joaquin County as a whole." Collaboration amongst the GBA member agencies has strengthened the potential for broad public support for groundwater management activities.

Over the past several years, the GBA has provided a consensus-based forum for local and regional water interests to work cooperatively with one voice to study, investigate, and plan locally supported groundwater banking and conjunctive use projects in the Eastern San Joaquin County. The GBA Board of Directors convenes monthly while the GBA Coordinating Committee meets twice a month on planning activities with cooperative assistance provided by the California State Department of Water Resources, the California Center for Collaborative Policy, and EBMUD.

Most recently, the GBA has undertaken the development of a Groundwater Management Plan (Plan) for the purpose of coordinating existing groundwater management policies and programs in Eastern San Joaquin County and to develop new policies and programs to ensure the long-term sustainability of groundwater resources in Eastern San Joaquin County. Key components of the Plan include: L3-1 cont

Integrated Conjunctive Use Program
Critical overdraft conditions, estimated at approximately 150,000 acre-feet per year, and saline groundwater intrusion from the west threaten the environmental, economic, and social viability of Eastern San Joaquin County. Development of an integrated conjunctive use program that includes the acquisition of substantial supplemental surface water supplies, groundwater recharge projects, aggressive conservation/demand management programs, and third party groundwater banking programs is the focus of the Plan. Project components such as diversion facilities, conveyance, groundwater recharge facilitates, on-farm improvements, conservation incentive programs, as well as financing strategies will be considered. The Freeport Project is a major supply and conveyance component of the Plan.

Basin Management Objectives
Basin Management Objectives (MO), established by Senate Bill 1938, mandate that groundwater management plans pursuant to Assembly Bill 3030 contain Basin MOs for the purpose of defining quantifiable standards for groundwater levels, groundwater quality, land subsidence, and changes in surface water quality and flow due to groundwater pumping. The GBA is currently involved in developing MOs for Eastern San Joaquin County as a quantifiable means by which the Basin will be evaluated and operated. MOs apply to both local supply needs as well as provide the basis for extraction principles in a regional conjunctive use program. Groundwater flow modeling will be used to evaluate the above mentioned integrated conjunctive use program as measured to the MOs.

Governance and Leadership
Included in the planning process is the configuration of a new groundwater management entity to govern and lead the implementation of the Plan. The GBA is currently evaluating the existing GBA governance structure with the intent of creating a new governance structure that will better address agency representation, public participation, adequate enforcement authority, implementation efficiency, financial authority, and regional participation. It is also expected that the new governance structure will address justifiable revisions to the current San Joaquin County Ordinance No. 4064 regarding groundwater export.

L3-1 cont

Groundwater Banking Potential in Sacramento County
Volume I, Chapter 18, of the DEIR/EIS provides a logical and comprehensive analysis of groundwater banking potential in Sacramento County. Conclusions include potential for groundwater banking, and warnings of institutional, legal, environmental, and timing barriers to incorporating this alternative into the project. The GBA does not dispute the approach to the Sacramento County analysis, however, the GBA believes that a comparable analysis of the groundwater banking potential in Eastern San Joaquin County is warranted and will prove that regional groundwater banking is technically and politically feasible.

L3-2

The efforts of the GBA are an indication of the ability to develop a sound regional groundwater banking project in Eastern San Joaquin County that meets the needs of both local and regional interests. The GBA is confident that further analysis of an enhanced Freeport Project is technically and politically feasible with the potential to meet or exceed the expectations of the Freeport Regional Water Authority, local and regional interests, and the State.

Enhanced Freeport Regional Water Project
On May 14, 2002, the San Joaquin County Board of Supervisors adopted the San Joaquin County Water Management Plan. The Plan outlines the County's current and projected water demands for both urban and agricultural uses as well as identifies potential supplemental surface water supplies for conjunctive use and groundwater recharge. The Water Management Plan Steering Committee consisting of over 25 local stakeholder agencies and the Board of Supervisors recognized that diversion of wet-year flows from the American River through the proposed Freeport Regional Water Project as a substantial opportunity for a new water source and directed County staff to work to complete Application 29657 through the development of a preferred project alternative.

Water Right Application 29657
San Joaquin County has a pending application to appropriate water from the South Fork American River. The State Water Resources Control Board designated Application 29657 and assigned it a priority date of February 9, 1990. An amendment to this application was filed with the SWRCB on August 12, 2003.

L3-3

Amended Application 29657 seeks the right to divert for direct use up to 350 cubic feet per second (cfs) from December 1 through June 30 each year, up to 147,000 acre-feet per year (AF/yr). Diversion to storage of up to 147,000 AF/yr is also proposed. A maximum of 147,000 would be taken by direct diversion and diversion to storage during any one year.

Table 1
Water to be Appropriated under Amended Application 29657
(acre-feet per year)

Direct Diversion	147,000
Storage	147,000
Total	147,000
Maximum Diversion Rate	350 cfs
Period of Diversion or Collection:	12/1 - 6/30
Priority Date:	February 9, 1990

Amended Application 29657 moves the proposed point of diversion to the Freeport diversion site on the Sacramento River with the anticipation that the capacity could be made available to San Joaquin County or other users about two-thirds of the time in average and wetter years. The planned facilities would need to be enlarged to accommodate the full diversion contemplated in the Amended Application.

Saracino-Kirby-Snow was retained by San Joaquin County to quantify the amount of Application 29657 water that could be diverted at the Freeport site. Generally speaking, transferring the point of diversion to the Sacramento River without reapplying for a new water right (and losing the 1990 priority date) will require a showing that the water diverted from the Sacramento River at Freeport would not exceed the amount obtainable at the original point of diversion on the American River. SWRCB has declared the American River system fully appropriated for the period from July 1 through October 31. The Amended Application would limit the period of diversion to the period from December 1 through June 30. If diverted continuously at the diversion rate of 350 cubic feet per second over the December 1 through June 30 period of diversion, there is capacity to divert up to 147,174 acre-feet (in non-leap years). In general, water is available on the South Fork during the December through June period of diversion. Flows in this period have exceeded the 350 cfs diversion rate 95 percent of the time during the most recent 50 years of gaged records.[1]

L3-3 cont

Historical Flows
The United States Geological Survey maintains stream gaging stations at several key locations on the South Fork, mainstream American River, Folsom Reservoir, and the Sacramento River. Station locations and their period of record are shown on Figure 1.

Two gages have been operated just a short distance upstream of the originally-proposed point of diversion on the South Fork American River. The two gages are well correlated in the overlapping period of record, with the downstream Lotus gage recording about six percent more flow as illustrated in Figure 2. The two gages have been combined and normalized for this analysis. As shown in Table 2, South Fork American River flows have averaged about 1.04 million acre-feet per year. Use of historical gage data provides a general indication of water availability, but does not reflect increased utilization of senior water rights.

[1] USGS gages 11444500 and 11445500 on the South Fork American River near Placerville and Lotus, respectively, from October 1951 through September 2001 for the December through June diversion period

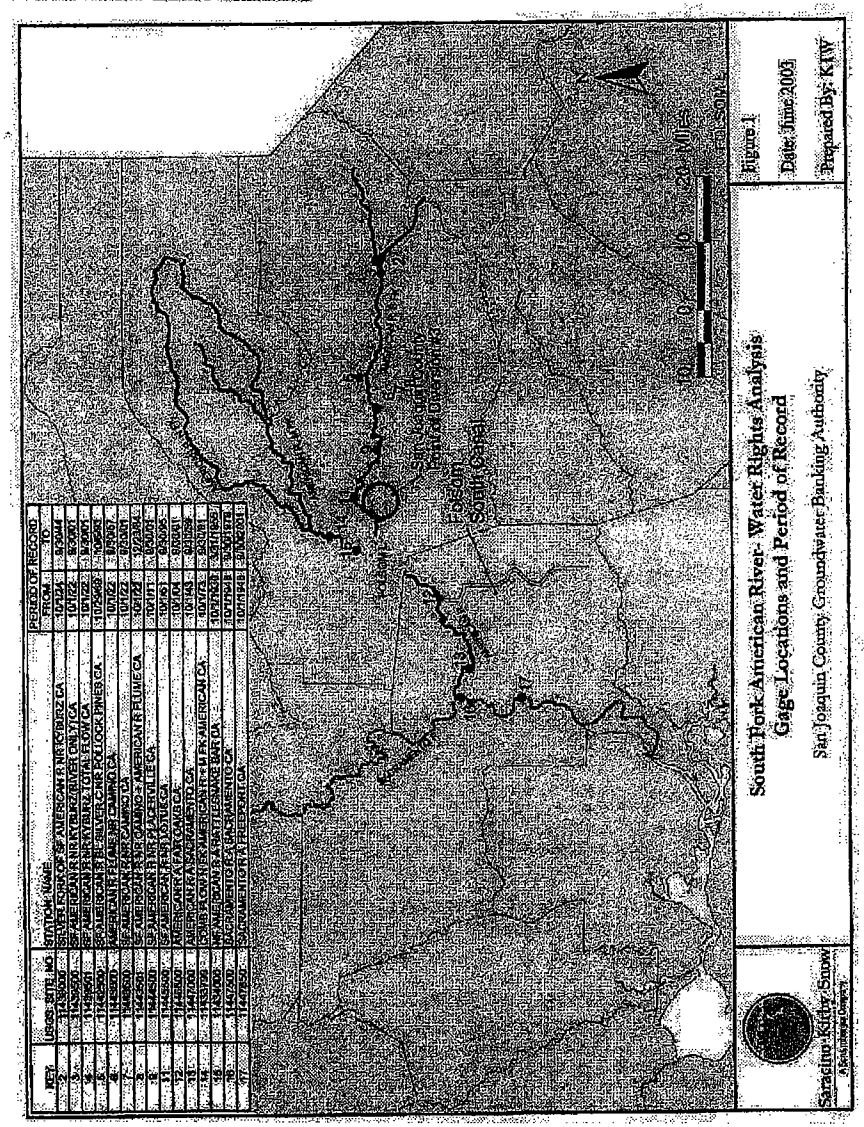


Table 2 – Historical Gage Data South Fork American River

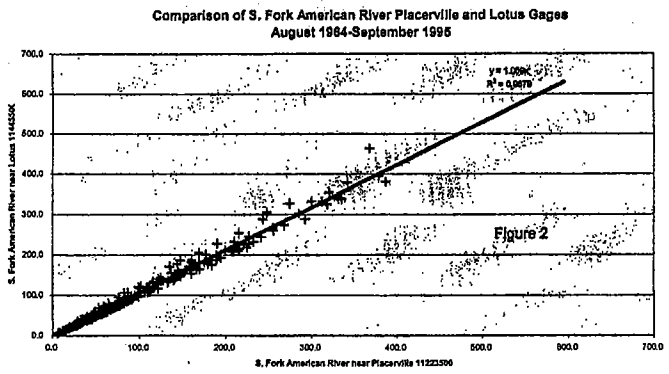
Gage Number	Gage Name	Period of Record	Average Annual Flow (AF/yr)
11444500	South Fork American River near Placerville	August 1964 – September 2001	1,063,000
11445500	South Fork American River near Lotus	October 1951 – September 1995	992,000
Combined Gage	South Fork American River near diversion site	October 1951 – September 2001	1,036,000

L3-1 cont

CalSim 2020 Simulated Flows

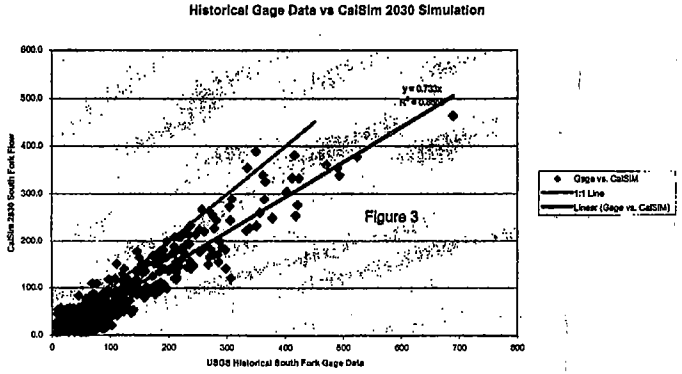
The CALFED/DWR/USBR Water Management/Allocation Studies Draft Benchmark Studies Assumptions, a comprehensive analysis of water development and utilization through 2020, was published by CALFED, DWR and USBR in September 2001. This document was published to support the three agencies' joint water management and water allocation studies being performed with the CalSimII model. Model simulations will be used as the basis for evaluating the benefits and impacts of a wide variety of proposed facility, regulatory, and operational alternatives identified in the CALFED Record of Decision and elsewhere.

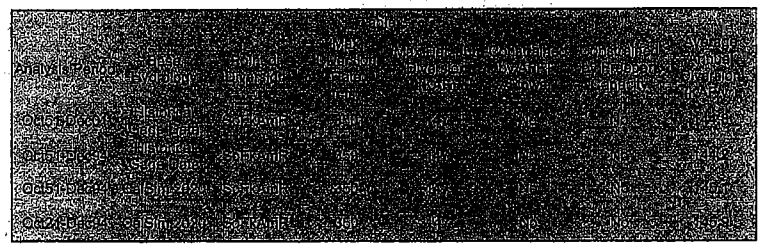
The CalSimII data represents expected utilization of American River entitlements through 2025. CalSimII assumptions and this expected utilization are evaluated over the historical period from October 1921 through September 1994. CalSimII South Fork flow data are well correlated and about 27 percent drier than the historical period of overlap, as illustrated in Figure 3.



As shown in Table 3, selection of the historical hydrology or the projected 2020 CalSim hydrology does not have a significant impact on the amount of water that might be diverted under Application 29657. For both hydrologies and for various periods of record virtually the entire 147,000 AF/yr could be diverted.

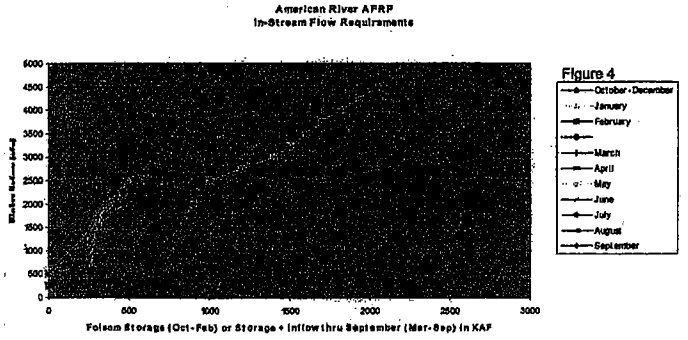
L3-3
cont





Instream Flow Requirements

An analysis was performed to determine periods when new South Fork diversions might be restricted because of in-stream flows below Anadromous Fish Restoration Program (AFRP) minimums. It should be emphasized that AFRP flows are dynamic, since they depend on storage in and inflows to Folsom Reservoir – upstream diversions may result in lower instream flow requirements below Folsom Dam. However, this effect will be small for the magnitude of diversions sought under Application 29657. Analysis of the CalSim 2020 base case shows that AFRP flows are not met in 42 percent of the months during the period of analysis, and would reduce average annual diversions to 75,100 acre-feet. This is the approximate amount that a San Joaquin County diversion from the South Fork American River would yield. AFRP flows are unlikely to be a constraining factor if South Fork water right is diverted downstream of the reach of the American River where the AFRP flows are required (Figure 4).



Instream flows in the lower Sacramento River are governed by SWRCB Decision 1641 (D-1641). Minimum Sacramento River instream flows at Rio Vista under D-1641 must be 3000 cfs in September, 4000 cfs in October, and 4500 cfs in November and December. In critically dry years, the minimum drops to 3000 cfs in October and 3500 cfs in November and December. Sacramento River instream flow requirements are always met over the period of analysis and are, therefore, not a constraining factor.

Table 4

Analysis Period	Base Hydrology	Point of Diversion	Max Diversion Rate (cfs)	Max Dec-Jun Diversion (KAF)	Constrained by AFRP Flows	Constrained by Freeport Capacity	Average Annual Diversion (KAF/yr)
Oct21-Dec94	CalSim 2020	SoFkAmR	350	147	No	No	146.0
Oct21-Dec94	CalSim 2020	SoFkAmR	350	147	Yes	No	75.1

Freeport Diversion Capacity
Of the 286 cfs planned capacity of the Freeport Diversion, EBMUD's 155 cfs capacity and conveyance into San Joaquin County would be available about two-thirds of the time, in average and wetter years. Under its CVP contract, EBMUD is restricted to taking water at Freeport to periods when its Total System Storage[2] is projected to drop below 500,000 acre-feet.[3] Both the 155 cfs diversion rate and the diversion period are significant limitations on San Joaquin County's ability to make use of Application 29657 water.

An analysis of EBMUD Total System Storage was performed using data from EBMUD's operations model EBMUDSIM for the 2020 no-action base case.[4] The reduction of diversion rate to 155 cfs alone would drop the potential San Joaquin County average annual diversion by two-thirds to 65,300 AF/yr. Restricting diversions to periods when EBMUD conveyance capacity is available would restrict diversions to an average of 43,600 AF/yr. This is the approximate average annual diversion that San Joaquin County could expect from Amended Application 29657 utilizing planned excess EBMUD conveyance capacity.

Table 5

Analysis Period	Base Hydrology	Point of Diversion	Max Diversion Rate (cfs)	Max Dec-Jun Diversion (KAF)	Constrained by AFRP Flows	Constrained by Freeport Capacity	Average Annual Diversion (KAF/yr)
Oct21-Dec94	CalSim 2020	SoFkAmR	350	147	No	No	146.0
Oct21-Dec94	CalSim 2020	SoFkAmR	350	147	Yes	No	75.1
Oct21-Dec94	CalSim 2020	SoFkAmR	155	65.3	No	No	65.3
Oct21-Dec94	CalSim 2020	Freeport	155	65.3	No	Yes	43.6
Oct21-Dec94	CalSim 2020	Freeport	155	65.3	Yes[5]	Yes	25.1

[2] The sum of storage at Pardee, Camanche, and five terminal reservoirs in the East Bay
[3] March 1 projection of September 30 storage
[4] EBMUDSIM study 6041
[5] It is unlikely that lower American River instream flows would be applied to constrain a South Fork American River water right diverted downstream at Freeport on the Sacramento River

L3-3 cont

Enhanced Freeport Project
Potential water diversions for San Joaquin County and project partners under Amended Application 29657 could be substantially increased by enlarging the Freeport facilities being planned by Sacramento County and EBMUD, and by adding groundwater storage capacity in San Joaquin County. Two scenarios are outlined as potential project alternatives to the current Freeport Project Plan:

1. To make use of Sacramento County's unused diversion capacity and enlarging the planned pipeline from the end of the Folsom South Canal to 286 cfs.

2. Enlarge both the planned Freeport diversion capacity and pipeline from the end of the Folsom South Canal to 350 cfs.

1. Use of Sacramento County's Unused Diversion Capacity - As described in the August 2003 Freeport Project Draft EIR/EIS, Sacramento County intends to make use of its planned 85 MGD Freeport diversion capacity in a pattern following service area demands. As illustrated in Table 6, full diversion capacity will be used in June and only minimal diversions would be made in the winter months. An average of about 29 KAF/yr of unused diversion capacity could be made available to San Joaquin County at rates of up to 131 cfs. Use of this capacity to deliver water to San Joaquin County for conjunctive use would require enlargement of the planned pipeline from the end of the Folsom South Canal (FSC) from 155 cfs to 286 cfs. Using the County's unused capacity and enlarging the FSC pipeline would increase average annual supply to San Joaquin County and potential project partners 66 percent to about 72 KAF/yr.

L3-4

Table 6

Month	Average Sacramento County Freeport Use Pattern[6]		Freeport Capacity @85 MGD	Freeport Capacity Available for SJCo Dec-Jun
	TAF/mo	%	TAF/mo	TAF/mo
Oct	2.3	4.6%	8.1	
Nov	1.8	3.6%	7.8	
Dec	0.5	1.0%	8.1	7.6
Jan	0.1	0.2%	8.1	8.0
Feb	0.2	0.4%	7.4	7.2
Mar	3.8	7.6%	8.1	4.3
Apr	6.5	13.1%	7.8	1.3
May	7.7	15.5%	8.1	0.4
Jun	7.8	15.7%	7.8	0.0
Jul	7.8	15.7%	8.1	
Aug	6.8	13.7%	8.1	
Sep	4.4	8.9%	7.8	
Total	**49.7 TAF**	**100.0%**	**95.3 TAF**	**28.8 TAF**

[6] From Tables 3.2.1.2-3 & 4 of the Freeport Project Draft EIR/EIS, August 2003

2. Expand Freeport diversion Capacity and FSC Pipeline to 350 cfs – Enlarging the planned 286 cfs Freeport diversion and FSC pipeline to 350 cfs would allow greater use of wet-year water under Amended Application 29657. EBMUD has studied a diversion of this size to provide redundancy to allow EBMUD's demands to be fully met during emergencies or planned outages of its Pardee Reservoir supply. EBMUD's Amended CVP contract allows emergency supply at a lesser quantity. Agreements with San Joaquin County under a conjunctive use plan could be developed to provide additional supply to EBMUD. As shown in Table 7, average annual yield with the enlarged intake and conveyance would increase to about 99 KAF/yr.

Table 7

Analysis Period	Base Hydrology	Point of Diversion	Max Diversion Rate (cfs)	Max Dec-Jun Diversion (KAF)	Constrained by AFRP Flows	Constrained by Freeport Capacity	Average Annual Diversion (KAF/yr)
Oct21-Dec94	CalSim 2020	Freeport	155	65.3	No	Yes	43.6
Oct21-Dec94	CalSim 2020	Freeport	286	120	No	Enlarged FSC Connection	72.4
Oct21-Dec94	CalSim 2020	Freeport	350	147	No	Enlarged Diversion & FSC Connection	99.3

L3-4 cont

San Joaquin County & Freeport Project Interconnection
To take full advantage of an enhanced Freeport Project, conveyance, storage and conjunctive use facilities would be constructed in San Joaquin County. The preliminary project concept includes the development of an interconnecting conveyance pipeline from the terminus of the FSCC to a regulatory storage facility on Duck Creek, the Freeport Interconnect Project. This reservoir with a potential storage capacity of up to 200,000 acre-feet would act to temporarily store and regulate wet-year flows through the Bellota Weir, Bear Creek and into the Calaveras River and Mormon Slough to supply water to groundwater banking and conjunctive use projects within the Eastern San Joaquin Basin (approx. 1.2 mil af in available storage) for use by local and regional partners. This enhancement to the Freeport Project has the potential to greatly improve the overall regional benefit to EBMUD, Sacramento, San Joaquin Counties and other regional partners. (Table 8).

Table 8

EBMUD Dry-Year Diversion	San Joaquin County Wet-Year Diversion
Bureau of Reclamation Water Supply Contract totaling 110,000 af/year and not more than 165,000 af in any 3 years (dry years only)	Application 29657 with Enhanced Freeport Project - Wet Year Diversion for 350 cfs diversion with 147,000 af direct diversion and storage
EBMUD may only divert in 3 of 10 years or 30% of the time	Wet-year diversion could be 5 to 7 out of 10 years or 50% to 70% of time
Freeport Project design will have 286 cfs diversion with 131 cfs going to Sacramento County and 155 cfs going to EBMUD	Freeport Project with a 350 cfs diversion would allow 131 to Sacramento County; plus 350 cfs to SJC and EBMUD
At 30% of the time, with dry year diversion, EBMUD could potentially receive 165,000 af total yield from Freeport over a 10 year period.	At 50 -70% of the time, with wet-year diversion total yield of 735,000 to 1.03 mil af over 10 years for project partners using SJC conjunctive use options.
Dry year diversion has more environmentally related impacts.	Wet-year diversion would be less environmentally sensitive.
EBMUD will have 20,000 af deficiency even with Freeport Project and 25% conservation plan.	A potential long-term solution for SJC groundwater overdraft and supply, EBMUD supply and provide greater resource flexibility for project contractors to improve water supply reliability and quality for In-Delta water users.

L3-4 cont

Summary of Enhanced Freeport Project
Significant quantities of water are available for San Joaquin County by diverting the South Fork supply at the Freeport site. It is unlikely that lower American River instream flow requirements would be applied to constrain this downstream diversion. The current planned capacity of the Freeport diversion that would be available to San Joaquin County would constrain average annual diversions to approximately 44,000 acre-feet per year. Upsizing the planned conveyance pipeline to 286 cfs would increase average annual diversions to approximately 72,000 acre-feet per year. Upsizing the planned diversion and conveyance facilities to 350 cfs would increase average annual diversions to 99,000 acre-feet per year for increased project yield, reliability and regional resource flexibility. Other potential benefits to EBMUD may include:

- Project cost recovery
- Provide project capacity redundancy
- Full pipeline utilization in Wet/Dry years (freshening, floatation issues)
- Project staffing levelization

Other water supply options for the County and partners could potentially be developed to wheel additional diversions through the Freeport facility including sales, exchanges and transfers for greater regional resource flexibility and water supply reliability.

Next Steps
The GBA will continue its discussions with East Bay Municipal Utility District and the Freeport Regional Water Authority for first right of refusal for the excess capacity in the Freeport pipeline. The Northeastern San Joaquin County Groundwater Banking Authority plans to pursue Water Right Application No. 29657 on a parallel track within the timeframe of the Freeport Regional Water Authority. Further analysis of the following suggested Freeport Project modifications will also be further explored in discussions with the Freeport Regional Water Authority:

L3-5

- Right-of-Way acquisition for multiple pipes providing for potential project growth.
- Preferred pipeline alignments to ensure minimal impact to all affected parties.
- Shared use of proposed Freeport Project facilities.
- Sizing of Freeport Regional Water Project facilities for cost containment and recovery.

Should you have any questions, please contact Dr. Mel Lytle at (209) 468-3089.

Sincerely,

For T. R. FLINN
Secretary of the Northeastern San Joaquin County
Groundwater Banking Authority

JAS:BN:ej
WR-3I110-J2

Response to Comments of the Northeastern San Joaquin County Groundwater Banking Authority (GBA) (Letter L03)

L03-1. FRWA and Reclamation encourage the GBA to continue making progress toward addressing certain of the issues described in the FRWP Alternatives Screening Report (Volume 2, Appendix B). However, at the current time there is no substantial evidence that the issues addressed in the Alternatives Screening Report and the reasons for determining that groundwater banking/exchange in San Joaquin County is not a feasible alternative have been resolved to the point where such an alternative could be considered a feasible alternative to the projects analyzed in this EIR. A number of efforts are underway in San Joaquin County to address these issues. However, these issues have been thoroughly explored for more than 10 years and have not been resolved. As noted in the Screening Report, this alternative remains infeasible at this time.

L03-2. The alternative suggested in this comment was evaluated in Chapter 6 of the Alternatives Screening Report for the FRWP (Volume 2, Appendix B). Groundwater banking/exchange programs in San Joaquin County were eliminated from further consideration. The information used to screen this alternative remains valid and is supported by substantial information in the administrative record. No additional information is presented that would alter the conclusions reached in the Alternatives Screening Report. Should the GBA develop appropriate new information, FRWA and Reclamation would consider the information prior to certification of the final EIR/EIS and project approval.

L03-3. FRWA and Reclamation fully acknowledge that the FRWP could assist with local and regional water solutions. There are currently no plans for use of the unused capacity of the FRWP facilities other than the small quantities described in Chapter 2 of this final EIR/EIS. These facilities may provide additional regional benefits in the future by enabling regional water supply solutions. However, no such plans have been identified at this time, and any such future plan will be required to provide a new source of water (EBMUD's CVP contract does not allow for diversion of water in normal and wet years, when excess capacity would generally be available) and will undergo appropriate separate environmental review.

L03-4. See response to comment L03-3 above. FRWA and Reclamation agree that the FRWP has the potential to contribute to local and regional water supply solutions. However, given the objectives of the proposed project and the identified needs of SCWA and EBMUD, there is no justification from a water supply, environmental, or cost basis to enlarge the FRWP facilities as described in this comment. No such enlargement is proposed as part of the FRWP.

L03-5. FRWA and Reclamation appreciate and support the efforts of the GBA. Any additional information provided by the GBA will be taken under consideration.

Letter L4

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OFFICE OF THE
CITY COUNCIL

DAVE JONES

VICE MAYOR
COUNCIL MEMBER
DISTRICT SIX

CITY OF SACRAMENTO
CALIFORNIA

September 23, 2003

Freeport Regional Water Authority
Eric Mische, General Manager
1510 J Street #140
Sacramento, CA 95814

Re: Freeport Regional Water Project Objections

Dear Mr. Mische:

I am writing to object to the proposed location for the Freeport Regional Water Authority water intake facility and pipeline alignments. The proposed intake facility location is immediately adjacent to a quiet, single-family residential neighborhood. The project will have a significant adverse impact on this neighborhood, including but not limited to noise, odor and visual impacts. The environmental impact report fails to adequately assess or mitigate these impacts. **L4-1**

At the formation of the FRWA, we were led to believe that Freeport would be the location for the water intake project. The very name of the Authority suggests this as well. **L4-2**

The FRWA now proposes to locate its water intake facility and pipeline adjacent to the Pocket neighborhood. This new plan has been put forward in the Draft Environmental Impact Report without any prior notice to or consultation with neighbors in the Pocket neighborhood. Nor was the Sacramento City Council consulted about the plan to locate the facility immediately adjacent to the quiet, single-family Pocket neighborhood. **L4-3**

730 I STREET, ROOM 321, SACRAMENTO, CA 95814-2608
Mailing Address: 915 I STREET, ROOM 205, SACRAMENTO, CA 95814-2608
PH 916-808-7006 • FAX 916-264-7680 • djones@cityofsacramento.org

Based on the DEIR, the proposed facility will include pumps, a four foot high structure, holding ponds and electrical equipment, among other things, all of which will create significant negative impacts to the neighborhood, including but not limited to noise, odor and visual impacts. The DEIR does not adequately address or mitigate these impacts. **L4-3 cont**

The location of this facility directly adjacent to the Pocket neighborhood is simply not acceptable. I urge the FRWA to return to its original plan to locate a site for its facility that does not impact and is not adjacent to the Pocket neighborhood. I also urge the FRWA to meet with neighbors in the Pocket neighborhood. **L4-4**

If you have any questions, please feel free to call me or Amy Christensen in my office at 808-7006. Thank you. **L4-5**

Sincerely,

Dave Jones

Dave Jones
City Councilmember, District 6

Cc: City Councilmember Robbie Waters, District 7

DJ:ac

Responses to Comments of Councilmember Dave Jones, City of Sacramento (Letter L04)

L04-1. See the master response to Intake Facility Issues.

L04-2. See the master response to Intake Facility Issues.

L04-3. See the master response to Public Outreach Process.

L04-4. Objection to the placement of the project adjacent to the Pocket neighborhood is noted.

L04-5. See the master response to Public Outreach Process.

L04-6. See the master response to Intake Facility Issues.

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MWD
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Letter L5

Executive Office

October 1, 2003

Mr. Kurt Kroner
Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Dear Mr. Kroner:

Draft Environmental Impact Statement/Report for the Freeport Regional Water Project

The Metropolitan Water District of Southern California (Metropolitan) has received a copy of the Draft Environmental Impact Statement/Report for the Regional Water Project (FRWP). The United States Bureau of Reclamation (Reclamation) is the Federal lead agency and the Freeport Regional Water Authority (FRWA) is the State lead agency for this project. FRWA's member agencies Sacramento County Water Agency (SCWA) and East Bay Municipal Utility District (EBMUD), currently hold contracts with Reclamation allowing them to divert at the location identified as Freeport on the Sacramento River south of downtown Sacramento. FRWA's project objectives are to support acquisition of additional SCWA surface water entitlements to promote efficient conjunctive use of groundwater in its Zone 40 area, consistent with the Sacramento Area Water Forum Agreement and County of Sacramento General Plan policies; provide facilities through which EBMUD can take delivery of a supplemental supply of water that would substantially meet its need for water and reduce existing and future customer deficiencies during droughts; and improve EBMUD system reliability and operational flexibility during droughts, catastrophic events, and scheduled major maintenance at Pardee Dam or Reservoir. Metropolitan is providing comment on this Draft EIS/EIR, as a potentially affected public agency.

GENERAL COMMENTS

The document gives little attention to the issue of how EBMUD diversions would be treated under the Coordinated Operations Agreement (COA). The issue is not discussed in qualitative terms in the document. Please expand the discussion to fully address this issue. L5-1

700 N. Alameda Street, Los Angeles, California 90012 • Mailing Address: Box 54153, Los Angeles, California 90054-0153 • Telephone (213) 217-6000

- Quantitative treatment of the issue appears in two sentences as the last paragraph under the topic "CALSIM Modeling" on page 3-8 of Volume 1 and in Section 3.4.10 of Volume 3, pages 3-369 thru -374. L5-2

- Analysis of EBMUD diversions as an "export project" under the COA is presented casually as a sensitivity analysis or a "side-bar modeling study." It is Metropolitan's position that EBMUD diversions through the FRWP must be treated as an export project under the COA. L5-3

- "Export project" results are presented as incremental changes relative to EBMUD diversions treated as an "in-basin" use, rather than as incremental changes relative to the baseline. The document does not explain how the "export project" modeling analysis was conducted. Please clarify. L5-4

Specific Comments

1. Volume 1, Table 3-1 (following page 3-14): The 2001 level impacts for Banks exports are inconsistent with those shown in Section 3.4.6 of Volume 3 (pages 3-304 thru –315) and in Figures 3.4.1-1 and -2. Please clarify this inconsistency. L5-5

2. Volume 1, Table 3-3 (following page 3-20): The 2020 level impacts for Banks exports are inconsistent with those shown in Section 3.5.6 of Volume 3 (pages 3-579 thru –590) and in Figures 3.5.1-1 and -2. Please clarify this inconsistency.

3. The document evaluates potential changes in compliance with the Safe Drinking Water Act in Section 4.4.4.1 of Volume 3, pages 4-71 thru –74. Changes in formation of bromate and total THMs were evaluated on a running annual average basis assuming constant total organic carbon concentrations of 4 mg/l (see page 4-14). The rationales provided for not simulating (1) Delta TOC transport and (2) seasonal changes in DBP formation are not convincing. The Department of Water Resources has successfully applied the same modeling tools and predictive equations to present potential changes in formation of bromate and total THMs associated with the ISI In-Delta Storage Program. This modeled approach provides a more site specific and comprehensive basis for these variables within the context of the Delta. Therefore, Metropolitan requests that FRWA conduct a simulation of the Delta TOC transport and draw conclusions on DBP formation based on those results. L5-6

We appreciate the opportunity to provide input to your planning process and we look forward to receiving a copy of the Final EIS/EIR for this project. If we can be of further assistance, please contact Ms. Carissa Dunn of the Environmental Planning Team at (213) 217-5652.

Very truly yours,

Laura J. Simonek

Laura J. Simonek
Manager, Environmental Planning Team

LJM/rdl
(Public Folders/EPU/Letters/01-OCTP-03A.doc – Kurt Kroner)

Responses to Comments of the Metropolitan Water District (Letter L05)

L05-1. At the time the draft EIR/EIS was published, Reclamation and FRWA considered EBMUD diversions to be "Sacramento Valley in basin" uses as described in the Coordinated Operations Agreement (COA). Since publication of the draft EIR/EIS, Reclamation has determined that EBMUD diversions will be treated as an "export" under the COA. This change in designation under the COA would result in only very minor changes to the hydrologic and water quality modeling results. Section 3.4.10 of Volume 3 of the draft EIR/EIS displays the results of a study conducted prior to publication of the draft EIR/EIS that compares the FRWP modeling results with EBMUD diversions being treated as an export under the COA. As shown in that analysis, changes are very slight, and these small changes would not affect the conclusions reached in the draft EIR/EIS regarding impacts.

L05-2. As described above, the results of modeling in which EBMUD diversions are treated as exports for purposes of the COA are displayed in Section 3.4.10 in Volume 3.

L05-3. FRWA and Reclamation agree that EBMUD diversions should be treated as an export for purposes of the FRWP.

L05-4. The modeling with EBMUD diversions treated as an export use was conducted in the same manner as that conducted for the main project analysis. In the "export project" analysis, EBMUD diversions were treated as exports in the COA, and the responsibility of CVP and SWP to make upstream releases for project diversions, if needed, is assigned according to the appropriate COA provisions. As shown in Section 3.4.10, these changes are very small and do not alter the conclusions of the EIR/EIS.

L05-5. The values included in Tables 3-1 and 3-3 for Banks Pumping Plant exports intentionally did not include SWP and CVP water conveyed through this facility for the Environmental Water Account (EWA) because the values were not affected by the FRWP alternatives. The values for Banks Pumping Plant exports in Volume 3 included EWA water conveyed through that facility. The values are, therefore, not different; the EWA amounts are a constant that would not affect the impact analysis or conclusions of significance. In addition, minor differences are also attributable to round-off errors, as the long-term averages presented in Tables 3-1 and 3-3 were computed using data with fewer significant digits than those used in Volume 3.

L05-6. Section 4.1.3 of Volume 3 of the draft EIR/EIS describes the approach used for the water quality analysis in the draft EIR/EIS. Organic carbon is not used as an potential impact indicator because of the lack of a sufficiently accurate predictive tool, and because of the small magnitude of changes that could be caused by the FRWP alternatives. Current models for simulating organic carbon concentrations in the Delta do not reflect the dynamics of production and decay of organic carbon in channel water and how these processes are affected by ambient conditions. Mechanisms of these processes are little understood. FRWA and Reclamation have concluded that any results from using existing models

would not be reliable and such modeling has, therefore, not been undertaken.

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AMADOR Water Agency

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AMADOR COUNTY CALIFORNIA

Letter L6

October 2, 2003

VIA FACSIMILE AND U.S. MAIL

Mr. Kirt Kroner
Freeport Regional Water Project
Draft EIR/EIS Comments
Freeport Regional Water Authority
1510 J. Street, No. 140
Sacramento, CA 95814

Subject: Comments of the County of Amador and the Amador Water Agency on DEIR/EIS for Freeport Regional Water Project

Dear Mr. Kroner:

On August 8, 2003, the Freeport Regional Water Authority ("FRWA") and the U.S. Bureau of Reclamation made available for public review and comment the Draft Environmental Impact Report/Environmental Impact Statement (collectively "DEIR") for the Freeport Regional Water Project. Comments were required to be received by October 7, 2003.

This letter contains the comments of the County of Amador and the Amador Water Agency (collectively "Amador").

Amador's comments relate solely to Alternative 6. In Alternative 6, the Sacramento County Water Agency would obtain water from the Sacramento River and the East Bay Municipal Utility District ("EBMUD") would obtain additional consumptive water by enlarging its Pardee Reservoir water storage facility on the Mokelumne River and diverting currently unappropriated wet weather Mokelumne River flows into the enlarged Pardee Reservoir. The DEIR states that EBMUD has not obtained additional water supply or storage since 1964 while the population and its service area have grown by 250,000 people. "EBMUD's Mokelumne River supply is no longer sufficient to provide reliable water supplies during a drought without resulting in substantial hardship and economic impacts on its customers." DEIR S-5. EBMUD proposes to enlarge Pardee Reservoir so that its storage capacity increases by 172,000 acre-feet; all of that water would come from new diversions from the Mokelumne River. No Sacramento River water would be stored there. Pardee Dam's elevation would rise by 46 feet, the supply storage elevation would rise 33 feet, and the storage capacity of Pardee Reservoir would increase approximately 87%, from 198,000 acre feet to 370,000 acre feet. DEIR S-9.

The DEIR presents various topics to be addressed through the CEQA/NEPA process in the DEIR: Areas of Controversy, S-11, specifically hydrology, water supply, and power, table S-1, S-2; the Affected Environment, S 3-1 et seq.; Changes in the Mokelumne River Basin Hydrologic Conditions, S 3-15, 3-17.

None of the sections specified above sets forth or addresses hydrologic conditions in the Mokelumne River east of Pardee Reservoir, which conditions are sure to be significantly and adversely affected by Alternative 6. Amador County and Amador Water Agency ("AWA") have jurisdiction for land use and water planning and delivery, respectively, throughout Amador County which generally lies east and north of Pardee Reservoir. Currently, AWA delivers Mokelumne River water to Amador County customers through PG & E storage facilities east of Pardee Reservoir. L6-1

The water and legal history between Amador and EBMUD has been long and full of controversy. Since both Pardee Reservoir and Camanche Reservoir lie in major part in Amador County and those reservoirs store water that originates substantially in Amador County, EBMUD's appropriation of those local waters has met with resistance from Amador. Pursuant to Water Code sections 10500 et seq., the State sought to protect Amador County as a county of origin by reserving substantial water for Amador's future use through the filing of water right applications in 1927.

In the 1950s, EBMUD sought a water right permit to store new Mokelumne River water in proposed Camanche Reservoir. Frustrated by the State's 1927 water right filings for Amador as a county of origin, EBMUD requested that a predecessor of the State Water Resources Control Board release the 1927 priority of those State filings as to its Camanche Reservoir project. Amador County sued and in a settlement in 1958, obtained important rights from EBMUD. The 1958 settlement agreement is attached hereto as Attachment 1 (the "Settlement Agreement"). The Settlement Agreement was approved by the State and, pursuant to the Settlement Agreement, EBMUD was able to obtain its sought after release from priority, except for a limited reservation of water in favor of Amador. The release from priority enabled EBMUD to construct Camanche Reservoir without fear of its yield being impacted by Amador's utilization of the 1927 water right filings, thereby freeing-up a substantial portion of EBMUD's water stored at Pardee Reservoir for use in EBMUD's service area. L6-2

Besides securing a limited reservation of water for use in Amador County senior to EBMUD's Camanche Reservoir water rights and receiving some cash through the Settlement Agreement, Amador received two additional important benefits: (a) the right to apply for unappropriated Mokelumne River water without interference from EBMUD and (b) a prohibition on EBMUD's applying for any new permit or license for new water from the Mokelumne River. Accordingly, EBMUD is prohibited from applying for any

new permit to divert and store additional Mokelumne River water in an enlarged Pardee Reservoir as is proposed by Alternative 6.

Pursuant to Alternative 6, EBMUD proposes to appropriate substantially all unallocated wet weather flows to fill the 87% increase in Pardee Reservoir's storage capacity. Amador disagrees with the statement at page 2-41 of the DEIR that enlargement of Pardee Reservoir will require a modification of its existing water rights. The proposed enlargement and appropriation of water will require a new water right permit. L6-2 cont

Alternative 6 also will prevent Amador from exercising its rights under the Settlement Agreement respecting unappropriated waters of the Mokelumne River. Amador has no other feasible water supply source to meet the needs of its inhabitants, except for the Mokelumne River, and EBMUD through Alternative 6 would deprive Amador of that water supply. EBMUD is well aware of Amador's position on this matter; Amador sued EBMUD in 1983 on the basis of the Settlement Agreement when EBMUD proposed a new water storage facility on the Mokelumne River at Middle Bar, a proposal which EBMUD subsequently abandoned.

The DEIR nowhere addresses or even mentions that an important part of the affected environment includes Amador County and that Alternative 6 has potential significant adverse impacts on the County. Amador County is not included in the DEIR's description of the project's base line environment; nor is the Settlement Agreement addressed as a constraint on Alternative 6. Amador County, however, will be severely and adversely impacted by Alternative 6.

Amador has studied its water needs extensively over the last 20 years and has concluded that it needs from the Mokelumne River an additional water supply of at least 10,000 afa beginning in 2020 and an additional 10,000 afa thereafter. (See Attachments 2 and 3 appended to this letter from Roderick E. Schuler, P.E., Amador County Director of Public Works, and Susan C. Grijalva, Amador County Planning Director, respectively.) The lack of adequate supply to serve the needs of those Amador County residents and agricultural users in and around Pardee Reservoir also has been demonstrated. Local groundwater simply is not a reliable source for Amador's municipal, domestic, commercial, industrial, and agricultural uses. Amador County has no aquifer, only fractures in the granite that composes the Sierra. Water wells are a very limited and unreliable water source. Without having water available from the Mokelumne River, Amador County's economic health and growth will be severely impacted after 2020. None of these impacts to Amador County are addressed and evaluated in the DEIR. L6-3

Diverting and storing water for municipal use is a zero-sum game: whoever appropriates water for consumptive use causes someone else to be unable to appropriate that water. Here, EBMUD proposes to take substantially all of the unallocated wet weather flows

from the Mokelumne River into an enlarged Pardee Reservoir which prevents Amador from being able to divert, store, and use that water upstream of EBMUD's diversion for its needs.

The DEIR should have addressed and needs to address the feasibility of EBMUD's enlarging Pardee Reservoir given the 1958 Settlement Agreement and, even more importantly, the adverse environmental impacts on the people and land of Amador County through Alternative 6's depriving Amador of its ability to use the Mokelumne River to allow its people, commerce, and agriculture to flourish after 2020. This is not merely economic; the deprivation of a water supply for Amador County causes physical changes in the patterns, types, locations, and intensity of land uses within the County. L6-3 cont

The DEIR is wholly silent on this issue. It must be addressed in detail or Alternative 6 must be eliminated from consideration before the EIR/EIS is certified.

Amador requests that all subsequent documents, notices, and determinations relating to the project, especially those impinging on Alternative 6, be sent to the undersigned at 500 Argonaut Lane, Jackson, CA 95642 for Amador County and 12800 Ridge Road, Sutter Creek, CA 95685 for AWA.

Yours very truly,

Louis Boitano, Chairman
Amador County Board of Supervisors

Terence Moore, President
Amador Water Agency

Enclosures
c.c. Amador County Board of Supervisors (w/o enclosures)
Amador Water Agency Board of Directors (w/o enclosures)
John Hahn, Amador County Counsel (w/o enclosures)
Stephen A. Kronick, Amador Water Agency Counsel (w/o enclosures)
Files
JFH/SAK/jat/kat

(Recorded on March 17, 1959, in Volume 82 of Official Records of Amador County, beginning at page 3)

THIS AGREEMENT, entered into this 22nd day of AUGUST, 1958, between the COUNTY OF AMADOR, hereinafter referred to as "Amador", a political subdivision of the State of California, and EAST BAY MUNICIPAL UTILITY DISTRICT, hereinafter referred to as "District", a public corporation of the State of California:

W I T N E S S E T H:

WHEREAS, in 1927 the State Director of Finance filed Applications Nos. 5647 and 5648 for the appropriation of certain quantities of water from the Mokelumne River and its tributaries for use in Amador County;

WHEREAS, in 1949 and 1953 District filed Applications Nos. 13156 and 15201, respectively, for the appropriation of water from the Mokelumne River and its tributaries, Application No. 13156 being for the diversion of such water to the East Bay area; and on July 1, 1956, the State issued to District Permits Nos. 10478 and 10479 for such appropriation and diversion;

WHEREAS, District has requested the Director of Water Resources to release to District water covered by Applications Nos. 5647 and 5648 in order to implement Permits Nos. 10478 and 10479;

WHEREAS, Amador and others have filed an action, entitled "County of Calaveras, et al., v. Harvey O. Banks, as Director of the Department of Water Resources, et al.," No. 108556, now pending in the Superior Court of Sacramento County, to enjoin the Director from making any release to District, and the plaintiffs in said action have obtained a temporary restraining order against the Director;

WHEREAS, said action, among other matters, concerns the validity of Sections 10504 and 10505 of the Water Code of the State of California and the authority of the Director to make a release to District, and said sections have not received judicial interpretation and the outcome of said action is uncertain at this time;

WHEREAS, in the opinion of the parties to this agreement District proposes development under Permits Nos. 10478 and 10479 in conformity with the provisions of Section 10504 of the Water Code; and pursuant to the provisions of Section 10505 of the Water Code part of the water necessary for the development of Amador County can be reserved under Applications Nos. 5647 and 5648 in the manner and quantity hereinafter specified and the remainder released from the priority of said applications to District for development under Permits Nos. 10478 and 10479 in the manner and quantity hereinafter specified;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed between the parties as follows:

1. The parties to this agreement hereby jointly request the State Director of Water Resources immediately to take all steps required:

(a) To reserve for use in Amador County by others than District from water of the Mokelumne River and its tributaries covered by Applications Nos. 5647 and 5648 such quantity of water for direct diversion to beneficial use and such quantity of water for diversion to storage to be later applied to beneficial use, as is required to produce a safe yield, which combined with the diversions now or hereafter made through the Amador Canal now in operation in Amador County will amount to a total

of 20,000 acre feet of water per annum; and

(b) To release from priority to District all prior rights existing under Applications Nos. 5647 and 5648 on file in the records of the State Water Rights Board of the State of California in excess of and subject to the reservation mentioned in subparagraph (a) above, and subject to the terms of Paragraph 14 hereof, in favor of District's Permits Nos. 10478 and 10479, and any licenses issued thereunder, or any modification or amendment of said permits and licenses, for the respective maximum amounts of water and for the respective uses and purposes specified in Permits Nos. 10478 and 10479.

2. Concurrently with the performance of the acts, matters and things to be performed by Amador as set forth in Paragraph 3 hereof and when and at the time the State Director of Water Resources shall make and issue his said reservation for use in Amador County and release to District, above referred to, District will pay to Amador, for such use by Amador or public agencies, including municipalities, therein for the construction or acquisition of works to supply water to Amador or any part thereof as may be determined by Amador's Board of Supervisors, and for investment by Amador and the earning of interest thereon during the period in which proper disposition of said moneys is under study, the sum of $2,000,000.00 out of the proceeds of District's bond issue for water development approved by District's voters on June 3, 1958, and within thirty days after receipt by District of the proceeds of the sale of such portion of said bonds as may be necessary to make said payment, or out of other District funds. District will proceed diligently with the issuance and sale of said portion of said bond issue in order to make said payment.

3. Contemporaneously with the payment to be made by District to Amador as provided in Paragraph 2, Amador shall accomplish:

(a) The withdrawal of its protests and objections to the reservation and release specified in Paragraph 1;

(b) The dismissal in its entirety of said Action No. 108556; and

(c) The furnishing by Amador to District of assurances satisfactory to District that Jackson Valley Irrigation District, Pioneer, Pine Grove and Volcano County Water District, and Willow Spring Water District do not object to said reservation and said release.

Performance by the parties hereto of the respective acts and things to be performed and accomplished under Paragraphs 2 and 3 shall be subject to the condition that said reservation and said release do not contain terms or conditions unacceptable to the respective parties.

4. If the State Director of Water Resources does not issue on or before January 1, 1959, the reservation and release provided for in Paragraph 1 hereof, or if Amador cannot, for reasons beyond its control, perform all the acts, matters and things provided for in Paragraph 3 hereof at the times and in the manner as set forth in Paragraph 3, but in no event later than January 1, 1959, then this agreement shall on January 1, 1959, terminate without any liability whatever upon either party hereto unless both parties agree prior to such termination to extend the time for such performance.

5. Subject to the terms of Paragraph 7 here-

of, if Amador does not receive the payment of the $2,000,000.00 from District at the time and in the amount as provided for in Paragraph 2 hereof, this agreement shall on January 1, 1959, terminate without any liability whatever upon either party hereto, unless both parties agree prior to such termination to extend the time for such performance. In event of such termination District does hereby consent to and request the cancellation by the State Director of Water Resources, on request of Amador, of any release theretofore issued to District pursuant to this agreement. Provision for such cancellation shall be included in said release.

6. In event of termination of this agreement, neither party shall be under any obligation to the other under this agreement after such termination, except as specifically provided in Paragraphs 4 or 5, and each party hereto shall have the same rights, powers and remedies to challenge the position of the other as before this agreement was entered into.

7. The provisions of Paragraph 5 to the contrary notwithstanding, if any action, suit or proceeding is instituted which delays the issuance and sale of the bonds by District referred to in Paragraph 2 until after January 1, 1959, then at the option of District, to be exercised and notice in writing thereof given to Amador by District prior to said date, the time for the payment of said sum shall be extended for the period of District's inability so to pay, or such portion of said period as District may elect. In no event, however, shall said time extend beyond January 1, 1960; provided, however, that commencing on January 1, 1959, and continuing during the period of said inability to pay, or portion thereof elected by District, District will pay to Amador simple interest on said unpaid sum at a rate which Amador could obtain from a savings bank in the

State of California for the deposit of said unpaid sum during said period, in no event to exceed the rate of 2½% per annum. District will proceed diligently toward the final disposition of all such actions, suits, or proceedings. If District shall terminate said period of inability to pay without payment in full of said unpaid sum to Amador, or if District shall determine and give notice in writing to Amador that the effect of any such action, suit, or proceeding so commenced will permanently prevent the issuance and sale of said bonds, then upon payment of interest up to the date of giving said notice the payment of interest by District shall cease and this agreement shall thereupon terminate without any liability whatever upon either party hereto.

8. The parties, singly and cooperatively, will promptly at all times necessary or proper make such presentations or representations to the State Director of Water Resources as may be needed to accomplish the results specified in Paragraph 1.

9. By "State Director of Water Resources" is also meant any successor or successors of said officer legally empowered to make the reservation and the release herein referred to.

10. District's Permits Nos. 2459 and 3587 (Applications Nos. 4228 and 5128), and any licenses issued thereunder, and District's License No. 1388 (Application No. 4768 and Permit No. 2529) are and shall be prior in time and right to Applications Nos. 5647 and 5648 and the reservation thereunder referred to in Paragraph 1(a) of this agreement, except for such existing water right as the Amador Canal may now have.

Said reservation is and shall be prior in time and right to District's Permits Nos. 10478 and 10479 (Applications Nos. 13156 and 15201). Neither party makes any representation whatever to the other as to the availability or sufficiency under any circumstances of any water included in the reservation or the release herein referred to.

11. It is neither the intention of this agreement nor shall the reservation requested in Paragraph 1(a) operate to create a new or additional water right for the Amador Canal, it being the purpose of this agreement and of the requested reservation only to specifically include such existing water right as said canal may now have within the total quantity of water to be reserved to Amador as provided in Paragraph 1(a). Nothing in this agreement, however, shall prevent Amador from using the Amador Canal to divert any portion of the water reserved to Amador under Paragraph 1(a) hereof.

12. Amador will take no action, steps or proceedings to obstruct or prevent the granting of District's application (Project No. 2128) to the Federal Power Commission for a license for the power project to be developed by District under Permit No. 10479, or any modification, amendment or alteration of said project or permit, or attacking the validity, effect or operation of such a license. Any such modification, amendment or alteration shall not exceed the limitations thereof set forth in Paragraph 1(b), provided, however, that if District makes application to the Federal Power Commission for a license for a power project encompassing a greater number of power plant sites than are now contained in District's Project No. 2128, Amador reserves the right to protest the granting of a license by said Commission for such excess sites.

District will cooperate with Amador and other public agencies involved in the development of a recreational plan on the reservoirs to be constructed under said license or permit similar to the recreational plan now in effect and proposed for District's Pardee Reservoir.

13. Amador will at no time authorize, or take or perform any acts, steps, proceedings or actions to prevent, hinder or obstruct the full and free use by District of the quantity of water released to District as herein provided.

14. District will not request releases of, will not apply for permits for, and will not object to assignments and permits to Amador for any of the water hereinafter in this paragraph specified. Amador will not request assignments of and will not apply for permits for any water from the Mokelumne River or its tributaries other than the water hereinafter in this paragraph specified. The water hereinabove in this paragraph referred to is and shall be the following:

(a) Any of the water reserved for use in Amador County pursuant to the provisions of Paragraph 1(a) hereof;

(b) Any quantity of water from the Mokelumne River or its tributaries which may remain unappropriated after satisfaction of the release to District and reservation for use in Amador County provided for in Paragraphs 1(a) and 1(b) hereof, and after satisfaction of all other permits, licenses and rights now held by District with respect to said river and its tributaries; subject, however, to the modifications or amend-

ments of District's Permits Nos. 10478 and 10479 and Project No. 2128 referred to and the limitations on such amendments and modifications as are set forth in Paragraphs 1(b) and 12; and

(c) Any water in any of the rivers and their respective tributaries covered by Applications Nos. 5647 and 5648, in their present forms, save and except the Mokelumne River and its tributaries.

15. All notices or demands given or made or which may be given or made by either party to the other shall be deemed to have been duly given and made, when made in writing and deposited in the United States Mail, postage prepaid, and addressed as follows:

To Amador:

Amador County Board of Supervisors
Jackson, California

To District:

East Bay Municipal Utility District
2130 Adeline Street
P. O. Box 4616, Bayshore Station
Oakland 23, California.

The address to which notice or demand may be given or made by either party may be changed by written notice given by such party to the other pursuant to this paragraph.

16. Time is the essence of this agreement.

17. Neither this agreement nor any rights or interest herein shall be transferred or assigned by either of the parties hereto unless the written consent of the other party is first obtained. All purported transfers or assignments contrary to the provisions of this paragraph shall be null and void.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written by their respective officers thereunto first duly authorized.

COUNTY OF AMADOR

By /s/ LEE H. IDE
Chairman, Board of Supervisors (SEAL)

By /s/ LEOTTA M. HUBERTY
Clerk, Board of Supervisors

EAST BAY MUNICIPAL UTILITY DISTRICT

By /s/ LOUIS J. BREUNER
President

(Initialed) HR

By /s/ F. H. EASTMAN (SEAL)
Secretary

STATE OF CALIFORNIA }
} ss
COUNTY OF SACRAMENTO }

On this 5th day of March in the year one thousand nine hundred and fifty-nine, before me, Isabel C. Nessler, a Notary Public in and for the County of Sacramento, State of California, duly commissioned and sworn, personally appeared Lee H. Ide, known to me to be the Chairman of the Board of Supervisors of the County of Amador and Leotta M. Huberty, known to me to be the County Clerk of the County of Amador, which County executed the within agreement, and known to me to be the officers who

executed the within agreement on behalf of said County of Amador, and acknowledged that said County executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in Sacramento, County of Sacramento, the day and year in this certificate first above written.

/s/ ISABEL C. NESSLER
Notary Public in and for the
County of Sacramento,
State of California

(SEAL)

My Commission expires
November 7, 1959

STATE OF CALIFORNIA)
) ss.
COUNTY OF ALAMEDA)

On this 4th day of September in the year One Thousand Nine Hundred and fifty eight before me, Claire Barclay a Notary Public in and for the County of Alameda, State of California, residing therein, duly commissioned and sworn, personally appeared Louis J. Breuner known to me to be the President and F. H. Eastman known to me to be Secretary of the Corporation that executed the within instrument and the officers who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the same.

(SEAL)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, the day and year in this certificate first above written.

/s/ Claire Barclay NOTARY PUBLIC
In and for said County of Alameda, State of California

ATTACHMENT 2

PUBLIC WORKS AGENCY • Roads • Waste Management • Water Resoures
500 ARGONAUT LANE • JACKSON, CA 95642-9534 • PHONE (209) 223-6429 • FAX (209) 223-6395

MEMORANDUM

TO: John Hahn, County Counsel

FROM: Roderick E. Schuler, PE, Director of Public Works RES

DATE: October 3, 2003

SUBJECT: Water Supply Summary

The following is a summary of projected water requirements and supply information for Amador County [1]:

PROJECTED WATER REQUIREMENTS:

URBAN USE- 16,319 AF + 1,039 AF (CSA#3)	**17,358 AF**[2]	(Year 2020)
AGRICULTURAL USE -	**20,104 AF**[3]	(Year 2020)
TOTAL PROJECTED WATER REQUIREMENTS = ... 37,462 AF		(Year 2020)

PROJECTED WATER SUPPLY FOR YEAR 2020-

Study Area	Normal Year	Dry Year ("Safe Yield")
Willow Springs	1,290 AF	350 AF
Ione Valley	3,700 AF	600 AF(wastewaterreuse)
Jackson Valley	11,457 (12,730 AF- 10 %[4])	9,170 AF(includes ww reuse)
Shenandoah	2,180 AF	1,440 AF (ground water)
Sutter Creek	13,644 (15,160 AF-10%)	13,500 AF (15,000-10%)
Volcano	2,042 (2,269 AF=CAWP + VCSD-10%)	2,042 AF (2,269 -10%)
TOTAL SUPPLY=	**34,313 AF**	**27,102 AF**

DRY YEAR SHORTFALL (YEAR 2020) = 37,462 AF – 27,102 AF =..... **10,360 AF**

DRY YEAR SHORTFALL
(YEAR 2040)[2][3] = 10,360 AF + 8,630 AF + 7,800 =..... **26,790 AF**

(1) Based on Mountain Counties Water Management Studies, Amador County, 1990 by DWR and Water Needs Update for Amador County, Sept.27,1995 by The Mark Group,Inc. (using the DOF pop. Proj.)

(2) URBAN USE BEYOND YEAR 2020—2 % growth from year 2020 to year 2040 (20 yrs.) = 30,280 additional pop. 30,280 x 0.285 AF/CAP/YR. = 8,630 AF (year 2040)

(3) AGRICULTURAL USE BEYOND YEAR 2020 – There are 700 acres of prime ag land within Jackson Valley Irrigation District (JVID) that do not have a safe yield water supply. There are 800 acres adjacent to JVID that do not have a safe yield water supply. There are 1,000 acres within JVID without distribution piping. 700 + 900 + 1,000 = 2,600 acres x 3 AF/AC = 7,800 AF

(4) Distribution losses are assumed to be 10%.

ATTACHMENT 2

ATTACHMENT 3

PLANNING DEPARTMENT
LAND USE AGENCY
500 ARGONAUT LANE • JACKSON, CA 95642-9534 • PHONE (209) 223-6380

September 16, 2003

RECEIVED
SEP 17
AMADOR
COUNTY COUNSEL

John Hahn, County Counsel
County of Amador
500 Argonaut Lane
Jackson, CA 95642

RE: EBMUD DEIR for Freeport Project (including enlargement of Pardee Reservoir)

Dear John,

Per your request the following is provided for your information:

Dept. of Finance estimates Amador County's projected population as:

Year	Population
2010	38,214
2020	40,129
2030	41,731
2040	43,210

Official Census Bureau population for year 2000 is listed as 35,100. The 1990 to 2000 percent change in population was 16.8%

The County's General Plan Land Use Element contains a policy that the county should proceed to plan and develop multi-purpose water reservoirs to a minimum of 25,000 acre feet or annual yield, so as to increase recreational activity, make productive use of an underdeveloped resource, irrigate at least 10,000 acres of additional farm land, and provide a reserve of domestic supply sufficient for the anticipated growth of the County. This water system should be planned with the goals of ultimately developing a firm water supply and to protect the County's remaining water rights.

The County's General Plan 1998 Circulation Element used in its analysis a projected 2016 population of 49,540 (not including mental health institutions or prisons). This figure was based upon a 2.6% annual growth rate.

If I can be of further assistance, please let me know.

Sincerely,

Susan C. Grijalva
Planning Director

Response to Comments of the Amador County Water Agency (Letter L06)

L06-1. As described on pages 2-40 and 2-41 of the draft EIR/EIS, EBMUD's ability to use its full Mokelumne River water rights is limited by system demand, river hydrology, upstream storage and diversions, seasonal flood control requirements, and reservoir releases to the lower Mokelumne River. All assumptions used to simulate operation of Alternative 6 and the results of hydrologic simulations are described in Chapter 3 of Volume I and in Volume III of the draft EIR/EIS. Amador County Water Agency is specifically noted in this description. The description goes on to state that "[b]efore enlarging Pardee Reservoir, EBMUD would have to obtain any appropriate modifications to its water rights from the SWRCB."

L06-2. Volume 2, Appendix B, "Alternatives Screening Report for the Freeport Regional Water Project," of the draft EIR/EIS also notes that the Enlarged Pardee Reservoir alternative (a component of Alternative 6 in the draft EIR/EIS) would result in significant controversy and that it is likely that additional or revised water rights would have to be obtained from the SWRCB (page 7-33 of Volume 2, Appendix B). FRWP and Reclamation agree that effects on water rights upstream of Pardee Reservoir are likely to be a controversial issue.

L06-3. These water rights/permit issues would need to be resolved and/or confirmed prior to implementing a project as described in Alternative 6. However, FRWA has not selected Alternative 6 as the preferred alternative and is not pursuing resolution of the water rights issue or actual project implementation.

CHERYL CRESON, Administrator
THOMAS J. ZLOTKOWSKI, Director, Department of Transportation

COUNTY OF SACRAMENTO

Letter L7

PUBLIC WORKS AGENCY

DEPARTMENT OF TRANSPORTATION
906 G Street, Suite 510
Sacramento, California 95814-1812
(916) 874-6291/5966 • Fax No. (916) 874-7831

RECEIVED
OCT 07 2003

October 2, 2003

TO: Mr. Kurt Kroner
Freeport Regional Water Authority
1510 J Street; #140
Sacramento, CA 95814

FROM: Matthew G. Darrow, P.E. MGD
Associate Civil Engineer

SUBJECT: **REVIEW OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE FREEPORT REGIONAL WATER PROJECT**

The Department of Transportation has reviewed the July 2003 Draft Environmental Impact Report for the Freeport Regional Water Project and we have the following comments:

1. **Page 12-21.** This page mentions several environmental commitments of the project. These commitments are as follows:

   - Coordination with planned improvements to minimize disruptions associated with two or more projects;
   - Coordination with the affected jurisdictions on construction hours of operation and lane closures;
   - Compliance with local jurisdictional guidelines for road closures caused by construction activities;
   - Limiting lane closures during peak commuting hours to the extent possible;
   - Installation of traffic control devices as specified in the California Department of Transportation's Manual on Traffic Controls for Construction and Maintenance Work Zones; and
   - Development of the specific measures for each of the facility construction areas through additional community outreach and design after a project is approved.

   The County's Seven Year Transportation Improvement Plan 2002-2009 lists several specific projects that the County expects to construct in the next 7 years. Please be prepared to coordinate the construction and operations of the Freeport Regional Water Project with the County around these projects, as well as any other private development projects that may arise. In the vicinity of the Freeport Regional Water Project, these projects include construction along the following roadways: L7-1

   - **Bradshaw Road** – Widening from Morrison Creek to Calvine Road;
   - **Bradshaw Road** – Various signal modifications;
   - **Elk Grove-Florin Road** – Widening from Gerber Road to Florin Road; and
   - **Grant Line Road/Sunrise Boulevard** – Installation of a signal.

   Furthermore, all construction activities associated with the Freeport Regional Water Project should be coordinated with the Department's Traffic Operations and Right-of-Way Management groups (Gary Kodani). L7-1 cont

2. **General.** The Freeport Regional Water Authority should be responsible for paying for the cost associated with repairing any damage that may occur to County roadway facilities caused by the construction, operation, and maintenance of the project. L7-2

If you have any questions, please call me at 874-6291.

MGD:mgd

c: Jeff Clark – DOT
Dean Blank – DOT
Steve Hong - IFS

CHERYL CRESON, Administrator
THOMAS J. ZLOTKOWSKI, Director, Department of Transportation

COUNTY OF SACRAMENTO

Letter L7

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   Furthermore, all construction activities associated with the Freeport Regional Water Project should be coordinated with the Department's Traffic Operations and Right-of-Way Management groups (Gary Kodani). L7-1 cont

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If you have any questions, please call me at 874-6291.

MGD:mgd

c: Jeff Clark – DOT
Dean Blank – DOT
Steve Hong - IFS

Responses to County of Sacramento Public Works Agency (Letter L07)

L07-1. As mentioned in the Environmental Commitments section of Chapter 2 of the DEIR/EIS, project construction will be coordinated with planned improvements to roadways and other projects in order to minimize disruptions associated with two or more projects. FRWA through SCWA staff has reviewed the TIP and has had several meetings with DOT staff to coordinate the various pipeline routes. FRWA appreciates DOT staff cooperation in past coordination meetings and looks forward to working with the County of Sacramento Public Works Agency's Traffic Operations and Right-of-Way Management groups to ensure that all construction activities in Sacramento County have been considered in coordination efforts.

L07-2. Damage to roadway surfaces that are not maintained as truck routes in the County of Sacramento will be repaired following construction activities, as mentioned in the Environmental Commitments section of Chapter 2 of the DEIR/EIS. Please see Impact 12-2 in Chapter 12, "Traffic and Transportation," for additional discussion.

STOCKTON EAST WATER DISTRICT
www.sewd.net

Providing Service Since 1948

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Jeanne M. Zolezzi, General Counsel

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Stockton, CA [illegible]

RECEIVED
OCT 0 7 2003

Letter L8

October 6, 2003

Mr. Kurt Kroner
Freeport Water Supply Authority
1510 J Street, #140
Sacramento, CA 95814

Re: Freeport Regional Water Project EIS-EIR – Comments on August 8, 2003 Draft

Dear Mr. Kroner:

Thank you for the opportunity to comment on the above NEPA-CEQA document. In making these comments, the district's intention is to supplement those submitted by the Northeast San Joaquin Groundwater Banking Authority (GBA). As with the GBA's comments, our supplemental comments are intended to improve your project.

The district's comments focus on the following themes:

- A proficiency report on how well the document responded to our comments made at the April scoping meeting.
- A concern over your project setting an unreasonable expectation for future water supply projects.
- Our disagreement with the characterization of San Joaquin County water interests.

Response to Comments Proficiency Report. Attached are my notes used in preparing for the April 24, 2003 meeting in Herald. Item #3 remains the case today. San Joaquin interests have not been invited to meet with designers of your project to brainstorm on how the project could be modified to allow for more efficient joint-use of the proposed facilities. The list below, although not complete, includes examples of possible project improvements:

L8-1

1. Adequate right-of-way acquisition to allow for future parallel pipelines, especially from Folsom South Canal into San Joaquin County.
2. Sufficient number of turnouts to provided water delivery throughout San Joaquin County.
3. Freeport Water Supply Authority (FWSA) should partner with groundwater recharge and banking projects in both Sacramento County and San Joaquin County.

Without completely addressing the above issues, the project cannot be expected to be a complete success.

L8-2

Your Project Sets Unreasonable Expectations for Future Water Projects. As project managers and engineers, we understand the desire to complete your project in a timely manner. We know that the times in which we live require compromise with special interest groups whom currently have the power to dictate project development criteria. Given an 'ideal world,' the district and the FWSA would likely agree that a preferred project to the one proposed would included an American River diversion at Nimbus, and the extension of the Folsom South Canal into San Joaquin County. The district supports the FWSA in building any project that has a potential to deliver surface water

L8-2 cont

into San Joaquin County. We are simply concerned that your project will set an expectation for all future water projects that our ratepayers simple will not be able to afford.

The economic impact to the ratepayers throughout the State of California and the Western United States may be devastated more by these new expectations for water supply projects than the recent mishandling of the electric utility deregulation. Water policy makers would be most responsible to their ratepayers if they refused to settle for a project that is either 'designed by special interest concern avoidance' or the 'least environmentally damaging.' I believe that we as an industry must educate our legislators on how their laws have been manipulated to essentially tie our hands, and eventually force our society into economic disaster.

With reform to the Clean Water Act, the Clean Air Act, the Endangered Species Act, and the Central Valley Project Improvement Act, and by providing clear direction to the currently mislead bureaucracy, cost effective and efficient water supply projects can be built that are compatible with reasonable national, state, and local ecological goals and objectives.

L8-3

San Joaquin County Interests Unfairly Characterized. Volume 2, Appendix B, Chapter 6 (page 6-18) of the document suggests that conducting groundwater recharge and banking in San Joaquin County is futile given the history of the behavior exhibited by the County's water interest, citing Attachment 2 as the basis of this conclusion. This conclusion states that the story told by Attachment 2 remains valid with no major changes in circumstances. The GBA somewhat rebut this conclusion, but not strongly enough. The district would be remiss if it allowed essentially 'hearsay' to remain on the record as justification for FWSA not considering groundwater banking in San Joaquin County. Groundwater banking in San Joaquin County is a viable alternative that needs to be addressed fairly without undue emotion or any hidden agenda.

Volume I, Chapter 18, provides a logical and comprehensive analysis of groundwater banking potential in Sacramento County. Conclusions include potential for groundwater banking, and concerns over institutional, legal, environmental, and timing barriers to incorporating this alternative into the project. Groundwater banking opportunities in Sacramento County, as with San Joaquin County, will have to wait for the future will of the FRWA. The district cannot object to Chapter 18's approach to the Sacramento County analysis. We simply question why San Joaquin County has not been given the courtesy of a similar analysis, given the groundwater storage capacity is estimated to be at least ten-times as great as that of Sacramento County.

Volume 2, Appendix B, Chapter 6 (page 6-18) of the document states, "There are four specific reasons why a San Joaquin County groundwater banking project is speculative and uncertain and therefore cannot be reasonably implemented. San Joaquin County has:

1. no effective control over groundwater overpumping by overlying agencies and pumpers;
2. no legal framework for EBMUD recovery of stored water that would justify investment in a conjunctive use project;
3. no strong local authority with clear boundaries and sufficient powers to join EBMUD in such project; and,
4. no consensus among local water users that a conjunctive-use project with EBMUD is desirable."

The above-enumerated excuses for 'no action' are simply not supportable:

- The Eastern San Joaquin County Basin is not adjudicated; therefore 'effective control' can neither be demanded nor expected by FWSA. Similarly, there is no method of effective control over groundwater over pumping in Sacramento County. In fact, San Joaquin County has gone further to protect over pumping than Sacramento County in that San Joaquin County controls groundwater exports through a permit and does not allow groundwater pumping to support certain land use approvals.

- Many have studied the Eastern San Joaquin County Basin and significant progress has been made, as witnessed by the GBA's letter. In fact San Joaquin County water districts have over 75-acres of land currently dedicated to groundwater banking.

- EBMUD has never responded to the proposed groundwater banking principles for further negotiations put forth by San Joaquin County.

- Central San Joaquin WCD, North San Joaquin WCD, and this district have formed the Eastern Water Alliance (Alliance), a Joint Powers Agency formed expressly to enhance the ability of each district to manage the Eastern San Joaquin County [Groundwater] Basin, and to develop a long-term groundwater recharge and potential banking project.

- SB 833 (Machado) is expected to become law this month, providing the Alliance with additional powers to complete a variety of conjunctive-use projects, including the legislative intent that the Alliance: (1) develop and adopt a master plan designed to balance the use and enhancement of the basin through conjunctive management, and (2) develop and manage a groundwater bank in accordance with the master plan.

- The GBA was formed in response to the request of EBMUD, and the Freeport Regional Water Supply Project. To state that there is "no consensus among local water users that a conjunctive-use project with EBMUD is desirable," is at best a misleading statement.

L8-3
cont

In summary, the district supports your project, and expects the NEPA-CEQA record to be corrected. We look forward to both providing input to the FWSA in order to improve your project, and to future partnerships that will benefit the residents of Sacramento County and San Joaquin County.

Please contact this office with ant questions.

Sincerely,

K. M. Kauffman

Kevin M. Kauffman
General Manager

COMMENTS PROVIDED BY KEVIN KAUFFMAN, GM, SEWD REGARDING 'FREEPORT REGIONAL WATER PROJECT' (FRWP)

Wednesday, April 24, 2002

1. SEWD is an active member of the NSJCGBA. The GBA was formed in part to continue addressing opportunities to cooperate with EBMUD on groundwater banking projects, but primarily to develop a project for utilizing the available conveyance capacity of the facilities proposed in the FRWP.
2. Mel Lytle, SJC Water Resources Coordinator can provide a report on the progress of the GBA. As an active GBA member, SEWD plans to continue to support the FRWP, and to help develop a project that can utilize the FRWP available conveyance capacity for the benefit of the NSJ groundwater Basin.
3. The GBA has strived to be an active participant in the development of the FRWP, but unfortunately has not had the opportunity for its input to be seriously considered. SEWD staff suggests that the developers of the FRWP consider the following initial input, which is not intended to be a complete list. (The GBA will provide a consolidated list of comments):
   a. As SEWD, the Freeport Regional Water Authority (FRWA), and EBMUD would prefer a completed FSC to a 100 MGD pipeline project, we are sure the right-of-way acquired for the pipeline will be sized to allow for either an additional pipeline or canal.
   b. The FRWP design should incorporate turnout improvements to allow for the conveyance of acquired water to facilities along the Project's alignment. At the proposed (Mokelumne Aqueduct Treatment & Pumping Plant (MAT&PP), a bypass and turnout is needed for a GBA's suggested future conveyance to a proposed Duck Creek Reservoir.
   c. Whether groundwater-banking operations occur in Southeast Sacramento County or in Northeast San Joaquin County, it is my belief that the subsequent non-project area will also benefit. Projects North and South of Dry Creek should be encouraged and supported by the FRWA.
   d. An idea that should not be overlooked is to design the entire project, from the diversion at Freeport to the connection at the MAT&PP, with additional pipelines for future use of the FRWA. To own conveyance capacity with no intended use at the current time will increase project cost a significant amount, but now is the best time to invest that extra expense with the foresight that opportunities to utilize this capacity will expose themselves over time. Not to consider such an evaluation now could be considered criminal by future generations.
4. Northeast San Joaquin County is experiencing significant negative impacts from the continuation of overdraft and saline intrusion in its groundwater basin. The FRWA and EBMUD are encouraged to allow greater participation in the FRWP by the GBA. The potential benefits to all parties will be astronomical.

Response to Comments of Stockton East Water District (Letter L08)

L08-1. The issues discussed in this comment are related to potential additional components of the FRWP that would be proposed and financed by entities other than FRWA. These components are not a part of the proposed FRWP and do not meet the project objectives. There are currently no plans for use of the unused capacity of the FRWP facilities other than the small quantities described in Chapter 2 of this final EIR/EIS. These facilities may provide additional regional benefits in the future by enabling regional water supply solutions. However, no such plans have been identified at this time, and any such future plan will be required to provide a new source of water (EBMUD's CVP contract does not allow for diversion of water in normal and wet years, when excess capacity would generally be available) and will undergo appropriate separate environmental review. Therefore, the draft EIR/EIS does not address the acquisition by some other entity of right-of-way in addition to that needed to meet the project objectives. Similarly, additional facilities to provide water to areas in San Joaquin County are not addressed. Finally, potential groundwater banking/exchange programs in both Sacramento County and San Joaquin County were fully addressed in the Alternatives Screening Report (Volume 2, Appendix B), and in Chapter 18 of the draft EIR/EIS. As described in Chapter 7 of the Alternatives Screening Report, this alternative is not a feasible alternative. As discussed on page 7-36 of the Alternatives Screening Report, this conceptual alternative was carried forward and discussed in Chapter 18 of the draft EIR/EIS because Reclamation and FRWA recognize the local interest in such programs.

L08-2. The FRWP is intended to meet the specific identified needs of the FRWA agencies. FRWA and Reclamation are confident that the FRWP is an appropriate project that fully meets statutory requirements and is consistent with local, regional, and statewide water supply, water quality, and environmental protection and enhancement objectives.

L08-3. As noted in this comment, an alternative of groundwater banking/exchange in the San Joaquin Basin was evaluated in the Alternatives Screening Report (Volume2, Appendix B). This alternative was not carried forward into second-stage evaluation. The information used to screen this alternative remains valid and is supported by substantial information in the administrative record. No additional information is presented that would alter the conclusions reached in the Alternatives Screening Report. EBMUD has responded to proposed groundwater banking principles for further negotiation put forth by San Joaquin County interests several times by stating that it could not agree to a project with no guaranteed yield for EBMUD.

RECEIVED
OCT 28 2003

RECEIVED
OCT 23 2003

October 22, 2003

Letter L9

Mr. Kurt Kroner
Freeport Regional Water Project
Draft EIR/EIS Comments
Freeport Regional Water Authority
1510 J Street, #140
Sacramento, CA 95814

RE: Freeport Regional Water Project, Draft Environmental Impact Report/Environmental Impact Statement – Comments

Dear Mr. Kroner;

Southgate Recreation and Park District (District) would like to thank the FRWA for the opportunity to comment on the Freeport Regional Water Project Draft EIR/EIS. Please continue to forward documentation related to this project to the District. The District has prepared and submits the following comments respective to the above Draft EIR/EIS and requests answers to questions raised and the implementation of mitigation measures where significant impacts would occur to District resources. It may be helpful for you to review the map of our District boundaries (previously provided) and the respective park, recreational and open space facilities that are planned and existing and that would potentially be impacted by the FRWP. We have also enclosed some information regarding the North Vineyard Station Specific Plan where improvements will likely be in place during the construction of your project. This may help you in evaluating what currently appears a rural area but will actually be urban within the next 5-7 years. L9-1

The District offers mitigation measures that would reduce the significant impacts to existing and planned recreational facilities resulting from the implementation of the proposed project to below the level of significance. The District requests that the FRWA strongly consider the use of tunneling methods in areas where the placement of pipelines have a significant effect on the District facilities and operations. L9-2

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Implementation of the proposed project and the preferred alternative would have significant impacts on the Wildhawk Golf Course located on the southeast corner of Gerber Road and Vineyard Road. The golf course would be severely affected by adverse traffic conditions, obstructed access to the site, and increase in noise resulting in a decrease in patronage of the golf course, its pro shop and food/beverage operations. The decrease in patronage may be translated to a decrease in revenues for the District. The Wildhawk Golf Course is one of the District's primary sources of revenue generation, which allows the District to adequately serve the people of southeast Sacramento County. L9-3

The District also requests the FRWA to strongly consider Route Alternate 4 with the following route criteria: work shall occur on the west side of Power Inn Road, north side of Elsie Avenue, north side of Gerber Road to Bradshaw Road, east side of Bradshaw Road to Florin Road and the north side of Florin Road. This route would be the less disruptive and least invasive to our District facilities and operations. L9-4

Additionally; please revise the mitigation measures, for all chapters, in the Significant Impacts and Mitigation Measures section to include the time frame in which the action must be completed and a means of monitoring and reporting that each action has been taken. For all mitigation measures involving Southgate Recreation and Park District, those measures shall be approved by the District in addition to any other responsible agencies. L9-5

Summary

No comments on this summary at this time.

Chapter 2: Project Description

1) Please include the Alternative 6 pipeline alignment on the aerial photograph and in the corresponding legend shown on Figure 2-1. L9-6

2) Please name all roads discussed on page 2-11 under the subheading "Location," including Elsie Road and Wilbur Way, on Figure 2-1, L9-7

Pipeline Alignments from the Freeport Intake Facility to the Zone 40 Surface WTP/Folsom South Canal, to ensure clear understanding of the proposed paths of the pipeline.

3) The eastern part of Gerber Road is correctly described as rural on page 2-11 under the subheading "Location." However, the western part of Gerber Road is urban and should be described and analyzed for impacts as such throughout the document. L9-8

4) The paragraph under the subheading "Operation and Maintenance" on page 2-12 discusses only the procedures for routine cleaning of the pipes. It does not discuss the procedures for repairs, replacement or expansion to the pipelines. Please add a discussion on those procedures. L9-9

5) The Zone 40 Surface WTP is described in a "vicinity" level of detail only. This level of project description is inadequate for project-level environmental review. The District owns and operates numerous parks and recreational facilities in the "vicinity" area. Given the lack of specificity regarding the location of the Zone 40 Surface WTP, it is impossible to ascertain what the nature of impacts to recreation from the Zone 40 Surface WTP may be. At a minimum, the Final EIR/EIS should include offsets and in-kind mitigation for parks and recreational areas affected by the Zone 40 Surface WTP. Such mitigation could include, but not be limited to, dedicated bike trails, pedestrian trails, equestrian trails, open space, landscape corridors, recreation centers, parks, or reserves. L9-10

6) The District strongly suggests that placement of the Zone 40 Surface WTP avoid impacts to the five planned parks in the North Vineyard Station Specific Plan, Dunmore Park Reserve Area, and undeveloped bike and pedestrian trails located within the area designated as the proposed site for this element of the proposed project and described on page 2-14 under the subheading "Location." Should the placement and/or alignment of pipelines impact existing or planned recreation facilities/areas (including but not limited to bike trails, pedestrian L9-11

trails, equestrian trails, open space, landscape corridors, recreation centers, parks, reserves, and golf courses), such impacts must also be mitigated below the level of significance. Similarly,should the placement of the Zone 40 Surface WTP or activities related to its construction impact existing or planned recreational facilities/areas (including but not limited to bike trails, pedestrian trails, equestrian trails, open space, landscape corridors, recreation centers, parks, reserves, and golf courses), such impacts must be mitigated below the level of significance. The District suggests that the following mitigation measures be included in Table S-1, Summary of Significant Impacts and Mitigation Measures for the Freeport Regional Water Project; the discussion of the Significant Impacts and Mitigation Measures in the Recreation chapter; and elsewhere in the document where applicable: L9-11 cont

> In order to mitigate significant impacts to existing recreation facilities/areas, the FRWA shall submit plans and specifications for review to the District prior to completing final plans and specifications and obtaining FRW Board approval for the project in order to conjunctively determine whether existing recreational facilities/areas would need to be demolished to accommodate the proposed project. If it is determined that recreational facilities/areas would be affected, the FRWA shall replace the effected recreational facility with a comparable one to the satisfaction of the District within a time period agreed to by the District, or provide other District-approved compensatory mitigation. The District shall determine the location of the new facilities/areas. The FRWA shall demonstrate compliance with this mitigation by submitting supporting documentation to the District within 90 days after construction.
>
> In order to mitigate significant impacts to existing recreational facilities/areas, the Freeport Regional Water

Authority (FRWA) shall repair any damages to recreational facilities/areas resulting from project construction-related activities to reflect pre-project conditions to the satisfaction of the Southgate Parks and Recreation District (District) within a time period agreed to by the District. If the damage to recreational facilities/areas is irreparable or infeasible, the FRWA shall build new recreational facilities/areas comparable to that which it is replacing to the satisfaction of the District within a time period agreed to by the District, or provide other District-approved compensatory mitigation. The location of the new facilities/areas shall be determined by the District. The FRWA shall demonstrate compliance with this mitigation by submitting supporting documentation to the District within 90 days after construction.

L9-11 cont

In order to mitigate significant impacts to planned recreational facilities, the FRWA shall submit plans and specifications for review to the District prior to completing final plans and specifications and obtaining FRW Board approval for the project in order for the District to determine whether planned and documented recreational facilities/areas would be affected by the proposed project. If it is determined that planned recreational facilities/areas would be affected, the FRWA shall provide and secure through an entitlement process an alternate site or sites. The District shall approve the location of the new recreational site or sites, as applicable. The FRWA shall demonstrate compliance with this mitigation measure by submitting proof of title to the District prior to construction.

7) The first paragraph at the top of page 2-15 states that construction of the Zone 40 Surface WTP is expected to occur in three phases, however, it fails to state the expected beginning and ending date of the each phase. Please incorporate this information into the document.

L9-12

8) Please add "restoration of recreation facilities affected by construction" as a new bullet after the last bullet under the subheading "General Construction Measures" on page 2-44.

L9-13

9) Please include the District in all coordination efforts related to the development of the traffic control plan discussed on page 2-45. Various areas under the District's jurisdiction would be directly affected by the implementation of the proposed project and its traffic control plan. For example, should construction activities disturb the landscape corridors, parks, community centers, trails and/or the entrance to the Wildhawk Golf Club, the District must be consulted prior to construction to determine in conjunction with Caltrans, the appropriate traffic controls and detours to be used on this site in order to ensure that adequate access to this recreational facility is maintained. The above requested conditions of the EIR/EIS are of extreme importance to the District because decreased use of the golf club and consequent loss in revenue would significantly hinder the District's ability to provide park and recreation services to taxpayers in the southeast area of Sacramento County.

L9-14

10) In order to minimize the impacts to recreational facilities, residences, and local businesses, the FRWA must develop a public information program that informs the public of the locations and times construction would be scheduled to occur, alternate and access routes available to the public, markets affected recreational facilities and local businesses, and notifies that recreational facilities and local businesses are open to the public post construction. This program should be implemented for the duration of the proposed project's construction-related activities. The public information program should include but not be limited to the inclusion of this information on the project's website, television and radio public service announcements, and the use of information posters in affected areas.

L9-15

11) The project description lacks a discussion of the estimated construction schedule for each element of the project and their respective phases. Please include information in this chapter. L9-16

12) The proposed project would require revegetation of several areas and the replacement or relocation of recreational elements. The District would like to encourage joint use with the FRWA, of certain property, by maintaining or implementing some or all of these project elements and mitigations in exchange for the dedication of open space corridors, trails, provision of untreated water, or other compensatory provisions to be determined by the FRWA and the District at a later date. L9-17

Chapter 6: Recreation

1) Page 6-14 of this Draft EIR/EIS discusses the County of Sacramento General Plan and the Vineyard Community Plan. There is minimal discussion of the Southgate District. Chapter 6-6 needs to be amended to separately identify the Southgate Recreation and Park District and the parks, recreation and open space facilities operated by the District. This section should also be expanded to discuss the existing and planned parks, recreation, open space, trails, landscape corridors and other conditions in the District. The impacts of the Pipeline placement and/or alignment and the Zone 40 Surface WTP on the recreational facilities/areas must be addressed in the Draft EIR/EIS. It is likely that the Pipeline placement and/or alignment and Zone 40 Surface WTP could significantly affect parks and recreation facilities/areas in the District. This potentially significant impact may be mitigated to a less than significant level through provision by FRWA of compensatory recreational facilities/areas such as acquisition and dedication of alternative open space, landscape corridors, recreation centers, parks, reserves, and bike, pedestrian, and equestrian trail links between presently discontinuous corridors within the District. Without such compensatory mitigation, significant impacts to recreation within the District would occur, which could L9-18

cause the EIR/EIS to be considered inadequate under CEQA. Alternatively, without such mitigation, a new significant impact could be identified in the EIR/EIS and the document recirculated for public review and comment.

2) Please include a discussion of the District's jurisdiction over areas of the proposed project. L9-19

3) Please include in this chapter a list of the roadways, park facilities and landscape corridors that would be crossed using open-cut methods and the roadways that would be crossed by tunneling. L9-20

Chapter 10: Land Use

1) No comments on this chapter at this time.

Chapter 12: Transportation and Traffic

1) Please include in this chapter a map depicting all roadways, and identify which side of the road the work would occur on, which were analyzed for potential impacts resulting from the proposed project. It was stated by an Attorney (hired by the Environmental company to represent FRW), at the public meeting, held at the Wildhawk Golf Course on September 18, 2003, that the work would occur on the northern section of Gerber Road. Please include this and other information regarding the location of the pipeline along all affected roads for all alternatives. L9-21

2) Please include in this chapter a map of all the bike and pedestrian trails and landscape corridors affected by the proposed project. L9-22

3) A quantitative description of existing transportation and traffic conditions (levels of services [LOS], volume to capacity ratios [V/C], and traffic volumes) at major intersections and a discussion of how these conditions would be affected by construction of the project needs to be included in this chapter. The inclusion of this information L9-23

would allow for an accurate assessment of construction-related impacts to transportation and traffic and their level of significance. It would also assist the District in identifying time lost by employees traveling to work sites and facility users due to traffic delays. The existing method of analysis used to determine less-than-significant impacts by this document is purely qualitative. Quantitative evidence must be provided to accurately determine the levels of significance. L9-23

4) The second paragraph on page 12-16 of the EIR/EIS discusses the use of access roads during construction of the project. Selection of access roads in areas where the District owns property must be coordinated with the District prior to construction and must be so stated in the EIR/EIS. L9-24

5) Please include in this chapter a list of the roadways, park facilities and landscape corridors that would be crossed using open-cut methods and the roadways that would be crossed by tunneling. L9-25

Chapter 14: Noise

1) No comments on this chapter at this time.

Chapter 15: Public Health and Safety

1) All mitigation measures should be approved by the District in addition to any other responsible agencies. L9-26

2) District shall be notified prior to any activity requiring the implementation of the aforementioned protocols.

Chapter 16: Visual Resources

1) Impact 16-3 on page 16-19, states that installation and operation of the underground pipeline would not result in substantial effects to visual resources from the intake Facility to the Zone 40 Surface WTP. According to this chapter, any changes to visual resources would L9-27

occur mainly in the rural, open space areas of the eastern portion of the project area. This impact analysis does not address the potential effects of construction on landscaped areas. Construction of the proposed project may compromise existing trees, shrubs and turf, especially along Gerber Road, Power Inn Road, and Countryside Park. Please analyze the potential for the proposed project to result in significant impacts to aesthetic resources associated with open space, landscape corridors, recreation centers, parks, golf course, reserves, and bike, pedestrian, and equestrian trails taking into account the potentially high viewer group sensitivity to impacts to these areas. L9-28

If impacts to these landscaped or improved areas (open space, landscape corridors, recreation centers, parks, golf course, reserves, and bike, pedestrian, and equestrian trails) occur during construction of the proposed project the following mitigation measure should be employed:

> In order to mitigate impacts to aesthetics, the Freeport Regional Water Agency shall replace all damaged or destroyed open space, landscape corridors, recreation centers, parks, golf course, reserves, and bike, pedestrian, and equestrian trails under the jurisdiction of the District to reflect pre-project conditions to the satisfaction of the District within a time period agreed to by the District. Where replacement of similar landscape elements is infeasible, the District and the FRWA shall determine an alternative landscaping plan or a comparable mitigation. The FRWA shall document compliance with this mitigation in the form of a letter to the District within 90 days after construction.

Chapter 19: Cumulative Effects

1) No comments on this chapter at this time.

Chapter 20: Growth-Related Effects

1) The EIR/EIS acknowledges that the provision of surface water supplies to the area removes a barrier to growth. Although the growth inducing effects for several issue areas are addressed, impacts to recreation are omitted. Additional growth in the District would increase the demand for recreation facilities/areas in the District. To mitigate the effects of population growth, the FRWA must assure compensatory recreational facilities/areas such as acquisition and dedication of alternative bike trails, pedestrian trails, equestrian trails, open space, landscape corridors, recreation centers, parks, and reserves. L9-29

2) Please include a map clearly showing the types and locations of project-induced growth areas in order for the reader to better understand the growth inducing effects of implementing the proposed project. L9-30

Chapter 21: Impact Conclusions

1) No comments on this chapter at this time.

Once again the District would like to thank the FRWA for the opportunity to comment on the Freeport Regional Water Project Draft EIR/EIS. Please continue to forward information and documentation related to this project to the District. If you require additional information or assistance please do not hesitate to contact me at 428-1171 ext. 18.

Sincerely,

Rod Cooper
General Manager

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RESOLUTION 03-34

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTHGATE RECREATION AND PARK DISTRICT COMMENTING ON THE DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT FOR THE FREEPORT REGIONAL WATER PROJECT

WHEREAS, the District is in receipt of a Draft Environmental Impact Report/Environmental Impact Statement for the Freeport Regional Water Project; and

WHEREAS, the project is a cooperative effort to provide surface water from the Sacramento River to the customers of the Sacramento County Water Agency (SCWA) and the East Bay Municipal Utility District (EBMUD); and

WHEREAS, the proposed Freeport Project would draw water from the Sacramento River near the town of Freeport, be treated and distributed only within central Sacramento County by the SCWA and additional water would be drawn from the river and transported to EBMUD's aquaducts in eastern San Joaquin County during drought years and then delivered to EBMUD's service area; and

WHEREAS, the proposed routes run through the central portion of the Southgate Recreation and Park District potentially impacting District parks, landscape corridors and recreational facilities including the Wildhawk Golf Course; and

WHEREAS, the impacts to Wildhawk Golf Course would range from damage to the golf course requiring more maintenance, affecting playability and deteriorating the quality of play to loss in revenues to the District caused by a reduction in patron attendance; and

WHEREAS, there will be significant impacts to the value of parks, recreation and open space in the existing and future recreational facilities in this area, requiring the mitigation measures recommended by the District in the attached letter to be implemented in order to reduce the impacts to below the level of significance; and

WHEREAS, because of the potential for significant impacts to the District, the District requests that Alternate Route 4 be selected by the Freeport Regional Water Authority with the following route criteria: work shall occur on the west side of Power Inn Road, north side of Elsie Avenue, north side of Gerber Road to Bradshaw Road, east side of Bradshaw Road to Florin Road and the north side of Florin Road as it will have the least amount of impact to District facilities and operations, moreover, these impacts can be further reduced if all District-recommended mitigation measures are followed and/or if all impact areas are tunneled.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Southgate Recreation and Park District hereby provides the comments contained in the attached letter to be addressed and clarified by FRWA where indicated and included with the Final Environmental Impact Report/Environmental Impact Statement.

BE IT FURTHER RESOLVED that adequate response to the District's comments and incorporation of the proposed mitigation be conditioned as requirements for the certification of the Freeport Regional Water Project Environmental Impact Report/Environmental Impact Statement.

BE IT FURTHER RESOLVED that Alternate Route 4 be selected by the Freeport Regional Water Authority with the recommended route criteria being followed.

PASSED AND ADOPTED by the Board of Directors of the Southgate Recreation and Park District this 21st day of October, 2003, by the following vote to wit:

AYES:
Appel, Cockerham, Smith, Thompson & Wirth

NOES:
None

Christine Thompson, Chair

John Cockerham, Clerk

Economic & Planning Systems

Public Finance
Real Estate Economics
Regional Economics
Land Use Policy

PUBLIC REVIEW DRAFT REPORT

NORTH VINEYARD STATION SPECIFIC PLAN
PUBLIC FACILITIES FINANCING PLAN

SOUTHGATE RECREATION & PARK DISTRICT

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Prepared by:

Economic & Planning Systems, Inc.

August 1, 2003

EPS #9106

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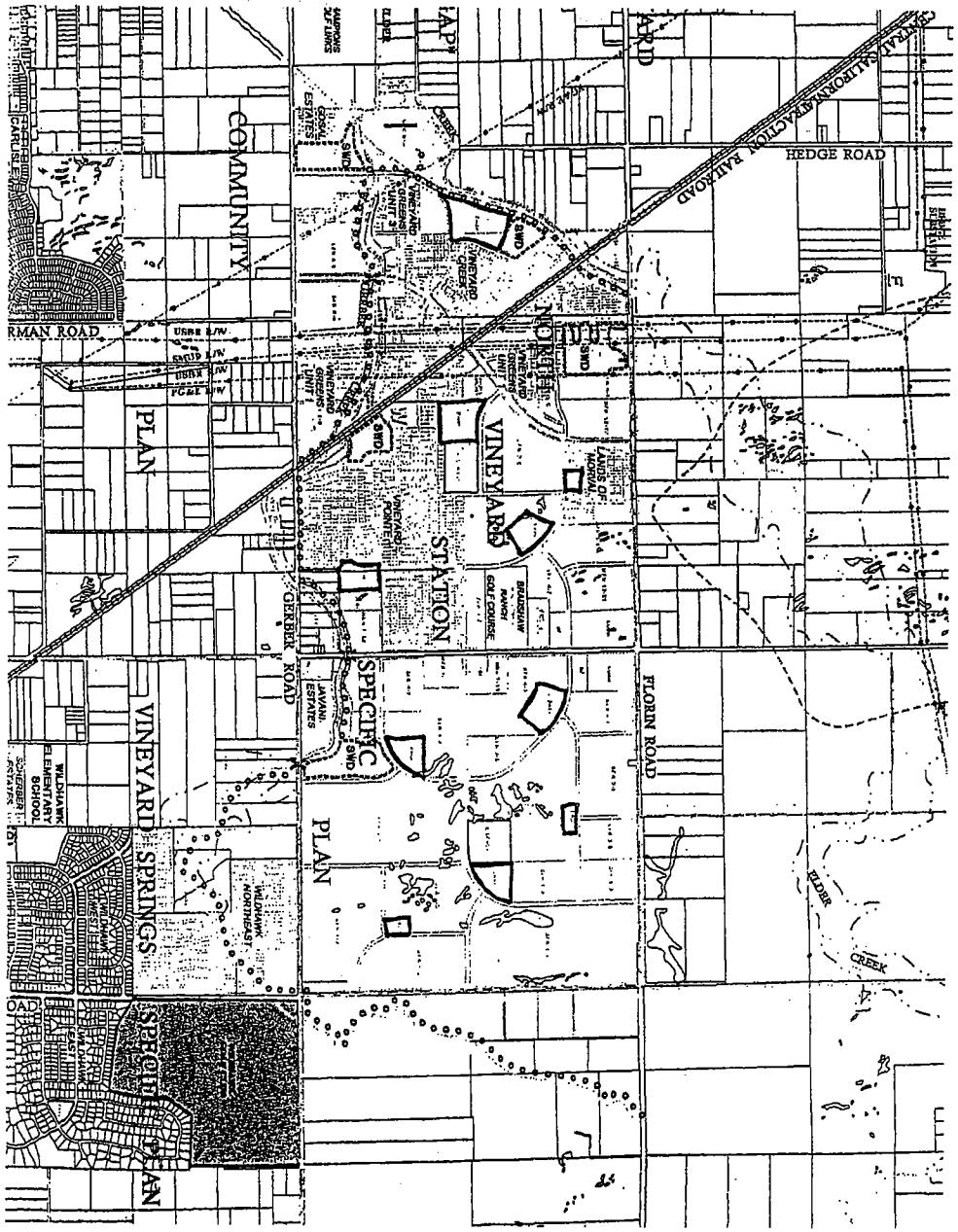

IX. PARKS AND RECREATION

The NVSSP is in the Southgate Recreation and Park District. The District encompasses 52 square miles and the boundaries are shown on Map 3.

Information about park facilities was obtained from the NVSSP and the Southgate Recreation and Park District. Cost estimates were prepared by the District and are shown in a letter dated December 24, 2002 and a follow-up letter dated April 23, 2003 to Susan Goetz from Judy Robinson. The NVSSP parks and recreation CIP is outlined in Appendix A-6.

EXISTING FACILITIES

There are currently no parks within the boundary of the NVSSP. The nearest parks are Churchill Community Park located one mile to the south and Sunrise-Florin Park located one mile to the west.

PROPOSED FACILITY COSTS, FUNDING SOURCES, AND PHASING

The cost estimates shown in this section are up-to-date cost estimates and are subject to revision as better information becomes available in the future. As the description of facilities and associated cost estimates change, the Financing Plan and associated financing mechanisms will be updated with the most current information.

The Southgate Recreation and Park District requires land dedication of 5 acres per 1,000 population. According to the NVSSP and as revised based on comments from the Parks District, a total of one regional park, six neighborhood parks, three mini-parks and a conceptual park designation in the Pasallis Lane area are planned. The parks-and-recreation CIP also includes drainage parkway facilities, linear parkway facilities, and a community center in the NVSSP.

The total cost of parks is estimated to be $12.2 million. This amount includes $7.8 million for park development, $2.8 million for a community center, $686,000 for drainage parkway facilities, and $138,000 for linear parkway improvements, open space acquisition, pedestrian signals and crosswalks, and Park Recreation and Open Space Master Plan preparation, and $670,000 for contingency. Basic improvements include finished grading, drainage, turf, irrigation, walkways, trees, signage, lighting, tot lots, and other items including engineering, inspection, contract administration, and water fees.

Roadway frontage improvements at parks, open space and parkways are included in the roadway CIP. The drainage CIP includes excavation and gravelling of the recreational trails/maintenance road located in the drainage corridor. Pavement costs are included in the parks and recreation CIP.

FUNDING SOURCES

Existing Fee Programs

There are no existing fee programs.

Proposed NVSFP

Parks and Recreation Fee Component

The NVSSP proposes a NVSFP parks and recreation fee component to cover the cost of park infrastructure costs. The calculation of the fee is shown in **Figure 22** and the estimated fee collection by phase is shown in **Figure 23**. It is estimated that the NVSFP parks and recreation fees collected from the NVSSP area will fund an estimated $12.2 million of facilities included in the parks and recreation CIP. A detailed summary of the park and recreation cost portion of the NVSSP is shown in **Appendix A-6**. NVSFP fee amounts were calculated using the CAM method as discussed in **Chapter II**.

Bond Funding Mechanisms and Other Funding Sources

This Financing Plan anticipates that developer advances or bond financing will be used to advance fund any infrastructure improvements needed in the initial phases of the NVSSP and before the collection of fees or other revenue sources. This Financing Plan assumes that fee credits and/or reimbursements for facilities otherwise funded by fee programs may be available if developers fund and construct fee-funded facilities

PHASING

Park development phasing will be the responsibility of Southgate Recreation and Park District. The level of park improvements will correspond to the intensity of development. Historically, development has not fronted the cost of park improvements within the District. Agreements for developer-funded park improvements will be determined on a case-by-case basis with the district.

Historically, properties along creeks and drainage channels have been obtained for open space uses through project dedication and condition of approval. The NVSFP proposes a supplemental fee for acquisition of the drainage corridor, including open space buffers

located immediately adjacent to the drainage channel. Acquisition of the open space buffer will be a part of the overall drainage corridor acquisition as detailed in the ROW acquisition program. Details are shown in **Appendix A-5**.

Ultimately, the open space areas will include the joint use trail system that will serve as a drainage maintenance path and a pedestrian bicycle path. The gravel maintenance road improvements that are in the Drainage CIP and are funded by the Water Agency Zone 11A fees will be constructed concurrently with the construction of the drainage channel improvements. The District will construct the joint use trail from park fee proceeds after sufficient development has occurred so that large stretches of the trail can be constructed at one time. Here again, the District may choose to enter into Developer agreements for developer-funded improvements to be determined on a case-by-case basis with the District. The extent of frontage improvements adjacent to parks, open space, and parkways required for each project will be determined as each project is processed for tentative map approval.

North Vineyard Station Comprehensive Plan
Capital Improvements Plan Summary

4/23/2003

Description	Unit		Cost per Unit	Total Cost
Basic Park Development				
1 to 3 acres	7.8	acres	$138,235	$ 1,078,233
3 to 6 acres	14.1	acres	$ 90,610	$ 1,277,601
6 to 11 acres	27.5	acres	$ 77,275	$ 2,125,063
11 + acres	14.3	acres	$ 66,242	$ 947,261
Sub-Total	63.7	acres		$ 5,428,157
10,000 Sq. Ft. Community Center	10,000	square feet	$ 202	$ 2,020,000
Site Improvements		lump sum		$ 500,000
Architectural & Engineering Fees		lump sum		$ 315,000
Sub-Total				$ 2,835,000
Drainage Parkway Facilities				
Pedestrian Signal Crossings				
(Gerber Creek at Bradshaw & Waterman Rds.)	2	lump sum	$ 50,000	$ 100,000
Gerber Creek Trail System (no excavation/gravel base)	10,780	lineal feet	$ 22	$ 237,160
Elder Creek Trail System (no excavation/gravel base)	5,560	lineal feet	$ 22	$ 122,320
Minor Landscaping - Both Open Space Trail Systems	16,340	lineal feet	$ 20	$ 326,800
Total Drainage Parkway Costs				$ 786,280
Other Linear Parkway Facilities	1	Acre		$ 138,235
Playground Equipment - Small	8	each	$ 50,000	$ 400,000
Playground Equipment - Large	9	each	$ 75,000	$ 675,000
Phase II Park Improvements				
Soccer Fields	11	each	$ 4,000	$ 44,000
Softball Fields	0	each	$ 35,000	$ -
Youth Baseball Fields	7	each	$ 30,000	$ 210,000
Sport Court W/Fence	1	each	$ 92,000	$ 92,000
Ballfield Lighting	2	each	$ 95,000	$ 190,000
Basketball Courts (1/2 Court)	7	each	$ 20,000	$ 140,000
Shade Structures - Large (50 people)	1	each	$ 52,000	$ 52,000
Shade Structures - Small (25 people)	20	each	$ 20,000	$ 400,000
Restrooms	2	each	$105,000	$ 210,000
Sub-Total				$ 1,338,000
Total Before Acquistion				$ 11,600,672
Contingency (5.76%)				
Contingency		lump sum		$ 670,000
Sub-Total				$ 670,000
District Park,Recreation & Open Space Master Plan				$ 25,000
TOTAL COST				$ 12,295,672
Total DUEs	5,719			
Fee per DUE				$ 2,150

DRAFT

North Vineyard Station — Playgrounds & Phase 2 Improvements

Park/Facility Name or Number	Type	Acres	Soccer Fields	Softball Fields	Youth Baseball Fields	Tennis Courts	Basketball Courts (1/2 Ct.)	Shade Shelter & Picnic Tables	Restrooms	Playgrounds
PHASE A-1										
Vineyard Point Park North - Phase I	N	5.8	1		1			1S		1S
Vineyard Point Park East - Phase I	M	1.8						1S		1S
Sub-total		7.6	1		1		0	2S		2S
PHASE A-2										
Vineyard Creek Park	C	14.3	2		1	1	2	3S	1	1L/1S
North Morval Park	M	2.0					1	2S		1S
Sub-total		16.3	2	0	1	1	3	5S	1	1L/2S
PHASE B										
South Morval Park	N	6.4	1		1		1	2S		1L/1S
Vineyard Point Park North - Phase II	N	4.0	1				1	1S		1L
Sub-total		10.4	2	0	1	0	2	3S	0	2L/1S
PHASE C										
Apostol Park	M	2.0						1S		1L
Florin/Saca Park	M	2.0						1S		1L
Law Park	N	6.5	1					1L/2S		1L/1S
Oshiro Park	N	6.7	1		1		1	2S		1L/1S
Sub-total		17.2	2	0	1	0	1	1L/6S	0	4L/2S
PHASE D										
Aston Trust Park*	C	7.9	3		2			2S	1	1L/1S
Vineyard Point Park East - Phase II	N	4.3	1		1		1	2S		1L
Sub-total		12.2	4	0	3	0	1	4S	1	2L/1S
PHASE E		0.0								
Total		63.7	11	0	7	1	7	1L/20S	2	9L/8S

C=Community Park; M=Mini Park; N=Neighborhood Park

*To include lighting for two ballfields.

Response to Comments of the Southgate Recreation and Park District (Letter L09)

L09-1. FRWA appreciates the background information provided regarding the existing and planned facilities within the Southgate Recreation and Park District. The information provided is consistent with that used during the analysis for the draft EIR/EIS.

L09-2. The analysis and mitigation measures included in the draft EIR/EIS are reasonable and adequate for purposes of CEQA and NEPA. However, as described in Chapter 2 under "Environmental Commitments," FRWA is committed to working with local jurisdictions throughout the project design and construction process. As described on page 2-12 of the draft EIR/EIS, special construction methods, such as trenchless construction, may be used in some areas. Decisions regarding where trenchless construction will be used will not be made until the final design phase. Furthermore, based on the location of recreational facilities relative to the pipeline alignments and the implementation of environmental commitment measures pertaining to landscaping replacement established by FRWA, facility access, and community facility restoration, the placement of pipelines for recreational facilities would not likely warrant the need for tunneling methods.

L09-3. The exact pipeline alignment has not yet been determined within specific roadways/corridors. The actual alignment will be further developed during future engineering analyses and the final design of the system. The construction schedule restrictions and other measures listed by the Southgate Recreation and Park District to help minimize impacts on the site appear reasonable and every effort will be made to fully coordinate the pipeline work with the existing and planned uses for the area. Also, the completed pipeline is not likely to result in significant long-term recreational use restrictions for the site. However, as described below, Impact 6-2 in Chapter 6, "Recreation," is being modified to better clarify the potential impacts raised by the District and more fully explain how the Environmental Commitments described in Chapter 2 of the draft EIR/EIS would minimize these impacts.

Impact 6-2: Temporary Disruption to Recreational Opportunities during Construction of the Pipeline from the Freeport Intake Facility to the Zone 40 Surface WTP/FSC

Construction of any of the pipeline alignment alternatives that connect the intake facility with the Zone 40 Surface WTP and the FSC would temporarily disrupt recreation facilities within the City of Sacramento, the South Sacramento area, and the Southgate Recreation and Parks District. As described in Chapter 2 of the draft EIR/EIS, "Project Description," FRWA has incorporated several environmental commitments into the FRWP alternatives in order to avoid, minimize, or mitigate effects associated with the proposed project. Those environmental commitment measures identified by FRWA which would be implemented as appropriate in order to avoid or reduce potential impacts on recreational resources associated with construction of the pipeline alignment alternatives include the following:

- replacement of existing landscaping impacted by construction (page 2-44 of the draft EIR/EIS);

- coordination with planned improvements (e.g., raised medians, turn lanes, street alignments) to minimize disruptions associated with two or more projects and other projects (e.g., light rail) (page 2-44 of the draft EIR/EIS);

- restoration of community facilities (e.g., parks, golf courses, trails including all features associated with the Bill Conlin/Freeport Shores Complex and the Wildhawk Golf Course) affected by construction to preproject conditions (page 2-44 of the draft EIR/EIS),

- development and implementation of a project planning, coordination, and communication plan which will ensure that all environmental commitments are implemented consistent with local agency policies and that any potential conflicts with other activities are limited (page 2-51 of the draft EIR/EIS), and.

- implementation of a traffic control plan (page 2-45 of the draft EIR/EIS). This plan will maintain access, provide alternate routes, and minimize potential traffic impacts on recreational facilities, including parks, sidewalks, bike lanes, and recreation trails, along the pipeline alignments during construction.

More specifically, FRWA will coordinate the location and design, including any permanent surface features (e.g., manholes), associated with the pipeline with existing and planned improvements to recreational facilities, including the Bill Conlin/Freeport Shores sports complex and the Wildhawk golf course. FRWA's coordination will also include construction schedule information, allowing for the City of Sacramento Parks Department and the Southgate Recreation and Parks District or any other recreation agency to address and manage ahead of time for the temporary closure of facilities and relocation of recreational activities, including locating replacement facilities if necessary. To the extent feasible, construction through recreational facilities will occur during the off-seasons (e.g., September to November). Additionally, if any location within a recreational facility is used for jacking the pipeline for trenchless construction methods (i.e., tunneling), this operation will be performed in parallel with trench construction of the pipeline to minimize downtime of these recreational facilities. Overall, to the extent feasible, existing features within the recreational facilities will be preserved, including any existing landscaping. All features that can not be preserved will be replaced following pipeline installation. With implementation of these environmental commitments, the impact on recreation will be less than significant.

L09-4. The District's preference for Alternative 4 is noted. As described in Chapter 2 of the draft EIR/EIS on page 2-5, Alternative 5 is the Preferred Alternative based on its

ability to fully meet the project purpose and objectives, engineering and economic feasibility, minimization of environmental impacts, and input received during the public scoping process. However, all alternatives considered in the draft EIR/EIS are still being considered for implementation. The final decision will be made by the FRWA Board and Reclamation.

L09-5. The mitigation, monitoring, and reporting plan will include the suggested details. FRWA and its member agencies will be responsible for the implementation of all environmental commitments/mitigation measures associated with the FRWP.

L09-6. The pipeline alignment for Alternative 6 is identical to that shown for Alternative 5 in figure 2-1 of the draft EIR/EIS with one exception. Under Alternative 6, the pipeline would not extend east beyond the SCWA Zone 40 Surface Water Treatment Plant.

L09-7. All roads except Elsie Road and Wilbur Way are clearly shown in Figure 2-1 of the draft EIR/EIS, and those roads are clearly described in the text.

L09-8. The comment is correct in identifying the western part of Gerber Road as urban. However, the analysis included in the draft EIR/EIS is consistent with the suggested distinction. For example, Table 12-2 in Chapter 12, "Traffic," identifies two distinct sections of Gerber: the more urban stretch in the west and the more rural stretch in the east.

L09-9. A majority of the long-term maintenance would involve periodic chemical injection and/or mechanical scrubbing (e.g., pigging). These operations would begin and end at the intake facility and Zone 40 Water Treatment Plant, respectively, and would not have any impact along the pipeline alignment between those two points. Also, some amount of periodic draining and inspection, exercising of valves, and maintenance of a cathodic protection (CP) systems would be involved. Draining would involve operating some valves in streets and water running in the gutter. Valve and CP maintenance might involve accessing some small vaults that could be located within streets. These activities might involve temporarily setting up around a vault or valve operator in much the same way other utilities set up around in-street manholes. These activities would be very infrequent and would not be conducted during times of peak traffic. Any associated impact would be extremely small. Also, during design, access points and features that need to be operated from the surface would be placed in areas outside of the roadway or on the edge of the roadway to the extent possible. Replacement of the pipelines is not foreseen within the life of the project. Expansion of the pipelines is not proposed or foreseen. Should pipelines need to be expanded in the future, this action would be subject to separate environmental review.

L09-10. As stated on page 2-14 of the draft EIR/EIS, the exact site for the Zone 40 Surface WTP has yet to be determined. However, SCWA recently secured an option on an 80-acre parcel on the north side of Florin Road, halfway between Bradshaw and Excelsior Roads. The general vicinity is identified as shown on Figure 2-1 and the analysis in the draft EIR/EIS is based on the Zone 40 WTP occupying 80–100 acres somewhere

within the identified vicinity. The analysis within each resource chapter is based on this assumption. FRWA will have to determine if the impacts addressed in the FRWP adequately address the final site and determine if additional environmental documentation is needed. However, based on the information available, the analysis included in Chapter 6, "Recreation," is accurate and discloses all potential impacts. The Environmental Commitments included in Chapter 2 would fully mitigate any potential impacts.

L09-11. FRWA is working diligently to identify a site for the Zone 40 WTP that is compatible with local land use plans and existing uses. As described above in response L9-10, FRWA will have to determine if the impacts addressed in the FRWP adequately address the final site and determine if additional environmental documentation is needed. If any new impacts are identified, then additional documentation, including appropriate mitigation measures, would be prepared consistent with CEQA and NEPA.

L09-12. Phase 1 of the construction of the Zone 40 SWTP will occur from 2007 to 2009. Phase 2 will occur from 2027 to 2029, and Phase 3 from 2037 to 2039.

L09-13. The last bullet under "Environmental Commitments, General Construction Measures" has been modified to read "restoration of community facilities, *including recreation facilities*, affected by construction." FRWA always intended that recreation facilities be included in the restoration of community facilities.

L09-14. As described in the Traffic Control Plan Environmental Commitment, FRWA will coordinate with affected jurisdictions, including the Southgate Recreation and Park District.

L09-15. As presented in the "Environmental Commitments" section of Chapter 2 in the draft EIR/EIS, FRWA has committed to several measures to ensure that the public is informed about construction associated with the proposed project, alternate and available access, and temporary closures associated with the proposed project. In particular, the project sponsors have committed to implementation of a traffic control plan (a more detailed description of that plan can be found on page 2-45 of the "Environmental Commitments" section of Chapter 2 in the draft EIR/EIS). Additionally, the proposed project will include the establishment of a community ombudsman to handle ongoing public outreach and address construction concerns, and fact sheets and public updates to inform the community about the progress of the proposed project. The FRWA will continue to use its web page and various media formats to keep the public informed.

L09-16. A construction schedule for each of the project components is presented on pages 2-34 and 35 of Chapter 2, "Project Description," of the draft EIR/EIS. A more detailed construction schedule will be available during the final project design phase.

L09-17. As presented in the "Environmental Commitments" section of Chapter 2 in the Draft EIR/EIS, FRWA has committed to preparing and implementing a Project Planning, Coordination, and Communication Plan that

will involve the appropriate local agencies during the planning, engineering, and design phases of the project. This process will allow all involved agencies to identify and coordinate projects and consider the most efficient means of implementing the FRWP while meeting the needs of the various local agencies, as suggested in the comment.

L09-18. FRWA recognizes the Southgate Recreation and Park District and the many facilities that it owns and operates. The revised Impact 6-2, described above in response L09-3, adequately identifies the potential impacts on District facilities and methods of minimizing those impacts to a less-than-significant level.

L09-19. The parks, recreation, and open space facilities operated by the Southgate Recreation and Park District are discussed on page 6-6 in Chapter 6, "Recreation," of the draft EIR/EIS.

L09-20. See response L9-7. Also, the park facilities that would be impacted are described in Chapter 6 of the draft EIR/EIS and in response L09-3 of this response to comments. The distinction between areas that will be open cut trenched or tunneled has not yet been determined. Those decisions will be made in the final design phase. The impact analysis included in the draft EIR/EIS assumes the worst case, which is open cut trench. Opportunities to minimize those impacts through the use of tunneling will be utilized where practicable.

L09-21. See response L9-7. The distinction between which side of the road the pipeline will be installed has not yet been determined. Those decisions will be made in the final design phase. The impact analysis included in the draft EIR/EIS assumes that the work could occur anywhere within the roadway or its immediate vicinity.

L09-22. All existing and reasonably foreseeable recreation projects were included in the draft EIR/EIS analysis. A map of these specific resources has not been prepared.

L09-23. Traffic impacts associated with the FRWP are construction-related and will be short-term in nature. The analysis included in Chapter 12, "Traffic and Transportation," provides an adequate analysis of traffic impacts and fully complies with CEQA and NEPA. Growth-related effects, including transportation, are described in Chapter 20, "Growth-Related Effects."

L09-24. As presented in the "Environmental Commitments" section of Chapter 2 in the draft EIR/EIS, FRWA has committed to preparing and implementing a Project Planning, Coordination, and Communication Plan that will involve the appropriate local agencies during the planning, engineering, and design phases of the project. Selection of access roads would be carried out through this process.

L09-25. Please see response L09-20 above.

L09-26. CEQA lead and responsible agencies approve mitigation measures through the CEQA Findings process and approval of the MMRP.

L09-27. Please see response to L09-24 above.

L09-28. Impacts on the landscaped and recreational facilities within the Southgate Recreation and Park District's boundaries are addressed under Impact 6-3, in Chapter 16, "Visual Resources," of the draft EIR/EIS. Construction activities associated with the proposed project would be short-term in nature. Additionally, environmental commitment measures identified by FRWA (see Chapter 2 of the draft EIR/EIS) would be implemented as appropriate in order to avoid or reduce potential impacts on visual resources associated with the District's jurisdiction, including replacement of existing landscaping impacted by construction and restoration of community facilities, such as parks, golf courses, trails, and recreation centers, affected by construction.

L09-29. In general, urban growth within Sacramento County has been conditioned on the planning and growth policies of the Sacramento County General Plan. Based on the Sacramento County General Plan and as stated on page 20-7 of the draft EIR/EIS, future increases in use of existing recreation resources (including Zone 40 which will be served by the FRWP) may result in a gradual decline in the quality of recreational experiences.

L09-30. The Sacramento County General Plan identifies areas subject to growth within the Zone 40 Service Area.

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Letter L10

OFFICE OF THE
CITY COUNCIL

LAUREN R. HAMMOND

COUNCILMEMBER
DISTRICT FIVE
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CITY OF SACRAMENTO
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October 30, 2003

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Kurt Kroner
Environmental Manager
Freeport Regional Water Authority
1510 J Street, Suite 140
Sacramento, CA 95814

Dear Mr. Kroner:

Thank you for the opportunity to comment on the Freeport Regional Water Project Draft Environmental Impact Report/Environmental Impact Statement. As you know, the City of Sacramento is growing rapidly in both the north and south areas. The neighborhoods of Pocket, Meadowview and the future Delta Shores are our southern border. Anything that affects those neighborhoods, affect us all.

Part of the Water Forum Agreement brought to end a 20-year feud over Bay Area water rights. They need it – we have it. Several jurisdictions agreed to water intake on the Sacramento River near the town of Freeport, hence the name of this project, Freeport Water. To my dismay I have discovered, as have many Sacramentans, that this project will be placed in one of our neighborhoods. That is unacceptable.

We all know that environmental impact reports are suppose to review alternatives to a project. You have already eliminated the facility in West Sacramento and you have eliminated the original location of this facility. This is typical of a regional body ignoring the well being of a Sacramento city neighborhood. There was a proposal to run the Northwest Interceptor through town until that project became too controversial and ended with the compromise attained by Yolo County and the City of West Sacramento. We need to do the same for this project. L10-1

Would you please give me three examples of a similar facility placed in a well-established urban neighborhood? Also provide the mitigation and monitoring recommendations and impacts for those three projects. L10-2

I look forward to your answer in the final EIR.

Sincerely,

Lauren R. Hammond

LAUREN R. HAMMOND
Councilmember, District 5

C: Mayor and City Council
Bob Thomas, City Manager
FRWA Board of Directors
Terry Schutten, County Executive Officer
Dennis Diemer, EBMUD

Responses to Comments of Councilmember Lauren Hammond, City of Sacramento (Letter L10)

L10-1. See the master response to Intake Facility Issues.

L10-2. While FRWA has identified several similar facilities, the most relevant is the Carmichael Water District pump and water treatment plant facility. This facility is a local, reasonably similar facility within a residential neighborhood and immediately adjacent to single-family houses. This facility includes water pumps, compressors, air surge tanks, electrical transformer, and chemical storage facilities.

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November 5, 2003
AGM/ES 03-094

Letter L11

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Via U.S. Mail & Facsimile to (916) 989-7208

Mr. Kurt Kroner
Freeport Regional Water Authority
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Via U.S. Mail & Facsimile to (916) 444-2137

COMMENTS UPON FREEPORT REGIONAL WATER PROJECT ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT

Dear Messrs. Schroeder and Kroner:

The Sacramento Municipal Utility District ("SMUD") is pleased to provide these comments on the Bureau of Reclamation's ("Bureau") and Freeport Regional Water Authority's ("FRWA") draft environmental impact report and environmental impact statement ("DEIR/S") on the Freeport Regional Water Project ("FRWP" or "Project"), a joint project of the East Bay Municipal Utility District ("EBMUD") and the Sacramento County Water Agency ("SCWA"). SMUD's comments are limited to those aspects of the Project and its environmental effects that implicate or affect SMUD; all of which are a function of the decision to design the Project to serve EBMUD as well as SCWA.

INTRODUCTION AND SUMMARY OF COMMENTS

The Project's purpose, insofar as EBMUD and these comments are concerned, is to provide EBMUD with "a supplemental water supply both to avoid water shortages during drought periods and to provide a supply during times when the Mokelumne River Basin supply is not available. . . . in case of a catastrophic event or major maintenance at Pardee Dam or Reservoir." (DEIR/S, pp. S-4, 5). SMUD's interest in, and concerns about, the Project stem from the convergence of two facts.

First, SMUD has long used relatively pristine American River water from the Folsom South Canal ("FSC") in connection with electric power generation at its Rancho Seco site. These current and imminent uses include dilution water for decommissioning operations at the Rancho Seco Nuclear Generating Station, which will continue indefinitely, and cooling water for SMUD's Cosumnes Power Project ("CPP"), the first stage of which is now under construction.

Second, EBMUD intends to use the Folsom South Canal ("FSC") to convey substantially lower-quality (high in sediment/suspended solids as well as dissolved solids) Sacramento River water to EBMUD's pre-treatment facility from which the water will enter EBMUD's system.[1] In this process, the FSC will additionally serve as a "sediment management facility" for EBMUD. EBMUD's diversions of Sacramento River water will change SMUD's water supply from 100% low-sediment American River water to a blend of 84% higher sediment/dissolved solids Sacramento River water and only 16% American River water.[2]

The environmental impacts of the Project, as presently configured in all but one alternative, will cause SMUD substantial injury. Specifically, the Project (i) will have a substantial, significant, adverse effect on the quality of the water delivered through the Folsom South Canal ("FSC"), particularly substantially increased sediment, (ii) will significantly impair the beneficial use of those waters by SMUD, including SMUD's ability to use water for power production, and (iii) will significantly increase the quantities of total suspended solids ("TSS"), total copper, and other constituents that would be discharged to Clay Creek (a tributary to the Cosumnes River), likely causing SMUD to exceed the existing and future limitations of its NPDES permit, and thereby potentially adversely affecting the quality of Clay Creek and the Cosumnes River. SMUD will not be able to use the water within the FSC for its power production operations during those times that EBMUD is diverting Sacramento River water through the FSC unless it either spends millions of dollars to adequately treat the water or reduces or stops power production activities. The impairment to the CPP's generating capabilities would adversely impact the region's electric power reliability and place a significant economic burden on SMUD and its ratepayers. L11-1

There are at least three alternative configurations of the Project that would completely avoid all these negative consequences: (i) adequately treating Sacramento River water upstream from SMUD's Rancho Seco intake (ii) constructing a separate conveyance system within the FSC for either SMUD or EBMUD water, or (iii) selecting an alternative that does not use the L11-2

[1] The Project, as configured in all but two of the alternative projects considered in the DEIR/S, provides for (i) diversion of Sacramento River water at Freeport pursuant to EBMUD's contract with the Bureau for Central Valley Project ("CVP") water, (ii) holding the water in a settling basin adjacent to the diversion facility (if determined necessary), (iii) conveyance of the water through a 15-19 mile new pipeline to the Folsom South Canal ("FSC"), (iv) discharge of the water into the FSC and conveyance approximately 16.5 miles to the terminus of the FSC, (v) conveyance through a 16.9 mile new pipeline (Folsom South Canal Connection) to EBMUD's system, where (vi) the water will be pre-treated using flocculation and sedimentation basins and ozone and ultraviolet treatment, only after which (vii) the pre-treated water will be introduced into EBMUD's system for delivery to its industrial, commercial, and residential customers.

[2] Analysis by MFG Inc. shows that blend averages in March would be 89% Sacramento River water and 11% American River water, based on the average monthly flow in the FSC during March. The higher percentage of Sacramento River water represents a more extreme condition that was not evaluated in the DEIR/S.

FSC. Instead the DEIR/S concluded, on specious grounds, that there will be "no significant impacts" to water quality from the Project and that the "impacts to Folsom South Canal water quality, attributable to project-related diversions of Sacramento River water that will be discharged to the FSC" will be "less-than-significant." Accordingly, the DEIR/S concluded, "[n]o mitigation required." (Tables S-1, S-2.) To compound the DEIR/S's infirmities, it dismissed and failed to analyze the two alternative Project configurations that would allow EBMUD to utilize the FSC while avoiding significant adverse water quality impacts and injury to SMUD.

L11-2 cont

Over the last two years SMUD has repeatedly provided comments and detailed information to both EBMUD and FRWA, orally and in writing, about the environmental impacts of the Project and their consequences to SMUD. When it became apparent neither agency was taking these matters seriously, SMUD retained MFG, Inc. in June 2002 to undertake an independent water quality analysis to assess the Project's likely impacts on SMUD's Rancho Seco Nuclear Generating Station and associated decommissioning operations, the Rancho Seco Lake Recreation Area, and the Cosumnes Power Plant.

L11-3

MFG, Inc. analyzed water quality data that had been originally gathered under monitoring programs conducted by the U.S. Geological Survey, the Sacramento Regional County Sanitation District's Coordinated Monitoring Program, and EBMUD. Using this database, summary statistics were calculated for FSC/American River baseline conditions and for Sacramento River at Freeport baseline conditions. Because of the substantial differences in the baseline water quality between the FSC/American River and the Sacramento River at Freeport, the study determined that there would be considerable impacts on SMUD's assets, including impacts on power plant processes, wastewater (NPDES) discharges, and other water-related requirements. SMUD presented MFG's study to EBMUD and FRWA in February 2003. ("Folsom South Canal Water Quality Study," February 11, 2003, hereafter "February MFG Study".)

L11-4

FRWA's response to the February MFG Study first acknowledged that it was "well prepared" and that it "assists FRWA in understanding how changes in water quality in the FSC resulting from operations of the Project could affect existing and proposed SMUD facilities." FRWA also acknowledged the study's finding that total suspended solids and related water quality parameters (metals and turbidity) are among the principal parameters that can affect SMUD facilities. ("Comments for Folsom South Canal Water Quality Study," prepared by FRWA, March 21, 2003.)

However, FRWA argued that diversions for EBMUD (and subsequently flow of Sacramento River water into the FSC) will be during dry years and infrequently during the high runoff months, and that based on the expected dry-year schedule of FRWP deliveries to EBMUD, the February MFG Study tends to overestimate the concentration of TSS (sediment) in the Sacramento River. FRWA's reasoning was based on the fact that the highest TSS concentrations in the river are limited to winter, particularly wet years. In addition, FRWA claimed that the February MFG Study mistakenly assumes that TSS loading will be unchanged from the Sacramento River to the SMUD intake, when the FRWP intake pumping

L11-5

plant will be designed to reduce uptake of sediment into the project pipeline and much of the remaining suspended solids will settle out in the FSC before reaching SMUD's intake. (*Id.*)

Given these last comments, SMUD directed MFG to reanalyze the Project's impacts, considering EBMUD's likely diversion schedule (dry years from March to December) and assessing how suspended sediment might be transported through the Project. SMUD presented MFG's second report to FRWA and EBMUD in June 2003. ("Response to FRWA's Comments on Folsom South Canal Water Quality Study," June 23, 2003, hereafter "June MFG Study.") This study found that, while EBMUD's dry-year diversion schedule would reduce impacts to water quality and SMUD's facilities somewhat, they would still be significant.

L11-5 cont

The June MFG Study also concluded that the sediment transport study conducted by CH2M Hill, on which FRWA relied in its response to MFG's first study and in its conclusions in the DEIR/S, was deficient in several respects -- most notably that it did not consider or support its assumptions concerning technical factors that greatly affect the extent to which sediment will be transported to SMUD's intake. The June MFG Study, however, specifically accounted for these factors and concluded that the vast majority of sediment initially diverted from the Sacramento River would not settle in the intake facility, pipeline, and FSC, and would be transported to SMUD's intake. This was a much different conclusion than the CH2M Hill analysis that concluded 67% of the sediment would settle before reaching SMUD's intake.

L11-6

SMUD presented substantial, credible scientific and technical data to FRWA and EBMUD concerning the environmental impacts of the Project which the DEIR/S completely ignores.[3] Notwithstanding FRWA's earlier recognition of the quality and relevance of the MFG data, the DEIR/S acknowledged the existence of the first MFG report, but otherwise ignored the two reports and their technical and scientific content. Nor does the DEIR/S present contrary data that, even *sub-silentio*, contradicts the MFG studies. Instead, the DEIR/S's discussion of the Project's impacts on FSC water quality and the significance of those impacts consists essentially of naked conclusions, unsupported by either analysis or data.[4]

The DEIR/S also incorporates this approach of unsupported conclusions into its application of significance criteria. Specifically, the DEIR/S concludes that water quality impacts on the FSC are "less than significant" and that "no mitigation is necessary" without any analysis of the effects that substantially increased constituent concentrations in the FSC will have on the *use* of FSC water for power-related purposes. (DEIR/S, p. 4-24.) The document merely concludes, in *ipse dixit* fashion, that "Sacramento River water currently is of adequate quality for the beneficial uses of interest" and that "beneficial uses of water would not be adversely affected." Having leapt to this conclusion, the document's conclusion that the environmental impacts to water in the FSC are "less than significant" and require no mitigation is foreordained.

L11-7

[3] SMUD incorporates both MFG studies into these comments by reference.
[4] SMUD has requested that FRWA provide any and all water quality data that may be relevant to the Project. No additional information has been received.

Then, in an implicit acknowledgment that FSC impacts *are* significant, the DEIR/S dismisses them as follows:

> Potential operational changes that SMUD may encounter associated with these elements of future FSC water quality conditions (i.e., mineral content, sediment, algae growth) in their industrial processes or Rancho Seco Reservoir are considered to be economic effects rather than environmental impacts. (DEIR/S, pp 4-24 and 4-25.)

The fact remains, however, that water quality impacts in the FSC are *environmental* impacts, albeit environmental impacts with direct and identifiable socio-economic consequences. Both CEQA and NEPA require that these socio-economic impacts - on SMUD, its ratepayers, and on the region's power system - be analyzed. L11-8

Moreover, there is considerable irony in the DEIR/S's observation about "economic effects," given that a relatively modest modification of the Project would avoid these impacts altogether. Both CEQA and NEPA, however, require that the DEIS/R consider such modifications, both as another alternative and as mitigation.

From SMUD's perspective, then, the DEIR/S has the following deficiencies:

- It fails to use the best scientific and technical data available to FRWA and EBMUD
- It relies on assumptions that are both unsupported and contradicted by technical data in the possession of both FRWA and EBMUD
- Its application of significance criteria (particularly effects on beneficial uses) is improper and contradicted by both the DEIR/S itself and other technical data in the possession of both FRWA and EBMUD
- It fails to consider socio-economic effects of water quality impacts L11-9
- It fails to consider a reasonable range of alternatives
- It fails to consider or provide for mitigation of water quality impacts.

For all of these reasons, the DEIR/S is wholly inadequate. These inadequacies by themselves are sufficiently great to require that, when an adequate draft EIR/S is finally prepared, it be recirculated. The case for recirculation will be compounded when comments submitted by other commentators, directed to other aspects of the DEIR/S, are considered.

DETAILED TECHNICAL COMMENTS

The following comments expand on certain technical issues presented by the DEIR/S.

I. The DEIR/S Itself Demonstrates that Water Quality in the FSC Will Be Significantly Degraded L11-10

A. The Average Concentrations of Constituents Will Significantly Increase

Table 4-3 of the DEIR/S demonstrates that the addition of water from the Sacramento River to the FSC will significantly increase the average concentrations of all constituents within the FSC. Total dissolved solids (TDS) are expected to double (200 percent). Total suspended solids (TSS) and turbidity are shown to increase 18 times (1800 percent). In addition, Table 4-1 shows that the silica concentration in the Sacramento River is about 190 percent greater than in the Folsom South Canal/American River, total hardness is about two times (200 percent) greater in the Sacramento River, and total metals are about two to five times (200 to 500 percent) greater in the Sacramento River. L11-10 cont

B. By Failing to Account for Acute Seasonal, Real-Time Variations in Water Quality, the DEIR/S Substantially Understates the Project's Water Quality Impacts

Although Table 4-3 establishes that the water quality in the FSC will be significantly degraded, it actually substantially *understates* the impacts because its analysis is limited to a consideration of *averages* and fails to acknowledge, let alone analyze, acute variations in water quality that typically occur for certain constituents within the Sacramento River. Although these changes generally occur seasonally or as a result of storm-induced transport, especially in the case of TSS and total metal concentrations in the Sacramento River, these acute variations from the average can also occur during "dry" years and last for a week or more. Because these extreme changes are reasonably foreseeable to occur, and will have a significant impact on water quality and operation of SMUD's facilities, the DEIR/S must include a range of water quality conditions to provide a more complete picture of how water quality conditions in the FSC will change and adversely affect beneficial uses as a result of diverting Sacramento River water into the FSC. L11-11

This analysis is essential to assess the significance of potential impacts to water quality, specifically TSS concentrations and total metals, during wet months. Although EBMUD predicts that water will primarily be taken to alleviate drought conditions, with deliveries expected from March through September, the DEIR/S also notes that deliveries of water may be required to provide supply during catastrophic events or major maintenance of the Pardee Dam or Reservoir. (DEIR/S 1-13, 1-14, 2-1, 2-6). Catastrophic events and scheduled major maintenance could occur during wet and average years, and during all months of the year, including those time periods when turbidity, TSS, and total metal concentrations in the Sacramento River are particularly high. Because the DEIR/S anticipates relying on the Project during catastrophic events and major maintenance, the DEIR/S must evaluate the use of water during these events, which may occur in wet and average years and months, and would impact water quality more adversely than is currently projected by focusing on dry years.

In order to provide an accurate assessment of the TSS and total metal concentrations reasonably foreseeable to occur in the Sacramento River when EBMUD diverts Sacramento River water into the FSC, the DEIR/S must re-evaluate impacts in the context of water quality

conditions prevailing at times when a reasonably foreseeable possibility exists that EBMUD may divert water. The DEIR/S should include not only the average values, but also the acute variations from the average (e.g., 95th percentile). Accounting for the large variations in concentrations of TSS and total metals gives a more accurate assessment of how water quality will be impacted because even in the driest years (1976 and 1991) the TSS concentrations in the Sacramento River during March were occasionally above 300 mg/l. Data for March 1976 shows that the high TSS concentrations lasted for well over a week. (U.S. Geological Survey, NWIS database.) These variations are also important in analyzing impacts to SMUD's operation of its facilities, which are affected by "real-time" water quality conditions and not "averages." These acute variations in concentrations of TSS, however, were not included in the data shown in Table 4-3 of the DEIR/S to project TSS concentrations within the FSC, which only included median (average) concentrations during the month of March. If the DEIR/S had included these acute variations, the impacts on water quality and the subsequent impact to SMUD's operations would be substantially greater than discussed in the DEIR/S.

L11-11 cont

II. The DEIR/S Relies on Faulty Assumptions Rather than Analysis of Relevant Technical Data Regarding Transport of Suspended Sediment to Mask Actual Water Quality Impacts

In assessing the Project's impacts to water quality in the FSC, it is not only important to accurately determine the reasonably foreseeable concentrations of TSS in the Sacramento River, it is equally important to correctly analyze how the sediment will settle within the proposed pipeline and FSC. The DEIR/S acknowledges that "transport of suspended sediment in the form of TSS and turbidity would likely increase," and that the sediment would be transported to where SMUD diverts the water and ultimately is discharged into Clay Creek. (DEIR/S 4-21.) However, the DEIR/S dismisses the severity of the impact by relying on a 2002 CH2M Hill study, "Suspended Sediment Loading and Transport in the Freeport Regional Water Project" (hereafter referred to as "Analysis"), that concluded "removal of suspended sediment at the Freeport intake facility and through settling in the FSC combined is approximately 67% [of the suspended sediment diverted at the FRWA pumping facility]." (DEIR/S 4-21). This Analysis, however, does not present an accurate model of how sediment will travel through the intake facility and FSC. In addition to only using average TSS concentrations that do not account for acute variations in TSS concentrations, there are additional serious flaws with assumptions made and methodology used in the Analysis that cast doubts on the conclusion in the DEIR/S that 67% of the sediment will settle before reaching SMUD's intake.

L11-12

The following factors are important in evaluating suspended sediment transport:

- The configuration and dimensions of the diversion structure and conveyance system (pipelines, canals)
- The physical properties of the fluid, such as temperature, viscosity, and suspended sediment concentration
- The physical properties of the sediment, such as particle-size distribution and density (which may depend on particle size)

- The effects of turbulence caused by shear stresses at the canal bottom and wind-induced stresses at the water surface.

These factors were not analyzed in CH2M Hill's Analysis, which, therefore, led to a severely oversimplified assessment of total suspended sediment that will settle in the proposed intake facility, pipeline, and FSC before reaching SMUD's intake. This faulty Analysis was then relied upon in the DEIR/S to conclude that the Project will not have any adverse significant impacts on water quality or SMUD.

If the Analysis had considered these factors, it would have shown, as did the June MFG Study, that *the total percent of sediment that would likely be removed in the intake facility and FSC is closer to 7% of the total suspended sediment rather than the 67% predicted in the Analysis.*

The following is a more detailed discussion of the inadequacies of the CH2M Hill Analysis that resulted in its faulty conclusion regarding how much sediment would settle within the intake facility and FSC.

L11-12 cont

A. FSC Cross Section and Base Flow Information Used in Analysis

In the modeling results tables prepared by CH2M Hill, a background flow of 28 million gallons per day (MGD) was added to the Project flow, typically 100 MGD. The cross-sectional area of the FSC used in the analysis was 1377.8 square feet. The cross-sectional average velocity was calculated to be 0.14 feet per second (fps), and the depth was 198 inches (16.5 feet).

In the February MFG Study, at a depth of 16.8 feet, the cross-sectional area was reported to be 961 square feet, much smaller than the 1377.8 square feet in the CH2M Hill Analysis. This smaller cross-sectional area is based on drawings of the FSC provided by the Bureau of Reclamation. The corresponding cross-sectional velocity would be 0.21 fps for the same flow rate, rather than 0.14 fps. In comments made by FRWA on the February MFG Study, a velocity of 0.21 fps was also calculated.

The water velocity in the FSC is 1.5 times (150 percent) greater in the MFG Study and FRWA comments than in the CH2M Hill Analysis. At this greater velocity, there would be a shorter residence time in the FSC and less opportunity for sediment to settle. Nonetheless, the DEIR/S relied on the 67% sediment removal percentage, despite the fact that FRWA's own calculations demonstrate that the velocity used by the CH2M Hill Analysis was incorrect, and, therefore, resulted in a greater settling rate.

B. Modeling of Sediment Transport Ignores Effect of Turbulence

L11-13

The approach used by CH2M Hill in its Analysis assumed that the environment in which the suspended sediment will be moving is quiescent, ignoring the effect of turbulence in the transport of sediments. Such an assumption, however, does not reflect the actual conditions in which sediment will be moving in the FSC. Moving water in open channels has the capacity

to transport sediments long distances. Turbulence generated from both bottom shear stresses and wind-induced stresses at the surface counteract the effects of settling, allowing certain sized sediments at certain concentrations to remain suspended. The ability of the moving water to transport sediments depends on both the hydraulic characteristics of the channel as well as the sediment supply. *None of these important factors regarding the effect of turbulence, however, were considered in CH2M Hill's Analysis relied upon in the DEIR/S.* This failure to consider the effect of turbulence renders the assumptions about the amounts of sediment settling in the intake structure and the FSC erroneous and unrealistic. Calculations performed on behalf of SMUD in the June MFG Study, and provided to FRWA in June 2003, account for turbulence and indicate that the sediment removal percentage would be *substantially less* than the 67% in the Analysis, and actually closer to 7%.

L11-13 cont

C. Intake Structure Design Could Impact Sediment Removal

The DEIR/S relies on the statement in the CH2M Hill Analysis that "a substantial portion (approximately 28%) of the suspended sediment diverted at the FRWA pumping facility will be immediately removed at the intake" to support its conclusion that 67% of the total sediment will be removed. (DEIR/S 4-21). The flaw in this assumption, however, is that *the design of the intake structure may not remove as much sediment as anticipated.* Review of Figure 2-5 of the DEIR/S, showing a cross-section of the proposed intake structure, demonstrates several potential problems. First, the intake pumps, which are located not far downstream of the settling basin, appear to withdraw water at elevations only slightly above the basin. It appears that the induced flow could draw in sediments that are assumed to otherwise settle out. Second, if the bottom of the intake structure withdrawing water from the Sacramento River is near the river bed, then bedload might be entrained into the structure and interfere with the collection of the suspended load (the bedload is typically not reflected in the calculation of suspended solids concentrations). If either circumstance exists, the sediment transport would be greater than calculated in CH2M Hill's Analysis and assumed by the DEIR/S.

L11-14

D. TSS Concentrations Should Include Evaluations of Some Shorter-Term Excursions from the Means

The approach used by CH2M Hill to calculate sediment transport and settling was to use monthly averaged data. However, as pointed out previously, *this does not take into account that TSS concentrations on the Sacramento River are extremely variable, and frequently exceed 100 mg/l during dry years,* although the median during this time is under 30 mg/l. These extreme values would ultimately affect conclusions regarding sediment concentration. In order to accurately assess sediment loads in the FSC and TSS concentrations reaching SMUD's intake and other receiving waters, the Analysis should have evaluated the high sediment concentrations associated with shorter-than-monthly time periods.

L11-15

E. Calculations Did Not Take Into Account Monthly Temperature Variations

The water density and viscosity used by CH2M Hill to calculate the settling velocities of sediments are based on a single average temperature value of 20 degrees Celsius, regardless

L11-16

of the month or season of the year. This average value, however, is inappropriate; the February MFG Study indicates the mean water temperature of the Sacramento River is 15 degrees Celsius (the median value is 14 degrees Celsius). Even using the mean temperature would mask the lower temperatures in the Sacramento River that occur in the winter months. For example, the average temperature of the Sacramento River in March is 12 degrees Celsius. When water temperatures are lower, the viscosity of water increases, causing settling velocities to decrease. The use of 20 degrees Celsius, therefore, adversely affected the accuracy of the calculations used by CH2M Hill to determine settling velocities of sediments. If CH2M Hill had used a lower water temperature that more accurately reflects conditions that would exist in the Sacramento River in its modeling, settling velocities of sediment would have been much lower.

L11-16 cont

Compounding the impact of decreased settling of sediment due to lower temperature is also the fact that TSS concentrations in the Sacramento River are greater during the seasons of the year when lower temperatures exist. (See Figure 9 of February MFG Study, demonstrating inverse correlation between water temperature and TSS concentration.) This means that during a month such as March, when the average temperature is 12 degrees Celsius and TSS concentrations can be in excess of 300 mg/l, the CH2M Hill Analysis greatly understates the amount of sediment that will reach SMUD.

F. Assumptions About Density of Particles that Settle Are Not Justified

Another important input for estimating the settling velocity of suspended sediment is the density of the particles that settle. As the density of the particles approaches the water density, settling is diminished, regardless of the particle size. CH2M Hill provides *no justification for using 1600 kg/m^3*, as opposed to higher or lower values, for the particle density. Due to the importance of this variable in determining settling velocity, justification for the selected value should be provided. The justification should preferably be based on actual sediment data, or otherwise represent reasonably foreseeable conditions as they pertain to the sediment transport analysis.

L11-17

G. Predicted Sediment Loads Do Not Address Uncertainties in Data

In addition to the deficiencies noted above, one of the biggest shortcomings with the conclusions in CH2M Hill's Analysis is that it *does not address any uncertainties in the data used in its calculations or evaluate how those uncertainties influence the final results.* All modeling of physical conditions has its limitations. It is important to understand these limitations because it is based upon the modeling in CH2M Hill's Analysis that the DEIR/S concludes that the Project "would not be expected" to exceed SMUD's NPDES permit limit for TSS. (DEIR/S 4-23.) In fact, the importance of accounting for uncertainties in the data is demonstrated by calculations performed on behalf of SMUD by MFG, and provided to FRWA in June 2003. MFG shows with those calculations that altering several variables, including temperature, canal velocity and flow depth, increases the amount of sediment to reach mile 12 of the FSC by 62%. This number could actually, in fact, be greater if the particle density assumed by CH2M Hill is overestimated and the effect of turbulence is incorporated into the model.

L11-18

III. The Impacts to FSC Water Quality Are Significant

The DEIR/S concludes that the Project will not have any significant impacts on water quality. This conclusion not only is suspect in light of the fact that EBMUD finds it necessary to treat the water before diverting it into its own canals, but also is inconsistent with the thresholds of significance adopted by the DEIR/S and with criteria that should have been adopted in assessing the significance of changes to water quality. (DEIR/S at 2-16, providing for pre-treatment before water diverted to Mokelumne Aqueducts.) Although compliance with "adopted water quality standards" and protection of "beneficial uses" are important in determining whether impacts to water quality are significant, the analysis is not adequate. The DEIR/S failed to consider the impact of the Project on all existing and probable future beneficial uses of water, failed to consider how the Project will affect requirements contained in SMUD's NPDES permit for discharges to Clay Creek (i.e., will the addition of the Project water result in additional limits being placed in SMUD's NPDES permit as a result of renewed reasonable potential analysis conducted by the Regional Board), and failed to consider SMUD's ability to comply with existing and reasonably foreseeable limits in SMUD's NPDES permit. Similarly, because the lesser quality water from the Sacramento River will pass through SMUD's facilities and into several creeks and eventually the Cosumnes River, the DEIR/S must also consider whether the Project will result in a violation of state and federal anti-degradation standards. Additionally, because the lesser quality Sacramento River water passes through the Bureau of Reclamation's canal, the Bureau's own policy and contractual commitment against degradation must be considered in determining the significance of the impacts to the water quality of the canal. Finally, pursuant to CEQA and NEPA, economic impacts caused by the degradation of water quality must be considered in determining the significance of the impact to water quality.

L11-19

A. Beneficial Uses of Water Will Be Adversely Affected

The DEIR/S states that "the expected increases in turbidity and TSS, mineral content, nutrients, and other potential contaminants are not expected to adversely affect existing beneficial uses of the FSC or downstream receiving waters because Sacramento River water currently is of adequate quality for the beneficial uses *of interest*." (DEIR/S 4-23 (emphasis added).) It is uncertain what is meant by the term "of interest;" *all* existing and probable future beneficial uses of water flowing in the FSC from the American River, and potentially the Sacramento River, should have been evaluated. Water Code Section 13050 defines "beneficial uses" of the waters of the state that may be protected against water quality degradation to include "domestic, municipal, *agricultural*, and industrial supply; *power generation, recreation, aesthetic enjoyment*; navigation, and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves." Beneficial uses include a water body's past, present, and probable future beneficial uses. (Water Code § 13241(a).) Therefore, the Project's specific impacts on power production at the CPP, recreation at Rancho Seco Lake, and farming practices using SMUD tailwater must be analyzed in the DEIR/S, as these are all beneficial uses as defined in Water Code Section 13241.

L11-20

As discussed over the past several years with EBMUD and FRWA, SMUD has been planning to use water from the American River for production of power at its CPP. That project was

recently granted certification by the California Energy Commission and construction activities are currently underway. Moreover, water from the American River has been beneficially used to provide recreational opportunities to the community at the Rancho Seco Recreation Area for over thirty years. Finally, discharges of water made by SMUD in conformance with the terms of its NPDES permit are beneficially used by local agricultural interests. Blending of the Sacramento River water with the American River water that currently flows through the FSC would significantly adversely affect these beneficial uses of the American River.

L11-20 cont

1. *SMUD's Power Production Will Be Significantly Affected by the Project*

As detailed above, the addition of water from the Sacramento River to the FSC will significantly affect the existing water quality of the FSC. This degradation will significantly impact the power production at SMUD's Cosumnes Power Plant. The anticipated impacts of the lower quality water on the CPP include:

- decreased cooling tower cycles of concentration - from 10 or more to less than 8 - due to increased influent silica, total dissolved solids, and total hardness concentrations
- potential increase in water use due to lower cooling tower cycles, which could violate the Energy Commission's Condition of Certification limiting water use
- obstruction of the water treatment plant's ultrafiltration system
- increased cooling tower blowdown associated with reduced cooling tower cycles, overrunning the capacity of the zero liquid discharge system
- increased solid waste disposal, as a result of the increased quantities of suspended solids removed by the water treatment systems and the increased cooling tower blowdown.

L11-21

The DEIR/S must consider the specific impacts of the Project on power production at the CPP because power production is a probable future beneficial use of water in the FSC. The significance of these impacts are serious; it is likely that during times when EBMUD is diverting water through the FSC, power production will be either severely reduced or completely stopped altogether if costly adjustments are not made to the proposed design of the CPP facility. As described in Section IV below, the consequence of disrupting power production at the CPP would have severe impacts on the electric service reliability for the Sacramento Valley area. The degradation of the water flowing in the FSC caused by the addition of Sacramento River water will, therefore, substantially adversely affect power production, and the DEIR/S was incorrect in stating that beneficial uses will not be adversely affected.

2. *Recreation at Rancho Seco Lake Will Be Significantly Adversely Affected by the Project*

L11-22

In addition to power generation, recreational uses of Rancho Seco Lake will also be significantly adversely affected. Of the 13 million gallons per day of water that is diverted presently for Rancho Seco decommissioning operations, approximately 3,500 gallons per minute for 16 hours per day is pumped to Rancho Seco Lake for storage. The diversion of

Sacramento River water into the FSC will diminish aesthetic enjoyment of the lake by reducing its clarity and degrading the aquatic environment for the fish. Although environmental impacts to other recreation areas were analyzed, *impacts to the Rancho Seco Recreation area were not considered in the DEIR/S*, despite the fact that SMUD has expressed its concerns over this issue to FRWA and EBMUD for over two years. Currently, over 100,000 people come to the area each year to enjoy the lake's beauty and the camping, fishing, boating and swimming opportunities it provides. There is a concern, however, that the increase of constituents could adversely affect the fish and other aquatic life, significantly diminishing the lake's value to the community. None of these potentially significant impacts to recreation were discussed, however, in the DEIR/S.

L11-22 cont

3. *Potential Impacts to Downstream Irrigators' Use of Water Discharged to Clay Creek Have Not Been Analyzed*

Currently, some of the water that SMUD discharges into Clay Creek after it is used in Rancho Seco decommissioning operations is sold to local agricultural users. If SMUD is required to stop diverting water from the FSC because it is too degraded to use in SMUD's operations, downstream irrigators who rely on the discharge to Clay Creek ("tailwater") for irrigation will be cut off from their water supply. The downstream irrigators depending on those discharges could be significantly impacted in their ability to irrigate their crops. The DEIR/S must consider these reasonably foreseeable indirect impacts of the Project on downstream irrigators. (14 Cal. Code Regs. § 15126.2 (requiring direct and indirect significant effects of project be clearly identified).)

L11-23

B. Limits in SMUD's Existing and Future NPDES Permit for Discharge to Clay Creek Will Be Exceeded

The DEIR/S must consider how the Project will affect the requirements contained in SMUD's NPDES permit for discharges to Clay Creek (i.e., will the addition of the Project water result in additional limits being placed in SMUD's NPDES permit as a result of renewed reasonable potential analysis conducted by the Regional Board) and SMUD's ability to comply with existing and reasonably foreseeable future limits in SMUD's NPDES permit. The Project's effects on the water quality of the FSC will directly affect SMUD's ability to meet the existing requirements for TSS and future limits for total copper and other metals in the discharges to Clay Creek that are part of SMUD's decommissioning operations at Rancho Seco.

L11-24

The TSS limits in SMUD's NPDES permit are currently 30 mg/l for the monthly average, 45 mg/l for the weekly average, and 60 mg/l for the daily maximum. Table 4-3 shows the daily maximum levels projected under the Project's operating conditions. As demonstrated above, this data is misleading because the analysis upon which the DEIR/S relies did not analyze daily TSS values. Additionally, these numbers are based on CH2M Hill's faulty sediment transport analysis, and only on average TSS concentrations for March, which does not account for acute variations of TSS concentrations that can last for a week or more. In contrast, SMUD's own analysis, which incorporated the average (mean), median and 95th percentile to determine TSS concentrations, found that under proposed Project conditions,

average monthly TSS concentrations would likely exceed the 30 mg/l monthly NPDES permit limit. (February and June MFG Studies.) Other historical data discussed in SMUD's own analysis indicate that the 45 mg/l weekly average and 60 mg/l daily maximum NPDES permit limits also would be exceeded on occasion. (February and June MFG Studies.) It is, therefore, very likely that SMUD's NPDES limits for TSS concentration will be exceeded under the proposed Project operations.

L11-24 cont

In addition, SMUD's concerns regarding the Project's impacts on SMUD's ability to meet future regulatory requirements associated with trace metals (particularly copper, mercury, and lead) and some organic compounds (e.g., diazinon, polycyclic aromatic hydrocarbons) are not adequately addressed in the DEIR/S. The DEIR/S concludes, with very little analysis, that no impacts are likely because the elevated concentrations of these constituents occur "infrequently" and concentrations are "routinely" below regulatory limits or guideline threshold criteria. (DEIR/S 4-24.) Total copper is of particular concern to SMUD in regard to its NPDES permit. Although not currently listed within its permit, it is likely that existing water quality standards in the California Toxic Rule, which are vigorously being applied across the state, will be incorporated into future NPDES discharge limitations for SMUD. If a Water Quality Based Effluent Limit ("WQBEL") for total copper based on the California Toxic Rule [2.6 µg/l (average condition)] were incorporated into SMUD's NPDES permit, this limit would likely be exceeded. This is because in order to meet 2.6 µg/l, the TSS concentrations in the discharge would have to be 21 mg/l or less; to meet the projected daily maximum WQBEL of 5.2 µg/l for total copper, the TSS concentrations in the blended water entering SMUD's Rancho Seco facility would have to be 54 mg/l or less. (June MFG Study.) Although this correlation between TSS and total copper was presented to FRWA and EBMUD in the February and June 2003 MFG reports conducted on behalf of SMUD, there is little discussion of this potential significant impact. Instead, the DEIR/S has assumed that its projected 67% settling rate within the intake facility and canal will alleviate this concern. As noted above, however, there is strong evidence to support that this assumption is wholly inaccurate.

L11-25

C. State and Federal Anti-Degradation Policies Should Have Been Considered in Determining Whether Significant Indirect Impacts Would Occur to Downstream Creeks and the Cosumnes River

The DEIR/S relies on the fact that "data generally indicate that the Sacramento River at Freeport has relatively low concentrations of most constituents compared to applicable regulatory criteria or guideline values" to conclude that diversion of water from the Sacramento River into the FSC will not have a significant impact on water quality. (DEIR/S 4-1). However, the DEIR/S fails to consider whether the degradation of water quality in Clay Creek, Hadselville Creek, Laguna Creek, and the Cosumnes River caused by the Project will violate state and federal anti-degradation rules, even if water quality standards are not exceeded.

L11-26

Sacramento River water diverted into the FSC will be blended with American River water and used by SMUD as part of its decommissioning operations of the Rancho Seco Nuclear Generating Station. Approximately 13,500 gallons of water per minute is pumped currently

into Rancho Seco's facilities. Of this, approximately 10,000 gallons per minute (gpm) passes through the decommissioned plant, mixes with a small quantity (approximately 3 gpm) of treated industrial and domestic wastewater, and is discharged to Clay Creek, an ephemeral stream, for which an NPDES permit is required. Although some of the discharged water is sold to local agricultural users, the remaining discharge continues into Clay Creek, flows into Hadselville Creek and Laguna Creek, and ultimately flows into the Cosumnes River. The water of the Hadselville and Laguna Creeks and the Cosumnes River may currently be considered "high quality waters," and could, therefore, be protected by the state and federal anti-degradation policies. (SWRCB Resolution No. 68-16; 40 CFR 131.12.) The DEIR/S, however, failed to consider the Project's possible indirect impact on the degradation of these waters as potentially significant and an adverse impact of the Project.

L11-26 cont

D. The Bureau's Own Policy Against Allowing Degradation of Water Quality that Would Adversely Affect the Uses of Its Contractors Is a Threshold of Significance that Should Have Been Used in Determining Whether the Project Would Significantly Adversely Affect Water Quality

The Bureau has a long-standing policy against degradation of water quality in its delivery and drainage facilities. For example, its contract with SMUD for delivery of Central Valley Project water from the American River to its diversion point on the FSC requires that "the operation and maintenance of Project facilities . . . shall be performed in such a manner as to maintain the quality of raw water to be delivered [thereunder] at the highest level reasonably attainable as determined by the Contracting Officer." (Contract between the United States of America and Sacramento Municipal Utility District Providing for Water Service, Art. 11.) Similarly, the Bureau has written guidelines limiting discharges from urban and agricultural sources into its delivery systems. Therefore, the Bureau's own anti-degradation policy should have been considered in the DEIR/S in assessing whether the discharge of lower quality Sacramento River water into the Bureau's FSC, that currently distributes water from the American River to SMUD, would cause a significant impact to water quality and SMUD's beneficial use of that water.

L11-27

E. Serious Economic Effects of the Project on SMUD's Rancho Seco Decommissioning Operations and the Cosumnes Power Plant Demonstrate the Significance of the Project's Impacts on Water Quality

The DEIR/S dismisses impacts to SMUD's Rancho Seco decommissioning operations and its Cosumnes Power Plant as being "economic effects rather than environmental impacts." (DEIR/S 4-24.) There was no discussion of the economic impacts that SMUD, and ultimately its customer-owners, will experience as a result of having to spend millions of dollars in treatment to address the impacts of the Project on water quality. This, however, does not comport with either CEQA or NEPA.

L11-28

Title 14, Section 15131(b) of the California Code of Regulations states that the "[e]conomic or social effects of a project" may be used to determine the significance of physical changes caused by the project. Although few court cases have addressed this section of the CEQA Guidelines, its importance in determining the significance of an environmental impact should

not be understated. As an example, the section itself notes that if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, *but the social effect on the community* would be the basis for determining that the effect would be significant. (14 Cal. Code Regs. § 15131(b).) Accordingly, courts have emphasized that economic effects can be used to determine the "importance of physical changes." (*Marin Mun. Water Dist. v. KG Land California Corp.*, 235 Cal. App. 3d 1652, 1662 (1991).) Similarly, relying upon Section 15131(b), an appellant religious group demonstrated that the "potentially adverse [social] effect on its religious retreat" could indicate the significance of environmental impacts posed by construction of a waste-to-energy facility. (*Christward Ministry v. Superior Court*, 184 Cal.App.3d 180, 197 (1986).) The Court of Appeal specifically noted that appellant had "presented evidence that the presence of solid waste facilities would disturb its religious practices, worship in the natural environment." (*Id.*)

Like CEQA, NEPA mandates that an EIS discuss any economic or social effects interrelated with significant environmental effects. If a proposed federal action has the potential to significantly affect the quality of the human environment, the agency must prepare an EIS. (42 U.S.C. § 4332 (C).) Section 1508.14 of Title 40 of the Code of Federal Regulations defines "human environment"

L11-28 cont

> to include the natural and physical environment and the relationship of people with that environment. (See the definition of "effects" (§ 1508.8).) This means that economic or social effects are not intended by themselves to require preparation of an environmental impact statement. *When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects* on the human environment. (Emphasis added.)

By defining "effects" to include "aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative," Section 1508.8 emphasizes that interrelated economic effects must be examined. Thus, it is only when the project will pose no threshold environmental impact that an agency may ignore socio-economic impacts. Although NEPA does not mandate that an EIS evaluate every economic impact associated with a project having a significant environmental effect, NEPA *does* require examining economic impacts that are *interrelated with* environmental effects. (40 C.F.R. §§ 1408.8, 1408.14; *Central S.D. Coop. Grazing Dist. v. Secretary of the U.S. Dep't of Agric.*, 266 F.3d 889, 895-96 (8th Cir. 2001); *Morris v. Myers*, 845 F. Supp. 750, 755 (D. Ore. 1993) (stating NEPA encompasses economic harms if they are caused by environmental damage.)

Here, there is no uncertainty that this Project will cause a physical adverse change to water quality. Once a physical change to the environment has been established, it is proper under CEQA and NEPA to also consider the economic and social impacts of that change in determining its significance. (14 C.C.R. 15131(b); 42 U.S.C. 4332(c).) As described in the February and June MFG Studies that were provided to EBMUD and FRWA *prior* to the preparation of the DEIR/S, the impacts of this Project on SMUD will be in the millions of dollars. Capital costs necessary to address the impacts of degraded water quality on the

Cosumnes Power Plant and Rancho Seco decommissioning operations are estimated at nearly six (6) million dollars. Annual costs, such as operating costs and increased disposal costs are likely to be an additional 1.3 million dollars per year, at a minimum. SMUD will also incur substantial additional costs for permitting, regulatory liaison, environmental studies, engineering design and construction that are directly related to the degraded water quality. In addition, the DEIR/S fails to consider the additional operation and maintenance costs associated with using the FSC as its settling basin. These economic costs are a direct result of the adverse impacts that the Project will have on water quality, and as such, should have been considered in assessing the significance of water quality impacts.

L11-28 cont

IV. The DEIR/S Fails to Discuss Indirect Impacts of Project on Regional Power Issues

The CEQA Guidelines recommend that a DEIR/S consider potentially significant energy implications of a project. (CEQA Guidelines, App F(II)(B).) However, the DEIR/S included no such analysis, despite the fact that protecting the reliability of State's power supply has been at the forefront of the State's concerns for several years.

SMUD is constructing the Cosumnes Power Plant to meet a critical need for local area generation to support area load growth and to comply with the minimum reliability criteria established by the National Electric Reliability Council. The northern California transmission grid simply does not have sufficient capacity to accommodate additional power imports into the Sacramento area that are needed to support area load growth. The 2003 Sacramento Valley Study Group report assessing the Sacramento area power system reliability states that the "transmission system [reliability] margin is dwindling and the 2004 and 2005 summer seasons [prior to the Cosumnes Power Plant becoming operational] will be challenging." The Cosumnes Power Plant was designed and licensed such that no single contingency would remove the entire plant from the grid. Loss of the entire Cosumnes Power Plant, for a reason such as water quality, would have a significant impact on the electric service reliability for the overall Sacramento Valley area. This potentially significant adverse impact must be addressed in the DEIR/S.

L11-29

V. DEIR/S Must Consider Mitigation of Impacts to Water Quality

As has been the philosophy in the CALFED process, projects designed to come to regional solutions for addressing the State's water needs must not result in redirected impacts. Indeed, CEQA and NEPA both require that where there are feasible mitigation measures that would minimize - or where possible eliminate - a project's significant impacts by substantially reducing or avoiding them, the mitigation must be discussed. (CEQA Guidelines, § 15126.4; 40 CFR § 1052.16(h).) For the Project there are feasible mitigation measures that would minimize the impacts of the degraded water quality. One is for the FRWA and EBMUD to select an alternative that would not use the FSC. Second is to treat the water taken from the Sacramento River prior to discharging it into the FSC. The water must be treated to a level that would eliminate impacts to SMUD's existing beneficial use of the water for Rancho Seco decommissioning operations and Rancho Seco Lake and its future beneficial use of the water

L11-30

for operating its CPP. Third, the Project could provide EBMUD or SMUD its own pipeline, keeping the waters of the American and Sacramento Rivers separate.

Although not adequate to completely mitigate all impacts to water quality and SMUD's facilities, SMUD supports the incorporation of settling basins at the Freeport intake facility and the terminal facility. The project description in the DEIR/S appears to assume the incorporation of settling basins at the intake facility, but the settling basins at the terminal facility are treated as "optional" features of the project design. (DEIR/S 2-9, Figure 2-6, Figure 2-11.) Settling basins would not address the Project's increased TDS, silica and dissolved solids within the FSC and their impacts on SMUD's facilities, however, SMUD strongly supports the incorporation of these settling basins within the Project design. In addition, SMUD requests a provision requiring coordination between SMUD and FRWA with regard to operating rules for the diversion facility at Freeport that would depend on the water quality conditions in the Sacramento River. This coordination would be similar to the coordinated operation set out between FRWA and the SRCSD in the DEIR/S at 2-51.

L11-30 cont

VI. The Range of Alternatives Considered in the DEIR/S is Inadequate Under CEQA and NEPA.

Like the requirement to describe mitigation measures within a DEIR/S, the requirement to set forth project alternatives within the document is crucial to CEQA's substantive mandate that avoidable significant environmental damage be substantially lessened where feasible. (Remy, et. al, "Guide to the California Environmental Quality Act," Tenth Ed., 1999 at p. 431.) In general, CEQA requires that a reasonable choice of alternatives be discussed. (CEQA Guidelines, 15126.6(a); *San Bernardino Valley Audubon Society, Inc. v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750-51.) "Discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." (14 C.C.R. 15126.6 (b).) Here, a range of reasonable alternatives was not considered. Of the six alternatives considered in the DEIR/S, one was the statutorily required "no project" alternative, and four of the six were essentially the same alternative, merely varying the proposed routes for the pipeline.

L11-31

A reasonable range would have included options to alleviate impacts to water quality. Several alternatives that should have been considered include (1) providing a separate pipeline for the American River water currently within the FSC so that mixing with the Sacramento River water would not occur, or (2) adequately treating the Sacramento River water prior to its entering the FSC. These alternatives have the potential to mitigate impacts on water quality, including existing and probable future beneficial uses of the American River water. In addition, concerns regarding exceeding limits in SMUD's NPDES permit and potential violations of anti-degradation policies would be alleviated. Not only would these alternatives reduce all of the impacts to SMUD's facilities to less than significant, they would still allow the Project to achieve its objectives. Despite their merits, these alternatives were not discussed in the DEIR/S.

VII. Programmatic Evaluation of Groundwater Banking/Exchange Component to the Project is Lacking in Sufficient Water Quality Analysis

The groundwater banking component of the Project described in Chapter 18 and Appendix F of the DEIR/S is lacking an adequate analysis of water quality. Storing water from the Sacramento River during wet or above-normal years for withdrawal during normal, below-normal or dry years would have significant impacts on water quality that have not been addressed. In some of the scenarios discussed in Chapter 18 of the DEIR/S, water from groundwater basins would be withdrawn and pumped into the FSC upstream from SMUD's diversion for its Rancho Seco and CPP operations. This groundwater would likely have substantially greater concentrations of dissolved minerals than the existing conditions in the FSC. Significantly higher TDS concentrations are acknowledged in the DEIR/S, but their impact on water quality in the FSC and on beneficial uses was not addressed. Also during the wet and above-normal years when TSS concentrations are typically higher, water that is diverted from the Sacramento River to the groundwater basins via the FSC would likely have higher concentrations of TSS than is evaluated in the DEIR/S. None of these potentially adverse and significant impacts, however, were discussed. It is important that these issues be discussed now if FRWA anticipates relying on the DEIR/S when moving ahead with any site-specific analysis once it has formalized its groundwater banking plans.

L11-32

VIII. DEIR/S Should Discuss Additional Water Transfers and Effects of Probable Future Projects

The DEIR/S describes the water available to EBMUD under its CVP contract with the Bureau. That section states that "EBMUD would take delivery of its entitlement at a maximum rate of 100 MGD" and that "Deliveries would cease when EBMUD's CVP allocation for that year is reached, when the 165,000 af limitation is reached, or when EBMUD no longer needs the water, whichever comes first." (DEIR/S 2-39.) The DEIR/S, however, does not address those situations in which the contract allows EBMUD to receive *additional* amounts of water. (Amendatory Contract Between the United States and East Bay Municipal Utility District Providing for Project Water Service from the American River Division, Art. 3(f) and (g).) If EBMUD intends to exercise these rights under its contract and divert additional water than discussed in the DEIR/S, any impacts associated with diverting additional water through the FSC, particularly in regard to water quality, would need to be addressed.

L11-33

Similarly, the discussion in the Cumulative Impacts section of the DEIR/S at 19-4 – 19-5, which contemplates potentially allowing San Joaquin County to use the proposed pipeline and FSC's excess capacity, should recognize that diverting Sacramento River water during wet years would have more dire consequences on water quality than assessed currently in the DEIR/S. Diversions of Sacramento River water during wet years or more frequently than projected in the DEIR/S would have a substantially adverse impact on SMUD's ability to produce power and continue its decommissioning operations. If such plans are likely, they need to be discussed more fully in order to assess their cumulative impacts.

IX. Conclusion – the DEIR/S Must Reevaluate Water Quality Impacts and Their Significance and Be Recirculated

The DEIR/S is wholly inadequate in its treatment of impacts to water quality. The Project's impact on increased TSS concentrations, in particular, must be reevaluated to account for acute variations in concentrations. Similarly, the analysis of sediment transport, on which the DEIR/S relies to base its conclusions on water quality impacts, is faulty and severely overestimates how much sediment will settle within the proposed intake facility, pipeline and FSC. Furthermore, the conclusion that the Project's impacts on water quality are not significant is without merit. The Project will impact power production, recreation, and possibly farming, all beneficial uses of the American River water that has historically flowed in the FSC. Similarly, it will cause limits in SMUD's current and future NPDES permit to be exceeded, and could degrade the Creeks and the Cosumnes River in violation of state and federal antidegradation policies. The economic repercussions of these water quality impacts must be analyzed under CEQA and NEPA as part of determining their significance. There was also no discussion of impacts to energy resources, as required under CEQA. The DEIR/S fails to consider a reasonable range of alternatives and mitigation measures that could reduce these impacts to levels of insignificance. For all of these reasons, the DEIR/S must be revised and recirculated.

L11-34

Recirculation is required "when significant new information is added to the EIR after public notice is given of the availability of the new draft EIR for public review under Section 15087 but before certification." (14 C.C.R. 15088.5.) "Significant new information" requiring recirculation includes a disclosure that:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Here, several of these definitions of "significant new information," the disclosure of which requires recirculation, applies. In particular, these comments have disclosed that the impacts of the Project on water quality were ignored and severely understated. "The draft EIR was so fundamentally and basically inadequate and conclusory in [its discussion of water quality impacts] that meaningful public review and comment were precluded." The DEIR/S must, therefore, reevaluate the impacts to water quality using the best scientific and technical data available and not merely draw conclusions on impacts and their significance based upon faulty and incomplete information, including using "averages" of TSS concentrations and failing to account for various factors in determining how much sediment will settle within the

intake facility and pipeline. In addition, the DEIR/S must consider mitigation and alternatives to the Project that would substantially reduce impacts to water quality. Until this is complete, the document is inadequate under CEQA and NEPA. L11-34 cont

SMUD appreciates the opportunity to reiterate its concerns about the significant impacts that this project will have on water quality within the FSC.

Sincerely,

James R. Shetler
Assistant General Manager
Energy Supply
Sacramento Municipal Utility District

cc: Board of Directors
Jan Schori, General Manager
Arlen Orchard, General Counsel
Kirk Rodgers, United States Bureau of Reclamation
John Lampe, East Bay Municipal Utility District
Keith Devore, Sacramento County Water Agency
Eric Mische, Freeport Regional Water Authority

Responses to Comments of the Sacramento Municipal Utility District (Letter L11)

L11-1. Each of these comments is addressed separately and in greater detail in this comment letter. Responses are, therefore, provided below to the more detailed comments.

L11-2. The draft EIR/EIS and other documents in the administrative record contain substantial evidence that while water quality changes will periodically occur within the Folsom South Canal (FSC), these impacts are less than significant. As allowed under CEQA, the draft EIR/EIS includes specific thresholds that were determined to be appropriate by FRWA to use in defining impact significance. These criteria are described on page 4-13 of the draft EIR/EIS. Based on these criteria, no significant impacts were identified. Both CEQA and NEPA require lead agencies to identify and evaluate a reasonable range of alternatives, generally focused on reducing or eliminating significant impacts of the proposed action. The draft EIR/EIS properly identified and evaluated potential alternatives that would reduce or eliminate the impacts associated with the proposed action. See the draft EIR/EIS Volume 1 and Appendix B in Volume 2, "Alternatives Screening Report for the Freeport Regional Water Project." The draft EIR/EIS has acknowledged on pages 4-23 and 4-24 that the FRWP may affect SMUD operations but as noted there these effects are considered to be economic effects rather than environmental impacts. Changes in water quality of the Folsom South Canal would not preclude SMUD's use of the water for industrial processes.

L11-3. FRWA staff and SMUD staff met to discuss water quality issues on numerous occasions. FRWA continues to take SMUD's concerns seriously and is interested in continued dialog to effect a mutually acceptable solution between the agencies.

L11-4. While the study referred to in this comment was "well prepared," and FRWA appreciates the efforts of SMUD and its consultants, FRWA had substantial concerns and comments on certain aspects of the methodology and assumptions used in the analyses. These concerns were expressed in the letter referred to in the comment. FRWA agrees that total suspended solids and related water quality parameters are among the principal parameters that can affect SMUD facilities, however, these effects were assessed in the draft EIR/EIS (Chapter 4) and found to be less than significant.

L11-5. The revised analysis provided by SMUD, based on comments by FRWA, characterizes the likely operation of the FRWP more closely than the analysis in the February 2003 MFG study. However, as noted in responses below, FRWA still has concerns about the methodology used to support conclusions drawn from the revised analyses. As described above, the effects of this operation on water quality in the FSC were adequately assessed in the draft EIR/EIS (Chapter 4) and found to be less than significant.

L11-6. Contrary to this comment, the draft EIR/EIS contains substantial information regarding the Sacramento River, American River, and FSC water quality (see for example Tables 4-1 and 4-3 and the associated text). Potential impacts on FSC water quality were fully analyzed and disclosed in Chapter 4 of the draft EIR/EIS. Based on the significance criteria selected by FRWA, no significant impacts were identified. The first MFG report was cited in the draft EIR/EIS and considered in the impact analysis, subject to the issues raised in FRWA's March 2003 comments. The second MFG report was provided to FRWA too late to be incorporated into the draft EIR/EIS but is discussed below.

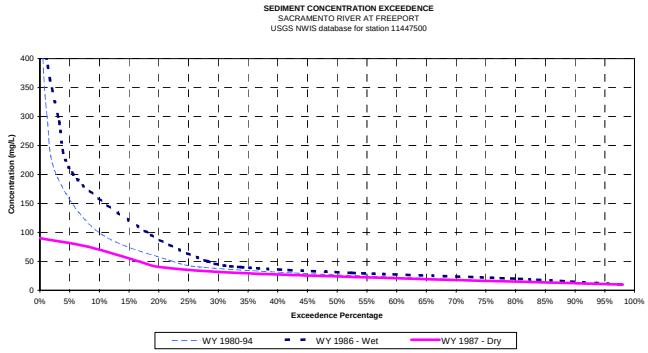
L11-7. Conclusions reached in the draft EIR/EIS are not unsupported. They are based on detailed and thorough technical studies referenced in the draft EIR/EIS, including the 2002 Technical Memorandum prepared by CH2M HILL that evaluated sediment loading and transport in the Folsom South Canal. The significance criteria used in the analysis are entirely appropriate. CEQA clearly provides broad discretion in adopting significance criteria (in fact, specific significance criteria are not required under CEQA), and in determining what level of impact should be considered significant. As described on page 4-13 of the draft EIR/EIS, FRWA carefully considered the potential impacts to water quality that could result from implementation of the alternatives and selected significance criteria that appropriately guide the determination of impacts. In addition, no evidence presented by SMUD or other parties leads to the conclusion that potential changes in FSC water quality resulting from operation of the Freeport Regional Water Project would preclude the use of the water for power-related purposes. FRWA acknowledges that SMUD *may* experience some increased costs associated with additional treatment of water under certain conditions. However, potential increases in costs associated with such treatment is not considered a significant impact under the significance criteria selected by FRWA for the draft EIR/EIS. The State CEQA Guidelines (Section 15131) make it clear that while economic and social effects *may* be used to determine the significance of physical changes caused by a project, there is no requirement that such impacts be considered in making significance determinations.

L11-8. Chapter 4 of the draft EIR/EIS fully analyzes potential changes in FSC water quality and evaluates the potential significance of the impact using the significance criteria described on page 4-13. Based on these significance criteria, the impact was found to be less than significant. See also response to comment 11-7 above.

L11-9. The analysis contained in Chapter 4 of the draft EIR/EIS is entirely consistent with the requirements of CEQA and NEPA. Although there are clearly differences of opinion between experts, the analysis does use the best available information, appropriately identifies and applies significance criteria, appropriately considers effects, considers a reasonable range of alternatives, and identifies appropriate mitigation measures. See Chapter 4 of the EIR/EIS.

L11-10. The technical information described in this comment is excerpted from the draft EIR/EIS. FRWA acknowledges that changes in FSC water quality are likely; however, the analysis in Chapter 4 shows that these changes will result in less-than-significant impacts. In Table 4-3, the ratio of TSS in the Sacramento River versus in the American River is exaggerated because the average March value is used for the Sacramento River, while the annual average value is used for the American River. The actual ratio is more likely 9:1, as shown in Table 4-1.

L11-11. The analysis in the draft EIR/EIS is appropriate. This comment focuses on the fact that the analysis uses average conditions as the basis of the analysis rather than focusing on short-term and highly unpredictable events. Given the short duration of such extreme events, the analysis is appropriate. For example, the high March 1976 TSS value cited in the comment was the peak day of a short-term storm-related event. Outside of that week, TSS values that month were less than 50 mg/l. The figure below is provided to supplement data presented in Chapter 4 of the draft EIR/EIS. It displays TSS concentration exceedance in the Sacramento River at Freeport. Note that 5% exceedence (95th percentile) for a typical dry year (Water Year 1987) is approximately half of the equivalent value for all years. During actual project operation, river and canal water quality will be monitored frequently, and it is highly unlikely that FRWP diversions to the FSC would take place during such extreme short-term events. Also, use of the FSC to convey water to EBMUD is expected to occur during dry years. Therefore, the use of averages in the analysis may actually *overstate* the impacts rather than understate them by including the diversion of water during extreme short-term events and wet years. FRWA is interested in continuing discussions with SMUD to determine how the identified less-than-significant effects can be further minimized through reasonable and feasible operational scenarios.



L11-12. The smaller cross-sectional area for the FSC in SMUD's comment is acknowledged. Revised calculations using the new value indicate that the respective average cross-sectional velocity would be 0.22 to 0.23 fps. Revised settling calculations reflecting the cross-section change show the following (CH2M Hill. 2003. Suspended Sediment Loading and Transport in the Freeport Regional Water Project – Revised. Technical Memorandum I-4. June 4, 2003. Sacramento, CA):

Case	Percentage of Diverted Sediment Settled before Reaching SMUD's Intake	
	March of Median Year	**Median Year Total**
Original Cross-Sectional Velocity	65.8	68.0
Revised Cross-Sectional Velocity	62.7	65.0

Review of the revised calculations indicates that the higher velocity in the canal would result in slightly less-effective settling during peak flow months and on an overall annual basis. However, the changes are small and do not affect the overall conclusion regarding the significance of the suspended solids issue at the SMUD intake.

L11-13. The effects of turbulence on the settling of suspended solids were considered during the original analyses. However, it was determined to be of minor consequence at the velocities expected in the proposed system.

It is generally accepted that flow velocities in excess of 3 fps will keep most sand/silt/clay sediment particles completely in suspension. Slower velocities would therefore begin to facilitate settling. For many years, design of grit chambers used for water works projects throughout the world have relied on the ability to effectively settle sand size particles (0.0625 mm and larger) in accordance with Stokes Law at longitudinal velocities of up to 1 fps. Some smaller particles are also captured in these grit basins along with the larger sand particles. Capture effectiveness for smaller particles is dependent on several variables, but those particles occurring lower in the water column are often captured in these conventional grit systems. At slower velocities (for example, about 0.23 fps in the FSC and less than 0.2 fps in the intake forebay), the ability to capture smaller particles is further enhanced. Experience with sedimentation behind other Sacramento River fish screens has shown that many smaller particles do, in fact, settle out in the area just behind the screens.

The calculations performed on behalf of SMUD in the June 2003 MFG Study, as referred to in this comment, suggest that the bed shear stress in the canal is sufficiently high to keep essentially all particles in suspension. These calculations do not appear to be correct. The use of the channel slope in the calculation of bed shear stress is not supported by numerous sediment transport references, including some of those cited by MFG. The use of the channel slope in this situation will provide misleading results. Instead, the energy slope for the flow in the channel should have

been used in the bed shear stress equation. The energy slope and the bottom slope are only the same when the channel is flowing at normal depth. The FSC, which was designed to convey 3,500 cfs, will not be flowing at normal depth during operation of the FRWP, but will be flowing under significant backwater conditions.

To help illustrate this point, the hydraulic radius and channel slope cited in the MFG Study were used in Manning's Equation for flow in a concrete-lined channel. The resulting average velocity in the channel flowing at normal depth was computed to be about 4.1 fps, which is about 20 times higher than the actual velocity in the FSC estimated by FRWA and acknowledged by SMUD. The difference between the calculated and estimated velocity is explained by the fact that the FSC will not be operated under the conditions MFG used to estimate bed shear stress (i.e., normal flow). The use of the bottom slope in the bed shear stress equation cited in the MFG Study is appropriate only if the channel is flowing at normal depth. The velocity comparison described above demonstrates that this is not the case. If the energy slope for the estimated actual maximum flow condition is used (solving Manning's Equation for slope using the hydraulic radius suggested by MFG and a velocity of 0.23 fps), the maximum bed shear stress value estimated using the equation cited in the MFG Study would be less than 0.01 N/m^2 (about 300 times smaller than the value reported in the MFG study). This lower value would also be significantly lower than the 1 N/m^2 value MFG notes as the bed shear stress required to keep small sand particles in suspension. Accordingly, the MFG Study significantly and unrealistically overpredicts the bed shear stress and the associated effect on sedimentation and resuspension in the FSC. Small sand particles and particles smaller than sand will settle from the flowstream according to this analysis.

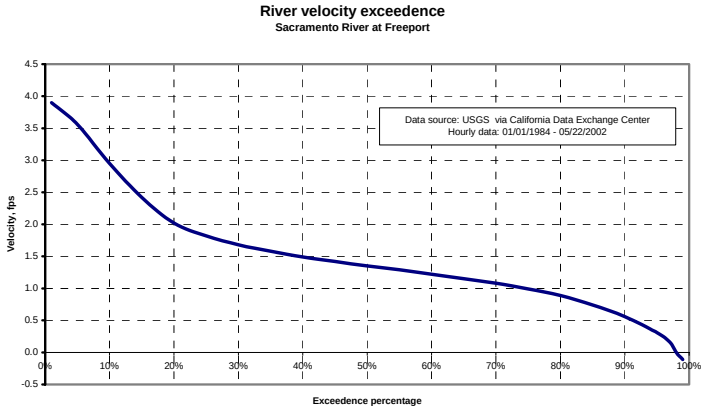
SMUD also asserts in this comment that overall sediment removal percentages would be closer to 7% than to 67%. This comment appears to be based on the bed shear stress calculations discussed above. The comment relies on the MFG suggestion that since the bed shear stress is so high, no particles smaller than 0.0625 mm will settle. As only 7% of the particles are larger than 0.0625 mm, MFG concludes that only about 7% would settle. This conclusion is not supported by experience with settling of suspended material in the water works industry or at other fish-screened diversions; nor is it supported by the calculations cited by MFG if they had been properly applied as described above.

Given the extremely low velocities and the considerable length of the FSC, the ability to settle particles smaller than sand size is also reasonable. However, FRWA acknowledges that it is difficult to accurately predict the actual behavior of these smaller particles. However, experience has shown that these smaller noncolloidal particles typically behave in accordance with Stokes Law under very low bed shear stress and velocity conditions. Given the conservative assumption used for particle density (see response to comment L11-17

below), FRWA maintains that the analyses are reasonable and may actually overpredict the amount of sediment reaching the SMUD intake.

FRWA believes that the analysis conducted in the draft EIR/EIS and reassessed in these responses to comments from SMUD provides substantial evidence supporting the impact conclusions reached in the draft EIR/EIS. The revisited analysis is consistent with the analysis contained in the draft EIR/EIS.

L11-14. Preliminary bathymetric data show that the bottom of the intake will be about 2 to 3 feet above the river channel bottom. Hydraulic modeling intended to streamline the structure in the river, minimize sedimentation, and promote the transport of bed load longitudinally past the structure will be conducted to support the final configuration of the structure in the river. Given the location of the facility and the planned design efforts, it is not expected that bed load from the river will be entrained in the structure in appreciable quantities. However, the occurrence of bed load within the facility would not be expected to change the results of the sedimentation analysis relative to water quality at the SMUD intake. Bed load is typically the larger particles flowing along the riverbed that are kept in suspension by the velocity in the channel. Given that the velocity in the intake structure will be less than 0.2 fps, far less than the velocity in the river (see figure below), bed load would be expected to be easily deposited on the floor of the intake and captured in the on-site settling basins.



It is acknowledged that some of the particles settled in the intake structure may be induced to flow into the pumps if the final configuration is identical to the conceptual drawings shown in the draft EIR/EIS. However, the flow velocity in the forebay of the intake structure is very slow and only small sediment particles are expected to be significantly affected by these induced currents near the pumps. These resuspended smaller particles were initially capable of settling in the intake forebay and would also readily settle in the FSC. Therefore, the resulting quantity of sediment at the SMUD delivery location would not change.

Furthermore, FRWA intends to evaluate the configuration of this forebay area as part of additional engineering analyses and final design activities. The goal is to maximize the effectiveness of sedimentation at the intake. It is anticipated that minor structural details

can be included in the system that will minimize the effect of these induced flows in the settling area. FRWA desires to capture as much sediment as possible at the intake before it enters the system. The sediment can be most cost-effectively managed at the intake location.

Regardless of the final effectiveness of the intake structure for settling the larger particles from the diverted flowstream, if these particles are pumped into the system, they are expected to settle in the FSC long before they reach SMUD's intake.

L11-15. See response to comment L11-11 above.

L11-16. FRWA acknowledges that monthly temperature variations were not included in the sedimentation computations. The ability to predict the occurrence and behavior of sediments in the proposed system is somewhat speculative. The academic and scientific basis for sediment analyses is dependent on the use of statistically developed raw data and involves the application of empirically derived equations. The level of precision implied by accounting for temperature variations in the FRWA system is insignificant relative to the probable deviation between actual and predicted sediment behavior.

Also, conservative estimates for particle density (see response to comment 17 below) have a significantly greater impact on the predictive results of Stokes Law than do temperature fluctuations. The range of effect of temperature variation on the computed results is significantly smaller than the range of effect from the variation in particle density considered by FRWA. Because a conservatively low value was used for particle density, the settling velocities used in the analyses are very conservative and are expected to underpredict actual sedimentation rates, even for the coldest water temperatures found in the Sacramento River.

L11-17. The assumptions regarding particle density are appropriate and based on professional experience and judgment. The comment does not provide any alternative assumptions.

The particle density assumed in the calculations utilized for the draft EIR/EIS is extremely conservative and will yield settling velocities significantly lower than those typically used in sedimentation calculations. Most sediment in the river will be nonorganic, naturally occurring mineral sediment. All three academic references cited on behalf of SMUD in the MFG Study suggest a typical value for sediment particle density of 2.65 times the density of water. A value of about 1.65 times the density of water was used by FRWA to estimate the settling velocity. The use of this conservative particle density will result in underpredicting the amount of material settled in the forebay and in the FSC. However, calculations using this conservative particle density still show that all sand-sized particles are easily settled in the system long before reaching the SMUD intake.

L11-18. The conservative assumption for particle density used by FRWA also tends to underpredict the settling rates for particles smaller than sand. This is considered reasonable because the behavior of these smaller particles is not as predictable as sand-sized material. As noted by SMUD, the effect of the particle density assumption is significant and FRWA has used a very conservative value to help avoid overstating the effectiveness of the system to settle out the suspended material contained in the flow diverted from the river.

FRWA believes that the analysis conducted for the draft EIR/EIS appropriately identifies potential impacts and provides a reasonably basis for making determinations of significance. As discussed above, FRWA used a conservative assumption for particle density, a key parameter. Additionally, adjustment of canal velocity had a minor effect on the sediment-removal estimate and the effect of turbulence was greatly overestimated in the second MFG report.

L11-19. The draft EIR/EIS considered each of the issues addressed in this comment. EBMUD is providing pretreatment of the water prior to its introduction to the Mokelumne Aqueducts because the end use of this water is for consumptive potable use, unlike SMUD's current and proposed industrial uses. The analysis does consider all existing uses and discusses possible future uses. In addition, the analysis examines and compares anticipated water quality effects on SMUD's NPDES permit (Table 4-3) and determines that the impact is less than significant. It would be highly speculative for FRWA to undertake an analysis of what additional limits or conditions may be placed on SMUD's NPDES permit even though, based on the analysis in the draft EIR/EIS, the discharge would meet the existing permit requirements. Based on the fact that SMUD's primary current use of FSC water is to dilute radioactive materials for discharge to local streams it seems unlikely that the project would be considered to result in a violation of state and federal antidegradation standards. Contrary to this comment, Reclamation does not have a policy or contractual commitment against degradation that is applicable to this situation. Finally, as described above in response to comment 11-7, neither CEQA nor NEPA requires economic effects to be considered in determining the significance of impacts on water quality.

L11-20. All beneficial uses of water were assessed in the draft EIR/EIS. Each of the issues described in this comment were specifically analyzed in Chapter 4 of the draft EIR/EIS (see "Impact 4-6: Changes to FSC Water Quality," pages 4-20 through 4-24). These impacts were found to be less than significant.

L11-21. There is no evidence to suggest that the FRWP would have any effect on power production. The comment appears to suggest that SMUD will incur additional costs associated with water treatment for the recently approved but not-constructed Cosumnes Power Plant because of water quality changes in the FSC. Based on the meetings between FRWA and SMUD, as well as the MFG studies, it is apparent that such treatment is available and can be implemented. A substantial

proportion of the discussions have related to precisely what degree of increased treatment, if any, would be required and how much of any such costs, once agreed to, should be borne by each entity. FRWA is committed to working through these issues with SMUD in a timely manner to create solutions acceptable to both parties.

L11-22. Potential impacts on Rancho Seco Lake water quality are described on page 4-23 of the draft EIR/EIS. It should also be noted that the new source of water introduced to the SMUD system (Sacramento River) is extensively used for all types of recreation, including body contact and fishing. Impacts on recreation at Rancho Seco Lake were found to be less than significant.

L11-23. Based on information provided by SMUD, the issue described in this comment does not appear to be a realistic concern. SMUD has never indicated that it has a desire or the ability to halt diversions from the FSC or discharges to Clay Creek for any length of time. Therefore, while water quality may be an issue, water supply for downstream irrigators is not likely an issue.

L11-24. The analysis included in the draft EIR/EIS addressed, to the extent feasible, the potential effect of the project on SMUD's ability to meet its NPDES permit requirements. Based on the analysis conducted, it is unlikely that exceedences of the monthly limits in the permit would occur. Additionally, as described above, the FRWP has substantial operational flexibility and it is highly unlikely that diversions to the FSC would occur during the short-term and extreme events described in this comment that could potentially lead to violations of weekly or daily permit limits. Also, it is not uncommon for regulatory agencies to review permit compliance based on the ability of the permittee to control conditions. In this case, if a violation were to occur, SMUD would not be the "cause" of the violation.

L11-25. This comment refers to alleged concerns regarding the FRWP's potential effect on SMUD's ability to meet future regulatory requirements. See response to comments L11-24 above. In addition, it is very speculative to address potential future regulatory requirements and permit conditions. Should the FRWP be implemented, and should additional regulatory requirements be incorporated into SMUD's permit, and should SMUD's ability to meet those additional as yet unknown future requirements be limited by the introduction of Sacramento River water into the FSC, FRWP would enter into discussions with SMUD at that time.

L11-26. State water quality policies are enforced through regulation. As noted in this comment, SMUD currently "degrades" the quality of water it discharges by using that water to dilute treated and industrial wastewater, including radioactive isotopes resulting from previous nuclear operations at Rancho Seco Power Plant, before discharging the combined waters to Clay Creek. FRWA believes that the quality of water that would be discharged by SMUD to Clay Creek subsequent to project implementation would fully comply with state water quality standards. The water quality objectives for

the water bodies downstream of SMUD's Rancho Seco discharge, as identified in the current Basin Plan, are no more stringent than for the Sacramento River at the FRWP intake location. Additionally, no evidence has been presented to the contrary.

L11-27. Reclamation has been a full participant in this process for the past 8 years and is fully aware of its policies regarding water quality within its facilities. Reclamation's position, as best demonstrated by its amendatory contract with EBMUD that provides for (among other alternatives) the possible implementation of the FRWP, is that the combined Sacramento and American River water in the FSC fully meets its contractual obligations. Article 11 of SMUD's CVP water service contract specifically states that "the United States does not warrant the quality of water to be furnished pursuant to this contract." In addition, the "written guidelines" referred to in this comment are related to the discharge of agricultural and urban runoff into Reclamation facilities. These guidelines do not apply to the commingling of unaltered waters from different river systems.

L11-28. As noted in this comment the State CEQA Guidelines clearly state that the "[e]conomic or social effects of a project *may* be used to determine the significance of physical changes caused by the project" (emphasis added). There is no requirement under CEQA to consider economic effects except where the economic effect may result in a physical change. For the FRWP, FRWA examined the potential effects associated with implementation of the proposed project and alternatives and determined appropriate significance criteria for the analysis. These significance criteria are listed on page 4-13 of the draft EIR/EIS.

Similarly, NEPA guidance and case law have focused on *socioeconomic* effects. For example, the effects of closing a military base on the local economy. The effects addressed in this comment are associated only with potentially increased costs to a single entity. FRWA considered these potential costs in developing its significance criteria and determined that increased costs to a single entity should not be considered in making a significance determination. Additionally, FRWA does not agree that there are necessarily increased costs to SMUD that would result from implementation of the FRWP, or if there are, that they reach the magnitude that has been put forth by SMUD. There does not appear to be any direct linkage between any potential increased costs and social or economic effects that would fall under the scope of NEPA. SMUD's operating budget is approximately $1,500,000,000 annually. Increased costs to SMUD, if any, would not result in significant rate increases or any other effects that could be construed as social or economic effects.

L11-29. As discussed in responses to comment L11-21, and L11-28 above, this issue appears to be primarily associated with the potential for increased costs. The commingled water in the FSC that would result from implementation of the FRWP is readily treatable for any use, including the uses identified by SMUD as part of its proposed

Cosumnes Power Plant. The magnitude of such increased costs, if any, has been only preliminarily estimated and it is unlikely that they would be prohibitive. Therefore, no effect on regional power production is anticipated.

L11-30. As fully described in Chapter 4 of the draft EIR/EIS, no significant impacts have been identified related to FRWA's use of the FSC and therefore no mitigation is required. FRWA will continue to work with SMUD to resolve issues related to SMUD's claims of potential for increased costs associated with additional water treatment.

L11-31. The draft EIR/EIS considers a reasonable range of alternatives that fully comply with CEQA and NEPA. Appendix B in Volume 2 of the draft EIR/EIS contains an extensive analysis of more than 100 potential alternatives. These potential alternatives were passed through a rigorous screening process to define a reasonable range of practicable alternatives. The "alternatives" suggested in this comment are not true alternatives. Rather they are very minor variations to the proposed project and would not reduce significant impacts, meet most of the basic project objectives, nor are considered feasible.

L11-32. FRWA agrees that substantial additional analysis would be required before a groundwater banking/exchange program could be implemented. One of the many issues that may need further exploration in subsequent analyses is the potential for water quality effects of such a program. FRWA has no current plans to conduct any site-specific analysis of groundwater banking/exchange. Should such a program be proposed in the future, additional environmental documentation would be required.

L11-33. There are currently no plans for use of the unused capacity of the FRWP facilities other than the small quantities described in Chapter 2 of this final EIR/EIS. These facilities may provide additional regional benefits in the future by enabling regional water supply solutions. However, no such plans have been identified at this time, and any such future plan will be required to provide a new source of water (EBMUD's CVP contract does not allow for diversion of water in normal and wet years, when excess capacity would generally be available) and will undergo appropriate separate environmental review.

L11-34. See responses to comments L11-1 through L11-33 above. The draft EIR/EIS is entirely adequate, no significant new information has been submitted, and recirculation is therefore not required. The analysis of water quality impacts in the draft EIR/EIS is appropriate and fully discloses potential environmental effects. No significant impacts were identified and, therefore, no mitigation is required.

Letter L12

JACKSON VALLEY IRRIGATION DISTRICT

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Ione, CA 95640
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Fax: 209-274-6755
E-Mail: jvid@volcano.net

November 12, 2003

RECEIVED
NOV 17 2003

Mr. Kurt Kroner
Freeport Regional Water Project
Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Re: Draft EIR/EIS Comments

Dear Mr. Kroner;

Jackson Valley Irrigation District (JVID) would like to thank you for the opportunity to comment on the proposed Freeport Project.

As a water user on the Mokelumne River, JVID feels that any increase in water availability within the water system is a step in the right direction. As we all know, the water use off the Mokelumne River is, in most years, fully utilized. Further, in dry or drought periods there is just not enough water to meet all the needs.

L12-1

By adding Sacramento River water to EBMUD's Mokelumne River water supply it will add diversity and allow more opportunities to solve water problems throughout the water basin. JVID would also hope that with less dry year dependence on Mokelumne River Facilities, (Pardee Reservoir), it would allow JVID to divert its Mokelumne River water even through the driest of years.

Respectfully,

Thomas Hoover
General Manager

Response to Comments of the Jackson Valley Irrigation District (Letter L12)

L12-1. FRWA and Reclamation recognize the support for a project relying on water from the Sacramento River. The FRWP is intended to meet the specific needs of the FRWA agencies. Any additional components to meet the needs of other entities would need to be proposed and financed by those entities, and would need to undergo separate environmental review.

Letter L13

Southeast Sacramento County Agricultural Water Authority

P.O. Box 445
Herald, CA 95638
209-748-5044
SSCAWA@aol.com

December 13, 2003

Kr. Kurt Kroner
Freeport Regional Water Authority
1510 J. Street #140
Sacramento, CA 95814

Subject: Comments on DEIR/DEIR for the Freeport Regional Water Project

Dear Mr. Kroner:

The Southeast Sacramento Agricultural Water Authority (SSCAWA) and its member districts are pleased to submit these comments on the Draft Environmental Impact Statement / Environmental Impact Report (DEIS/DEIR) for the Freeport Regional Water Project. The SSCAWA is supportive of the project and is eager to see it move forward. However, we believe that the DEIS/DEIR mischaracterizes the SSCAWA and its management activities related to groundwater banking and exchange. Our comments are structured to provided additional information to the Freeport Regional Water Authority (FRWA) and to East Bay Municipal Utility District (EBMUD), which was apparently not available to them during the preparation of the DEIS/DIER. The SSCAWA is also interested in identifying partnership opportunities with the FRWA and/or EBMUD in the evaluation of conjunctive use/water banking operations in the southern portion of Sacramento County (Galt Basin).

SSCAWA Background

The SSCAWA is a joint powers authority consisting of three districts in the southeast portion of Sacramento County. These districts include Omochumne-Hartnell Water District (OHWD), Galt Irrigation District (GID) and Clay Water District (CWD). The Authority is actively pursuing implementation of surface and groundwater management strategies to protect the availability and quality of local water resources and the environment that depends on those water resources. During the later 1990s, these districts formed a relationship to manage groundwater resources. In 2002, this association was converted to a Joint Powers Authority with the broader goal of developing, implementing, and managing water resources projects. The three districts encompass approximately 70,980 acres, of which approximately 25,000 acres are devoted to irrigated agriculture.

DEIR/DEIR Freeport Regional Water Project 12/13/03

The districts that comprise the Authority surround the major watercourses in the southeast portion of the county, between Highway 99 and the Sierra Nevada foothills. The Cosumnes River and Deer Creek flow through OHWD and Laguna Creek and Badger Creek flow through CWD and GID. Dry Creek borders a significant portion of GID's southern boundary. Additionally, the Folsom-South Canal crosses all three districts. The Authority is committed to effectively managing the natural water resources (surface water and groundwater) available in the area in a manner that sustains agricultural practices and enhances the natural environment; accordingly, the Authority embraces a coordinated approach to managing these resources.

Groundwater Management /Conjunctive Use Planning

Groundwater Management Plan

In 2002, the SSCAWA developed and adopted a Groundwater Management Plan (GMP) to ensure that local groundwater resources are sustained and protected. The GMP is the SSCAWA's first step toward developing a formal and integrated approach to groundwater management. The GMP identifies management goals and data collection activities that will be undertaken by the Authority in advancing its groundwater management plan. The primary objectives of the GMP are:

- Groundwater monitoring programs that develop regular and consistent data to assist the Authority in evaluating and managing the groundwater basin.
- Groundwater supply management programs that replenish the groundwater basin, sustain the basin's water supplies, mitigate groundwater overdraft, and sustain storage reserves for use in dry years.
- Groundwater quality management programs that identify and evaluate threats to groundwater quality and prevent or mitigate contamination associated with those threats.

The GMP also includes a conjunctive use element, which states that the SSCAWA *"will actively pursue the development of a conjunctive use program where surface water supplies are made available to groundwater users, in-lieu of pumping, or where surface water is recharged into the underlying aquifer as a water banking operation."* The GMP further states that the SSCAWA will collaborate with other interested parties to develop a conjunctive use program that is consistent with the management objectives identified in the GMP.

Current Groundwater Management Activities

In November 2003, the SSCAWA initiated the *Groundwater Recharge Pilot Project (Pilot Project).* This project is designed to identify alternatives for recharging the local groundwater basin. The assessment will evaluate alternative recharge and exchange methods as well as identify potential partners for a groundwater banking program. A key element in this study is developing a feasible program for utilizing 15,000 acre-feet of water available from the Sacramento Municipal Utility District (SMUD). This water is part of the Water Forum Agreement, and is now available for use by south Sacramento County agricultural interests. As the SSCAWA represents this agricultural interest, it has formally notified SMUD of its interest in obtaining this water and is actively developing plans to utilize this water as part of a conjunctive use program. In addition, the SMUD water will be made available to the SSCAWA through the Folsom-South Canal. Therefore, coordination with the Freeport Regional Water Project is critical to the successful management of this important water sources for SSCAWA. L13-1

Another key element of the Pilot Project is a public outreach effort to inform and seek input from local residents and community leaders. The SSCAWA understands the importance of gaining support for groundwater and surface water management programs from the local community. Regional public officials and agency representatives will also be briefed on SSCAWA's efforts. Where possible, the SSCAWA will incorporate local and regional planning issues that would affect or be affected by water management programs. L13-2

The SSCAWA has received financial support from Sacramento County Water Agency for the Pilot Project. The Water Forum staff has also indicated their support of the project as it carries out the goals of the Water Forum Agreement. The three individual water districts that comprise the SSCAWA are members of this important regional water management planning effort and are active in the Water Forum Successor Effort. L13-3

Coordination with the Freeport Regional Water Project

As the SSCAWA refines its groundwater management program, it hopes to coordinate with other regional water projects and purveyors. The Freeport Regional Water Project will be a significant factor in the management abilities of the SSCAWA for importing surface supplies for banking operations as well as delivering water to banking partners. While not specifically addressed in the DEIS/DEIR, a groundwater banking project implemented in the Central Area (north of the Cosumnes River) or the Galt Basin (south of the Cosumnes River) are likely to require wheeling capacity in the Freeport diversion and conveyance facilities and in the Folsom-South Canal. The SSCAWA strongly believes that groundwater L13-4

banking in the Galt Basin is feasible. However, a groundwater banking operation reflects a separate project that would be implemented by a local water agency. In the case of the Galt Basin, the project would be implemented by the SSCAWA who would functions as the lead agency for the project. The SSCAWA would look to coordinate with the Freeport Water Authority for operational issues associated with diversions and water conveyance and would also utilize information provided in the DEIS/DEIR in the preparation of environmental documentation needed for such a project. L13-4 cont

While EBMUD will receive additional water supplies during dry year conditions, it is the SSCAWA's understanding that EBMUD will continue to need additional dry year supplies to minimize delivery shortages. The SSCAWA is interested including EBMUD as a banking partner in a future groundwater banking operation operated by the SSCAWA. The inclusion of EBMUD as a banking partner would maximize the utility of the Freeport Project for developing a reliable water supply for EBMUD and improving the groundwater conditions in the Galt Basin. Therefore, the SSCAWA is interest in coordinating its groundwater management planning effort, even at this early stage, with the Freeport Regional Water Authority and with the EBMUD, as a potential banking partner. L13-5

The SSCAWA will also be seeking banking partnerships with other water agencies and environmental organizations. The Nature Conservancy (TNC) provides an example of an environmental banking partner. TNC has a strong interest in seeing additional flows released into the Cosumnes River to meet anadromous fish passage needs and to improve groundwater levels to benefit natural riparian function. The SSCAWA and TNC have discussed the possibility of utilizing banking water to meet the goals of TNC, as well as utilizing water allocated to fish passages for groundwater recharge. The SSCAWA believes that the mutual interests of TNC and SSCAWA can be met with integrated operations of water dedicated to fish passage or to groundwater recharge. The SSCAWA will continue to work with TNC as a potential project partner during the development of a groundwater banking project. L13-6

Comments to Specific Issues Raised in the DEIS/DIER

The DEIS/DEIR states that the SSCAWA has not adopted a formal AB 3030 plan (page 18-4).

As stated above, SSCAWA has prepared and adopted an AB 3030 Groundwater Management Plan. This plan was adopted in December 2002 and submitted to the California Department of Water Resources. L13-7

The DEIS/DEIR states that the lack of a collaborative stakeholder process has limited the potential implementation of a banking and exchange program (page 18-4). L13-8

The SSCAWA included a collaborative stakeholder process in the development of its Groundwater Management Plan and is currently engaged in a public outreach program to inform and receive input from local stakeholders and regional public and agency officials. The SSCAWA is also partnering with the Sacramento County Water Agency in the Groundwater Recharge Pilot Project. L13-8 cont

The DEIS/DEIR states that due to the lack of current efforts, the development of a groundwater banking and exchange project would take 5-10 years to implement (various pages). Because, the SSCAWA has already prepared and adopted a Groundwater Management Plan, embarked on evaluations of a potential groundwater recharge and exchange methods, and has begun identifying potential banking partners, the SSCAWA believes that the timeframe for development of a groundwater banking project is on the order of 4 to 8 years. L13-9

Conclusion

The intent of this letter is to convey support for the Freeport Regional Water Project, while at the same time identifying a mischaracterization of the SSCAWA. As demonstrated in this letter the SSCAWA is a functioning and active organization dedicated to developing a groundwater management program that incorporates groundwater banking and exchange. The SSCAWA will continue its efforts to develop this program to meet the needs of the local agricultural and rural communities, potential banking partners, and the unique local ecosystems related to the Cosumnes River. The SSCAWA is willing to engage the Freeport Regional Water Authority and EBMUD during the development of this program to ensure that both projects are mutually beneficial. L13-10

Regards,

Ronald R. Lowry, Chairman

Responses to Comments of the Southeast Sacramento County Agricultural Water Authority (Letter L13)

L13-1. FRWA and Reclamation will participate in discussions with the SSCAWA and other entities regarding coordination of the FRWP with local projects.

L13-2. FRWA and Reclamation support public outreach efforts on local project proposals

L13-3. FRWA recognizes that these individual districts comprise the SSCAWA.

L13-4. As noted on page 18-19 of the draft EIR/EIS, SCWA will continue to investigate groundwater banking/exchange programs through the Central Sacramento County Groundwater Forum. There are currently no plans for use of the unused capacity of the FRWP facilities other than the small quantities described in Chapter 2 of this final EIR/EIS. These facilities may provide additional regional benefits in the future by enabling regional water supply solutions. However, no such plans have been identified at this time, and any such future plan will be required to provide a new source of water (EBMUD's CVP contract does not allow for diversion of water in normal and wet years, when excess capacity would generally be available) and will undergo appropriate separate environmental review. The information provided in the draft EIR/EIS for the FRWP should provide substantial information that would be useful in the preparation of a separate future environmental document to address such a groundwater banking/exchange program.

L13-5. EBMUD is actively investigating several potential programs to provide for additional emergency supplies and further minimize rationing. The program suggested in this comment is conceptually viable to further reduce EBMUD rationing and to provide such additional emergency supplies. FRWA, Reclamation, and EBMUD may be interested in exploring such a concept should the FRWP move forward and be constructed. Without implementation of the FRWP, no such opportunities exist.

L13-6. See response to comment L13-5 above, and responses to comments of The Nature Conservancy.

L13-7. The plan apparently has not yet been approved by the California Department of Water Resources nor undergone an environmental assessment under CEQA.

L13-8. FRWA and Reclamation support local stakeholder outreach to support local projects.

L13-9. The timeframe described in this comment, if accurate, continues to most likely substantially exceed the timeframe for implementation of the FRWP. FRWA and Reclamation recognize the efforts begun by SSCAWA. This does not foreclose on the potential for implementation of groundwater banking or exchange programs subsequent to the FRWP implementation.

L13-10. See response to comments L13-1 through L13-9 above.

SACRAMENTO METROPOLITAN
AIR QUALITY
MANAGEMENT DISTRICT

Letter L14

RECEIVED
DEC 15 2003

Norm Covell
AIR POLLUTION CONTROL OFFICER

RECEIVED
DEC 22 2003

December 10, 2003

Mr. Eric Mische, General Manager
TRWA
1510 J Street, #140
Sacramento, CA 95814

SUBJECT: DEIR/EIS, FREEPORT REGIONAL WATER PROJECT

Dear Mr. Mische,

Thank you for providing the project listed above to the Sacramento Metropolitan Air Quality Management District (District) for review by the staff. District staff comments follow.

The analysis of air quality impacts in the DEIR/EIS is thorough and complete. The District staff agrees with the assessment that the project will not have long term impacts. They also agree that mitigation procedures need to be followed during the construction phase of the project. The proposed measures listed in Chapter 13 or the DEIR are in accordance with the latest procedures established by the District. The provisions of construction mitigation measures need to be submitted to the District prior to the date construction begins. If there are questions regarding construction mitigation requirements, Peter Christensen at the District office is the best point of contact. He can be reached at 874-4886. L14-1 L14-2

You agency is the first one to submit a DEIR to the District in DVD format. That facilitates District review and we appreciate receiving documents in that format. If you have questions, please contact me at 874-4887 or at asmith@airquality.org.

Sincerely,

Art Smith
Associate Air Quality Planner Analyst

cc: Ron Maertz SMAQMD

777 12th Street, 3rd Floor ▮ Sacramento, CA 95814-1908
916/874-4800 ▮ 916/874-4899 fax
www.airquality.org

Response to Comments–Sacramento Metropolitan Air Quality Management District (SMAQMD) (Letter L14):

L14-1. The commentor's approval of the air quality analysis and of the document format is noted.

L14-2. The provisions of construction mitigation measures will be submitted to the District prior to the beginning of construction.

Letter L15

SRCSD

10545 Armstrong Avenue
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California
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Fax: [916] 876-6160
Website: www.srcsd.com

Wastewater Treatment

RECEIVED
DEC 15 2003

December 11, 2003

VIA FIRST CLASS MAIL AND FACSIMILE (916) 444-2137

Mr. Kurt Kroner
Freeport Regional Water Authority
1510 J Street, Suite 140
Sacramento, CA 95814

Subject: **Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) – Freeport Regional Water Project (FRWP) State Clearinghouse No. 2002032122 – July 2003**

Dear Mr. Kroner:

Thank you for the opportunity to review and comment on the environmental documentation for the Freeport Regional Water Project. The Sacramento Regional County Sanitation District's (SRCSD) primary concern is that the Draft EIR/EIS treatment of the Sacramento River's reverse flow is inadequate, thereby potentially causing problems between FRWP's Sacramento River intake and SRCSD's Sacramento Regional Wastewater Treatment Plant. The water intake is about 7,000 feet upstream from the wastewater treatment plant outfall and during extremely low river flows and high tides the river flows upstream. L15-1

SRCSD has been working with the Freeport Regional Water Authority (FRWA) and the Sacramento County Water Agency (SCWA) on agreements to ensure adequate separation of treated wastewater and drinking water supplies while providing reliable and efficient operation of SRCSD's wastewater treatment plant and the water supply facilities of FRWA and SCWA (see attached).

Please contact me at (916) 876-6115 if you have any comments or questions regarding this matter.

Sincerely,

Wendell H. Kido
District Manager

WHK:gjl (FRWP Letter to DERA 12-11-03)

Attachment: SRCSD/SCWA Board Letter Dated December 10,2003

cc: Dept. of Environmental Review & Assessment
Robert Shanks, SRCSD
Robert Seyfried, SRCSD
John Dodds, Office of County Counsel

SRCSD

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County of Sacramento
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District Engineer
Marcia Maurer
Chief Financial Officer
Wendell H. Kido
District Manager
Mary K. Snyder
Collection Systems Manager
Stan R. Dean
Plant Manager

Printed on Recycled Paper

(This item was not heard on December 10th, 2003. It will be heard on January 14th, 2004. 36)

DATE: December 10, 2003

TO: Honorable Board of Directors
Sacramento Regional County Sanitation District
Sacramento County Water Agency

FROM: Sacramento Regional County Sanitation District
Sacramento County Water Agency

SUBJECT: **Principles of Agreement Among Sacramento Regional County Sanitation District, Sacramento County Water Agency, and Freeport Regional Water Authority Regarding the Freeport Regional Water Project**

RECOMMENDATION:

It is recommended that your Boards:

1. Approve the Principles of Agreement among the Sacramento County Water Agency (SCWA), Sacramento Regional County Sanitation District (SRCSD) and Freeport Regional Water Authority (FRWA) and

2. Approve the Resolutions authorizing the Director of the Department of Water Resources and the SRCSD District Engineer to execute the Principles of Agreement.

BACKGROUND:

The U.S. Department of Interior, Bureau of Reclamation and FRWA have prepared a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) on the proposed Freeport Regional Water Project. The intake for the preferred alternative includes a 185 million gallons a day Freeport intake facility that is 7,000 feet upstream from SRCSD's wastewater outfall.

DISCUSSION:

The fundamental goal of these Principles of Agreement among FRWA, SCWA, and SRCSD is to ensure that public funds are used in the most cost effective manner to ensure:

- Adequate separation of treated wastewater effluent and drinking water supplies;
- Reliable and efficient operation of SRCSD's Sacramento Regional Wastewater Treatment Plant (SRWTP) and FRWA facilities and;
- Minimization of operational impacts on both facilities.

These Principles of Agreement commit SRCSD, SCWA, and FRWA to develop a coordinated operations agreement including:

- Coordinating operations to substantially eliminate water supply diversions during reverse flow events.
- Reducing the potential to divert diluted SRWTP effluent while meeting water delivery objectives.
- Modeling the effect of FRWA intake operations on SRWTP effluent diversions.
- Developing a recycled water strategy between SRCSD and SCWA.
- Developing a communications plan to allow effective coordination of operations.
- Equitably sharing costs of studies and capital projects.

CONCLUSION:

The attached Principles of Agreement will be incorporated in subsequent contracts and agreements among SRCSD, SCWA, and FRWA.

Respectfully submitted,

Keith DeVore, Director
Department of Water Resources

For Robert F. Shanks
District Engineer

APPROVED:

Terry Schutten
County Executive

By: Cheryl Creson
Cheryl Creson, Administrator
Public Works Agency

Attachment

Contact for additional information:
Wendell H. Kido
District Manager
876-6115

(1210 SCWA Principles of Agreement Board Letter)

SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT

RESOLUTION NO. _____

PRINCIPLES OF AGREEMENT AMONG SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT, SACRAMENTO COUNTY WATER AGENCY, AND FREEPORT REGIONAL WATER AUTHORITY

BE IT RESOLVED AND ORDERED that the Board of Directors of the SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT, a sanitation district organized under the laws of the State of California, hereby authorizes the District Engineer to execute Principles of Agreement among Sacramento Regional County Sanitation District, Sacramento County Water Agency, and Freeport Regional Water Authority regarding the Freeport Regional Water Project.

ON A MOTION by Director _____, and seconded by Director _____, the foregoing resolution was passed and adopted by the Board of Directors of the Sacramento Regional County Sanitation District, State of California, this _____ day of _____, 2003, by the following vote, to wit:

AYES: Directors,

NOES: Directors,

ABSENT: Directors,

ABSTAIN: Directors,

_____
Chair of the Board of Directors of the Sacramento Regional County Sanitation District, a sanitation district organized under the laws of the State of California

(SEAL)

ATTEST: _____
Clerk of the Board of Supervisors of Sacramento County, California, and ex officio Secretary of the Board of Directors of the Sacramento Regional County Sanitation District

SACRAMENTO COUNTY WATER AGENCY

RESOLUTION NO. _____

PRINCIPLES OF AGREEMENT AMONG SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT, SACRAMENTO COUNTY WATER AGENCY, AND FREEPORT REGIONAL WATER AUTHORITY

BE IT RESOLVED AND ORDERED that the Board of Directors of the SACRAMENTO WATER AGENCY, a political subdivision of the State of California, hereby authorizes the Director of the Department of Water Resources to execute Principles of Agreement among Sacramento Regional County Sanitation District, Sacramento County Water Agency, and Freeport Regional Water Authority regarding the Freeport Regional Water Project.

ON A MOTION by Director _____, and seconded by Director _____, the foregoing resolution was passed and adopted by the Board of Directors of the Sacramento County Water Agency, State of California, this _____ day of _____, 2003, by the following vote, to wit:

AYES: Directors,

NOES: Directors,

ABSENT: Directors,

ABSTAIN: Directors,

_____
Chair of the Board of Directors of the Sacramento County Water Agency, a political subdivision of the State of California

(SEAL)

ATTEST: _____
Clerk of the Board of Supervisors of Sacramento County, California, and ex officio Secretary of the Board of Directors of the Sacramento County Water Agency

Principles of Agreement
Among
Sacramento Regional County Sanitation District
Sacramento County Water Agency
And
Freeport Regional Water Authority

These principles of agreement among the Sacramento Regional County Sanitation District (SRCSD), Sacramento County Water Agency (SCWA), and the Freeport Regional Water Authority (FRWA), including both SCWA and East Bay Municipal Utility District (EBMUD), are intended to define concepts for a coordinated operational strategy among SRCSD, SCWA, and FRWA. These Principles of Agreement (POA) will be incorporated in subsequent contracts and agreements among SRCSD, SCWA, and FRWA.

Fundamental Goal of Principles of Agreement (POA)

The fundamental goal of this POA is to ensure that public funds are used in the most cost effective manner to ensure:

- Adequate separation of treated wastewater effluent and drinking water supplies;
- Reliable and efficient operation of the SRCSD's Sacramento Regional Wastewater Treatment Plant (SRWTP) and the FRWA facilities, and;
- Minimization of operational impacts on both facilities.

The goal of the POA is to be accomplished by a coordinated operations strategy among parties named above.

Background

The SRCSD provides wastewater collection, treatment and disposal to over a 1.1 million customers in Sacramento County. SCWA provides potable water to over 32,000 customers in Sacramento County while EBMUD provides potable water to over 1.3 million customers in Contra Costa and Alameda Counties.

The FRWA is proposing a water intake facility on the Sacramento River about 7,000 feet upstream from the SRWTP's outfall. During extremely low river flows and high tides flows in the Sacramento River at Freeport can reverse and actually flow upstream. Modeling of severe reverse flow events show that diluted effluent from the SRWTP could be present in the vicinity of the proposed FRWA facility.

The discharge permit for SRWTP currently requires the plant to cease discharge to the Sacramento River and divert wastewater effluent to onsite storage basins when the dilution ratio between the river flow and effluent falls below 14 to 1. In 1988, the SRWTP diverted wastewater effluent 366 times including diversions on 96 consecutive days. SRCSD's operational strategy is to discharge diverted wastewater effluent to the river within a 24-hour period to ensure that there is adequate storage for subsequent diversions and to avoid excess operation and maintenance activities. Multiple diversions occurring on consecutive days, weeks or months complicate plant operation, and stress plant processes during the diversion and the return period and could result in poorer effluent quality which could threaten river water quality. Effluent diversions to storage can occur twice a day and last up to 12 hours a day. The lowest river flows have generally occurred during the months of May and October due to low demand for water deliveries to downstream agriculture. Historically, river flows during June, July, August and September have been greater to meet downstream irrigation water demands.

It is expected that operation of the FRWA intake during times of low river flow may extend SRWTP's effluent diversions on average and may increase the frequency of diversions. An increase in the number and duration of diversions by the SRWTP would make greater use of existing effluent onsite storage basins, thereby accelerating the need for capital improvement projects as well as increasing operating and maintenance costs. Also, the actions of other water diverters and dischargers may also affect SRCSD's effluent diversion operations in the future. Modeling the impacts of the FRWA water supply diversions on SRWTP effluent diversions could help quantify these effects.

It is expected that operation of the FRWA intake during severe reverse flow events could result in diluted effluent from the SRWTP being present in the vicinity of the proposed FRWA facility. Modeling of the Sacramento River under various hydrological conditions could help quantify the number and duration these events.

Both the SRCSD and SCWA are concerned that future FRWA water diversions could include diluted effluent which could be perceived by the general public and State regulatory agencies as causing a potential health hazard. This could result in the need for either SRCSD and/or the SCWA to install additional facilities or higher levels of treatment that would not otherwise be needed. The SRCSD may need to install tertiary and/or reverse osmosis treatment, while SCWA may need to install additional groundwater wells, additional storage and/or more advance water treatment facilities.

Options to Ensure Achievement of POA Goals

Coordination between the FRWA and SRCSD operations need to occur to reduce the impact of FRWA water supply diversions on SRWTP effluent diversions based on SRCSD's permits, while allowing use of the FRWA facilities to meet the water supply demands of its member agencies. Modeling can be of value in assuring that the fundamental goals of the POA will be met.

During reverse river flow events, shutting down the FRWA water supply diversions and the use of ballast storage ponds (as noted in the Freeport Regional Water Project Draft EIR/EIS) would be used to provide raw water to the SCWA treatment plant.

Expanded use of recycled water is a way to reduce the local (i.e. SCWA) water supply diversions, while also reducing the SRWTP effluent discharges. A strategy for the use of recycled water needs to be developed.

During the initial operation of the FRWA project operation, existing and planned SCWA groundwater pumping capacity is expected to be adequate to supplement SCWA's allocation of FRWA water supply diversions to meet dry year needs. Options for fully meeting needs in later years of operation include additional groundwater pumping facilities, and/or storage facilities, and/or delivery of recycled water within the Zone 40 service area.

Revisions to SRWTP's expansion plans might also contribute to a cost-effective approach.

Principles of Agreement

SRCSD, SCWA, and FRWA commit to developing a coordinated operations agreement incorporating these Principles of Agreement.

1. FRWA, its member agencies, and SRCSD recognize that each is engaged in essential public utility functions.
2. During reverse river flow events FRWA and SRCSD will coordinate operations to substantially eliminate the water supply diversion by FRWA of diluted SRWTP effluent.
3. FRWA will plan and operate the FRWA facilities to reduce the potential to divert diluted SRWTP effluent, while still meeting its water delivery objectives.
4. FRWA and SRCSD will coordinate operations to substantially reduce the impacts on SRWTP's wastewater effluent diversions based on SRCSD's permits, while allowing use of the FRWA facilities to meet the water supply demands of its member agencies.
5. FRWA and SRCSD will model the effect of FRWA intake operations on SRWTP wastewater effluent diversions, using time increments that provide sufficient modeling sensitivity to reflect actual operational impacts. Consultant costs for this work will be shared equally.
6. SCWA and SRCSD will jointly develop a strategy for the use of recycled water within the Zone 40 service area to reduce the impact of FRWA operations on the SRWTP.
7. FRWA and SRCSD will develop a mutually-agreeable communications plan and protocol, and construct facilities to allow effective coordination of operations. All parties will share forecasts of river conditions and their projected effect on operations, as well as relevant real-time operating data.
8. FRWA and SRCSD will equitably share the costs of studies resulting from this agreement. SCWA and SRCSD will equitably share the costs of capital projects resulting from this agreement.

IN WITNESS WHEREOF the parties hereto have executed these Principles of Agreement among Sacramento Regional County Sanitation District, Sacramento County Water Agency, and Freeport Regional Water Authority.

SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT, a sanitation district
Organized under the laws of the State of California

By: _____ Date: _____
Robert F. Shanks, District Engineer
Sacramento Regional County Sanitation District

REVIEWED BY COUNSEL

_____ Date: _____

IN WITNESS WHEREOF the parties hereto have executed these Principles of Agreement among Sacramento Regional County Sanitation District, Sacramento County Water Agency, and Freeport Regional Water Authority.

SACRAMENTO COUNTY WATER AGENCY,
a political subdivision of the State of California

By: _____ Date: _____
Keith DeVore, Director
Department of Water Resources

REVIEWED BY COUNSEL

_____ Date: _____

IN WITNESS WHEREOF the parties hereto have executed these Principles of Agreement among Sacramento Regional County Sanitation District, Sacramento County Water Agency, and Freeport Regional Water Authority.

FREEPORT REGIONAL WATER AUTHORITY

By: _____ Date: _____
(Name)
(Title)

REVIEWED BY COUNSEL

_____ Date: _____

Response to Comments—Sacramento Regional County Sanitation District (Letter L15)

L15-1. The draft EIR/EIS addresses the concerns raised by SRCSD in two places in the document. The potential for operational effects during reverse flow in the Sacramento River, including effects on SRCSD's operation of the Sacramento River Wastewater Treatment Plant, is discussed on pages 4-15 and 16. In addition to this discussion, FRWA has made a commitment to coordinate operations between FRWA and SRCSD (page 2-51). As a result of this ongoing coordination, the FRWA Board approved Principles of Agreement with SRCSD and SCWA at their January 8, 2004, meeting, as referenced in the SRCSD comment letter dated December 11, 2003. The SRCSD and SCWA Boards approved the principles of agreement on January 14, 2004. The Principles of Agreement will ensure: adequate separation of treated wastewater effluent and drinking water supplies, reliable and efficient operation of SRCSD's SRWTP and FRWA's facilities, and minimization of operational impacts on both facilities. As a result, a coordinated operations agreement will be developed.

RECEIVED
DEC 15 2003

Letter L16

CALAVERAS COUNTY WATER DISTRICT

BUSINESS OFFICE
423 EAST ST. CHARLES STREET
POST OFFICE BOX 846
SAN ANDREAS, CALIFORNIA 95249
(209) 754-3543
FAX (209) 754-1069

December 12, 2003

Mr. Kurt Kroner
Freeport Regional Water Project
Draft EIR/EIS Comments
Freeport Regional Water Authority
1510 J Street, No. 140
Sacramento, CA 95814

Re: Comments of the Calaveras County Water District
DEIR / EIS – Freeport Regional Water Project

Mr. Kroner:

This letter contains the comments of the Calaveras Count Water District (CCWD) in regard to the Freeport Regional Water Project Draft EIR/EIS dated July 2003, released for comment by the U.S Bureau of Reclamation and the Freeport Regional Water Authority (FWRA).

CCWD's comments pertain only to Alternative 6. We understand that this is not the preferred alternative, however, it is the alternative of greatest interest and concern to our organization. Under this alternative, the Sacramento County Water Agency (SCWA) would obtain additional water from the Sacramento River and East Bay Municipal Utility District (EBMUD) would obtain additional water from the Mokelumne River watershed through enlargement of the existing EBMUD Pardee Reservoir. Pardee straddles the boundary between Amador and Calaveras counties. CCWD's area of service is contiguous with the boundary of Calaveras County.

It is our understanding that under Alternative 6 EBMUD would divert currently unappropriated wet weather flows from the Mokelumne River to an enlarged Pardee facility that could accommodate an additional 172,000 acre-feet.

The DEIR does not appear to present information that adequately substantiates the availability of Mokelumne water from the watershed above Pardee to justify the proposed additional diversion.

The DEIR does not take into consideration the amount or the seniority of right of water set aside for Calaveras County under the State's 1927 county of origin filing. Without a clear understanding of the criteria used to account for and distinguish between existing Mokelumne water rights and the additional water rights required to accommodate the Alternative 6 project, we must assume that our interest in the future use of the State filing may be impacted. L16-1

The DEIR does not list the acquisition of additional water rights by EBMUD to fulfill the goal of Alternative 6 as a constraint to the enlargement of Pardee. The 1958 settlement agreement signed by CCWD and EBMUD (attached) settled a number of disputed points related to the use of Mokelumne River water by the two agencies. It reserved certain quantities of Mokelumne water for use in Calaveras County. The agreement released from priority to EBMUD a fixed amount of Mokelumne water but the agreement also provided that remaining Mokelumne water would not be appropriated by EBMUD. In this regard, it appears that the intent of Alternative 6 runs contrary to the terms agreed to by the parties. L16-1 cont

L16-2

CCWD anticipates that Calaveras County will continue to experience rapid growth with concurrent demands for additional water supplies. Alternative 6 does not take into account the sources and quantities of Mokelumne water that are made available to CCWD by way of the 1927 State filings and the 1958 settlement agreement. It therefore appears that Alternative 6 would preclude CCWD from utilizing the balance of the State filing quantities or appropriating currently unappropriated water and this may impact the ability of CCWD to accommodate future water demands within Calaveras County. L16-3

In summary, we request that the DEIR be corrected to both substantiate unappropriated wet weather flow availability and to fully address the impacts imposed upon Calaveras County by Alternative 6 through incorporation of the State filing quantities and the 1958 agreement conditions within appropriate analysis.

Sincerely,

CALAVERAS COUNTY WATER DISTRICT

Larry Diamond
Assistant to the General Manager

Enclosure

Cc: Alan Turner w/o
John Stewart w/o

RESOLUTION NO. 414

WHEREAS, there has been presented to the Board of Directors of the Calaveras County Water District a proposed form of agreement between the Calaveras County Water District and the East Bay Municipal Utility District concerning the water of the Mokelumne River and its tributaries, and

WHEREAS, said proposed form of agreement is the result of negotiations between the two districts which have been going on for more than a year during which time this Board of Directors has considered many drafts of said proposed agreement and has been advised in their considerations thereof by eminent engineering and legal counsel, and

WHEREAS, it is deemed to be for the best interest of the Calaveras County Water District to act in accordance with the terms and conditions of such agreement and to execute the same at such time and concurrently with the issuance of the reservation and release provided for therein by the State Director of Water Resources and performance by East Bay Municipal Utility District of all the terms and conditions of said agreement on its part to be done and performed,

NOW, THEREFORE, IT IS

RESOLVED, that the terms and conditions of that certain proposed form of agreement between the Calaveras County Water District and the East Bay Municipal Utility District, a copy of which is attached to the minutes of this meeting and made a part hereof, are hereby approved, and

RESOLVED, that the President and Secretary-Manager of this District be and they hereby are authorized and directed to execute and deliver said agreement for and on behalf of this District at such time as this District is able to perform all the terms and conditions

of said agreement on its part to be performed and when the State Director of Water Resources can and does concurrently therewith issue the reservation and release as called for in said agreement and when the East Bay Municipal Utility District can and does concurrently with performance by this District, do and perform each and every term and condition of said agreement on its part to be performed.

CERTIFICATE

The undersigned hereby certifies; That he is the duly appointed, qualified and acting secretary of Calaveras County Water District; that the above and foregoing is a true and correct copy of a resolution adopted by the Board of Directors of said District at a meeting of said Board duly called and held on November 19, 1958; and that the said resolution has not been subsequently amended, modified or repealed, and is now in full force and effect.

IN WITNESS WHEREOF the undersigned has set his hand and the seal of said District this 19th day of November, 1958.

Paul E. Kanne
Secretary of
Calaveras County Water District

11-19-58

THIS AGREEMENT, entered into this 24TH day of NOVEMBER, 1958, between the CALAVERAS COUNTY WATER DISTRICT, hereinafter referred to as "Calaveras," a political subdivision of the State of California, and EAST BAY MUNICIPAL UTILITY DISTRICT, hereinafter referred to as "District," a public corporation of the State of California;

W I T N E S S E T H:

WHEREAS, in 1927 the State Director of Finance filed Applications Nos. 5647 and 5648 for the appropriation of certain quantities of water from the Mokelumne River, Calaveras River, and the Stanislaus River and their tributaries for use in Calaveras and other counties;

WHEREAS, in 1949 and 1953 District filed Applications Nos. 13156 and 15201, respectively, for the appropriation of water from the Mokelumne River and its tributaries, Application No. 13156 being for the diversion of such water to the East Bay area; and on July 3, 1956, the State issued to District Permits Nos. 10478 and 10479 for such appropriation and diversion;

WHEREAS, District has requested the Director of Water Resources to release to District water covered by Applications Nos. 5647 and 5648 in order to implement Permits Nos. 10478 and 10479;

WHEREAS, Calaveras and others have filed an action, entitled "County of Calaveras et al., vs. Harvey O. Banks, as Director of the Department of Water Resources, et al.," No. 108556, now pending in the Superior Court of Sacramento County, to enjoin the Director from making any release to District, and the plaintiffs in said action have obtained a temporary restraining order against the Director, which order is currently in effect;

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WHEREAS, said action, among other matters, concerns the validity of Sections 10504 and 10505 of the Water Code of the State of California and the authority of the Director to make a release to District, and said sections have not received judicial interpretation and the outcome of said action is uncertain at this time; and

WHEREAS, in the opinion of the parties to this agreement District proposes development under Permits Nos. 10478 and 10479 in conformity with the provisions of Section 10504 of the Water Code; and pursuant to the provisions of Section 10505 of the Water Code part of the water necessary for the development of Calaveras County can be reserved under Applications Nos. 5647 and 5648, insofar as the Mokelumne River and its tributaries are concerned, in the manner and quantity hereinafter specified and the remainder of the water from said river and its tributaries released from the priority of said applications to District for development under Permits Nos. 10478 and 10479 in the manner and quantity hereinafter specified;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed between the parties as follows:

1. The parties to this agreement hereby jointly request the State Director of Water Resources immediately to take all steps required:

(a) To reserve for use in Calaveras County from water of the Mokelumne River and its tributaries covered by Applications Nos. 5647 and 5648 such quantity of water for direct diversion to beneficial use and such quantity of water for diversion to storage to be later applied to beneficial use, as is required to produce a safe yield for use in

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Calaveras County, and which safe yield, when combined with the diversions of water now or hereafter made by Calaveras Public Utility District from the South Fork of the Mokelumne River under and by virtue of its existing rights of diversion and as set forth in the agreement between District and Calaveras Public Utility District dated May 8th, 1940, and recorded August 16, 1940, in Book 14 at page 230 of the Official Records of the County Recorder of Calaveras County, will amount to a total of 27,000 acre feet per annum.

(b) To release from priority to District all prior rights to water from the Mokelumne River and its tributaries existing under Applications Nos. 5647 and 5648 in favor of District's Permits Nos. 10478 and 10479, and any licenses issued under said permits, or any modifications or amendments of said permits and licenses; it being agreed by the parties that the amount of water which District is allowed to divert from the Mokelumne River Watershed to the service area of District under said applications, permits and licenses shall not exceed the equivalent of an average flow of 194 cubic feet per second or 140,000 acre feet per annum whether by direct diversion or diversion from storage and shall be for the respective uses and purposes now, on the date hereof, specified in Permits Nos. 10478 and 10479, subject to the reservation mentioned in subparagraph (a) above and to the terms of Paragraph 15 hereof.

2. Concurrently with the performance of the acts, matters and things to be performed by Calaveras as set forth in Paragraph 3 hereof and when and at the time the State Director of Water Resources shall make and issue his said reservation for use in Cala-

veras County and the release to District above referred to, District will pay to Calaveras:

The sum of $2,000,000.00 out of the proceeds of District's bond issue for water development approved by District's voters on June 3, 1958, and within thirty days after receipt by District of the proceeds of the sale of such portion of said bonds as may be necessary to make said payment, or out of other District funds. District will proceed diligently with the issuance and sale of said portion of said bond issue in order to make said payment.

3. Contemporaneously with the payment to be made by District to Calaveras as provided in Paragraph 2, Calaveras shall:

(a) Withdraw all protests and objections made by Calaveras to a reservation and a release by the State Director of Water Resources in the respective manner and quantities specified in Paragraph 1 hereof;

(b) Dismiss or cause to be dismissed as to plaintiffs County of Calaveras, Calaveras County Water District and Paul E. Lewis, said action entitled "County of Calaveras, et al., vs. Harvey O. Banks, et al.," No. 108556, now pending in the Superior Court of the State of California, in and for the County of Sacramento;

(c) Furnish District with certified copies of resolutions in form and substance as set forth in Exhibit "A" attached hereto, regularly adopted by the Board of Supervisors of Calaveras County, and the governing body of the Calaveras Public Utility District, the Valley Springs Public Utility District, and the Union Public Utility District, respectively, and which said resolutions shall be in effect on the date said payment is made to Calaveras; and

(d) Dismiss or cause to be dismissed Calaveras' protest to the granting by the Federal Power Commission of a license to District for its Project No. 2128.

Calaveras shall not at any time file or cause to be filed or become a party to any actions or proceedings to prevent or delay the issuance or attacking the validity, effect, or operation of said reservation or said release provided for in Paragraph 1 hereof.

4. If the State Director of Water Resources does not issue on or before January 1, 1959, the reservation and release provided for in Paragraph 1 hereof, or if Calaveras cannot, for reasons beyond its control, perform all of the acts, matters and things provided for in Paragraph 3 hereof at the times and in the manner as set forth in Paragraph 3, but in no event later than January 1, 1959, then this agreement shall on January 1, 1959, terminate without any liability whatever upon either party hereto unless both parties agree prior to such termination to extend the time for such performance.

5. Subject to the terms of Paragraph 7 hereof, if Calaveras does not receive the payment of the $2,000,000.00 from District at the time and in the amount as provided for in Paragraph 2 hereof, this agreement shall on January 1, 1959, terminate without any liability whatever upon either party hereto, unless both parties agree prior to such termination to extend the time for such performance. In event of such termination District does hereby consent to and request the cancellation by the State Director of Water Resources, on request of Calaveras, of any release theretofore issued to District pursuant to this agreement. Provision for such cancellation shall be included in said release.

6. In event of termination of this agreement, neither party shall be under any obligation to the other under this agreement after such termination, except as specifically provided in Paragraphs 4 or 5, and each party hereto shall have the same rights, powers and remedies to challenge the position of the other as before this agreement was entered into.

7. The provisions of Paragraph 5 to the contrary notwithstanding, if any action, suit or proceeding is instituted which delays the issuance and sale of the bonds by District referred to in Paragraph 2 until after January 1, 1959, then at the option of District, to be exercised and notice in writing thereof given to Calaveras by the District prior to said date, the time for the payment of said sum shall be extended for the period of District's inability so to pay, or such portion of said period as District may elect. In no event, however, shall said time extend beyond January 1, 1960; provided, however, that commencing on January 1, 1959, and continuing during the period of said inability to pay, or portion thereof elected by District, District will pay to Calaveras simple interest on said unpaid sum at a rate which Calaveras could obtain from a savings bank in the State of California for the deposit of said unpaid sum during said period, in no event to exceed the rate of 2½% per annum. District will proceed diligently toward the final disposition of all such actions, suits, or proceedings. If District shall terminate said period of inability to pay without payment in full of said unpaid sum to Calaveras, or if the District shall determine and give notice in writing to Calaveras that the effect of any such action, suit, or proceeding so commenced will permanently prevent the issuance and sale of said bonds, then upon payment of interest up to the date of giving said notice the payment of interest by District

shall cease and this agreement shall thereupon terminate without any liability whatever upon either party hereto.

8. The parties, singly and cooperatively, will promptly at all times necessary or proper make such presentations or representations to the State Director of Water Resources as may be needed to accomplish the results specified in Paragraph 1.

9. By "State Director of Water Resources" is also meant any successor or successors of said officer legally empowered to make the reservation and the release herein referred to in Paragraph 1.

10. District has heretofore filed Applications Nos. 4228 and 5128 and received Permits Nos. 2459 and 3587 thereunder. District has also herstofore filed Application No. 4768 and received Permit No. 2529 thereunder and License No. 1388 in connection therewith. These applications, permits and licenses issued thereunder have given District certain water rights on the Mokelumne River, the amount and priority of which are and remain as contained in and acquired under said applications, permits and licenses. Neither party makes any representation whatever to the other as to the availability or sufficiency under any circumstances of any water included in the reservation or the release herein referred to.

11. It is neither the intention of this agreement nor shall the reservation requested in Paragraph 1 operate to create a new or additional water right for the Calaveras Public Utility District, it being the purpose of this agreement and of the requested reservation only to specifically include such existing water right as the Calaveras Public Utility District may now have within the total quantity of water to be reserved for use

in Calaveras County as provided in Paragraph 1(a).

12. Calaveras will take no action, steps, or proceedings to obstruct or prevent the granting of District's application to the Federal Power Commission for a license for the power project (Project No. 2128) to be developed by District under Permit No. 10479, or any modification, amendment or alteration of said project or permit, nor will Calaveras attack the validity, effect, or operation of such a license. Any such modification, amendment or alteration shall not exceed the limitations thereof set forth in Paragraph 1(b), provided, however, that if District makes application to the Federal Power Commission for a license for a power project encompassing a greater number of power plant sites than are now contained in District's Project No. 2128, Calaveras reserves the right to protest the granting of a license by said Commission for such excess sites.

13. (a) District now proposes to construct under said Permits Nos. 10478 and 10479 a dam and reservoir on the South Fork of the Mokelumne River at the Railroad Flat site more particularly described in said Application No. 13156 as heretofore amended. District contemplates that its plans for the construction of said dam will be completed on or before January 1, 1969. On or before said date District shall notify Calaveras in writing of the completion of said plans and of District's willingness to discuss the terms of a proposed contract to provide storage in said reservoir, in addition to District's requirements, for such water as may be otherwise available to Calaveras at said reservoir site and which Calaveras may be entitled to store thereat; provided, however, that Calaveras shall pay to District the proportionate share of District's total costs in constructing, providing and maintaining such additional storage for Calaveras and

for operating the facilities thereat. If any power generating facilities are installed in connection with said dam, Calaveras may likewise participate in the costs thereof and the benefits to be derived therefrom in proportion to the quantity of water Calaveras shall provide for generation of power by said facilities. If the parties hereto are unable to conclude such a written agreement within six months after Calaveras receives said written notice from District, or if Calaveras declines within said six months' period to participate in said Railroad Flat Project, District may thereupon proceed with said project without Calaveras, and Calaveras thereafter shall be excluded from any interest or participation in said Railroad Flat Project.

(b) In the event, first, that District fails to complete its plans for the construction of said Railroad Flat dam and reservoir on or before January 1, 1969, and Calaveras is at said time ready, able and willing to proceed promptly with the construction of a dam and reservoir of its own at said site, or, second, District decides prior to said date not to construct said Railroad Flat dam and reservoir at all in the future, District shall quitclaim to Calaveras such rights as it may have to construct said dam and reservoir. Such rights so transferred to Calaveras shall not include any right, title or interest of District to store, divert or appropriate water from the Mokelumne River or its tributaries. Calaveras shall purchase from District any land acquired by District in connection with said proposed dam or reservoir.

(c) District will cooperate with Calaveras and other public agencies involved in the development of a recreational plan for public fishing on the reservoirs to be constructed by District under said Project No. 2128 or Permits Nos.

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10478 and 10479.

14. Calaveras will at no time authorize or take or perform any acts, steps, proceedings or actions to prevent, hinder, or obstruct the full and free use by District of the quantity of water released to District as herein provided.

15. District will not request releases of, will not apply for permits for, and will not object to assignments and permits to Calaveras for any of the water hereinafter in this paragraph specified. Calaveras will not request assignments of and will not apply for permits for any water from the Mokelumne River or its tributaries other than the water hereinafter in this paragraph specified. The water hereinabove in this paragraph referred to is and shall be the following:

(a) Any of the water reserved for use in Calaveras County pursuant to the provisions of Paragraph 1(a) hereof;

(b) Any quantity of water from the Mokelumne River or its tributaries which may remain unappropriated after satisfaction of the release to District and reservation for use in Calaveras County provided for in Paragraphs 1(a) and 1(b) hereof and after satisfaction of all other permits, licenses and rights now held by District with respect to said river and its tributaries; subject, however, to the modifications or amendments of District's Permits Nos. 10478 and 10479 and Project No. 2128 referred to and the limitations on such amendments and modifications as are set forth in Paragraphs 1(b) and 12; and

(c) Any water in any of the rivers and their respective tributaries covered by Applications Nos. 5647 and 5648, in their present forms, save and except the Mokel-

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umne River and its tributaries.

16. All notices or demands given or made or which may be given or made by either party to the other shall be deemed to have been duly given and made, when made in writing and deposited in the United States Mail, postage prepaid, and addressed as follows:

To Calaveras:

Calaveras County Water District
San Andreas, California

To District:

East Bay Municipal Utility District
2130 Adeline Street
P. O. Box 4616, Bayshore Station
Oakland 23, California

The address to which notice or demand may be given or made by either party may be changed by written notice given by such party to the other pursuant to this paragraph.

17. Time is the essence of this agreement.

18. Neither this agreement nor any rights or interest herein shall be transferred or assigned by either of the parties hereto unless the written consent of the other party is first obtained. All purported transfers or assignments contrary to the provisions of this paragraph shall be null and void.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written by their respective officers thereunto first duly authorized.

CALAVERAS COUNTY WATER DISTRICT

By Vernon Campbell
President

By Paul E. Lewis
Secretary

EAST BAY MUNICIPAL UTILITY DISTRICT

By Louis J. Breuner
President

By F. W. Eastman
Secretary

-11-

14

STATE OF CALIFORNIA,
County of SACRAMENTO } ss.

On this 5th day of March in the year one thousand nine hundred and fifty-nine before me, MAURINE L. HAZELBAKER a Notary Public in and for the County of Sacramento, State of California, residing therein, duly commissioned and sworn, personally appeared VERNON CAMPBELL, known to me to be the President, and PAUL E. LEWIS known to me to be the Secretary of the corporation described in and that executed the within instrument, and also known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of Sacramento the day and year in this certificate first above written.

Maurine L. Hazelbaker
Notary Public in and for the County of Sacramento State of California.
My Commission Expires 3/11/61

State of California } ss.
County of Alameda }

On this 25th day of November in the year One Thousand Nine Hundred and fifty eight, before me Clarice Barclay a Notary Public in and for the County of Alameda, State of California, residing therein, duly commissioned and sworn, personally appeared Louis J. Breuner known to me to be the President and F. W. Eastman known to me to be the Secretary of the Corporation that executed the within instrument and the officers who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my Official Seal, the day and year in this certificate first above written.

Clarice Barclay Notary Public in and for said County of Alameda, State of California

CORPORATION ACKNOWLEDGMENT
Hardy's Blank No. 414
Hardy's Bookstore Oakland California

15

RESOLUTION No. 414

WHEREAS, that certain agreement between the Board of Directors of Calaveras County Water District and the East Bay Municipal Utility District concerning the waters of the Mokelumne River and its tributaries dated November 26, 1958, provides for its termination on January 1, 1959 and it appears to be to the mutual benefit of the parties that said termination date be extended to April 1, 1959; and

WHEREAS, there has been presented to the Board of Directors of Calaveras County Water District a proposed form of Supplemental Agreement between Calaveras County Water District and East Bay Municipal Utility District modifying said agreement between the parties dated November 26, 1958 to effectuate and extend the termination date of said agreement to April 1, 1959 and said Supplemental Agreement being in and for the best interests of Calaveras County Water District to act in accordance with the terms thereof and execute said Supplemental Agreement; now, therefore,

BE IT RESOLVED that the terms and conditions of that certain proposed form of Supplemental Agreement between Calaveras County Water District and East Bay Municipal Utility District, a copy of which is attached to the minutes of this meeting and made a part hereof are hereby approved, and

BE IT FURTHER RESOLVED, that the president and secretary manager of this District be and they hereby are authorized and directed to execute and deliver said Supplemental Agreement for and on behalf of this District at such time as this District is able to perform all of the terms and conditions of said agreement dated November 26, 1958 and said Supplemental Agreement extending the termination date to April 1, 1959, on the part of said Calaveras County Water District to be performed and when the State Director of Water Resources can and does concurrently therewith issue the

reservation and release as called for in said agreement and when the East Bay Municipal Utility District can and does concurrently with said performance by this District do and perform each and every term and condition of said agreement on its part to be performed.

CERTIFICATE

The undersigned hereby certifies: That he is the duly appointed, qualified and acting secretary of Calaveras County Water District; that the above and foregoing is a true and correct copy of a resolution adopted by the Board of Directors of said District at a meeting of said Board duly called and held on and that the said resolution has not been subsequently amended, modified or repealed, and is now in full force and effect.

IN WITNESS WHEREOF the undersigned has set his hand and the seal of said District this 8th day of January, 1959

Paul E. Lewis
Secretary of
Calaveras County Water District

THIS SUPPLEMENTAL AGREEMENT, entered into this 26TH day of December, 1958, between the CALAVERAS COUNTY WATER DISTRICT, hereinafter referred to as "Calaveras," a political subdivision of the State of California, and EAST BAY MUNICIPAL UTILITY DISTRICT, hereinafter referred to as "District," a public corporation of the State of California;

W I T N E S S E T H:

WHEREAS, that certain agreement between the parties hereto dated November 26, 1958, provides for its termination on January 1, 1959, and it appears to be to the mutual benefit of the parties that said termination date be extended to April 1, 1959;

NOW, THEREFORE, in consideration of the premises it is agreed between the parties as follows:

1. Paragraph 4 of said agreement dated November 26, 1958, is hereby amended to read as follows:

"4. If the State Director of Water Resources does not issue on or before April 1, 1959, the reservation and release provided for in Paragraph 1 hereof, or if Calaveras cannot, for reasons beyond its control, perform all of the acts, matters and things provided for in Paragraph 3 hereof at the times and in the manner as set forth in Paragraph 3, but in no event later than April 1, 1959, then this agreement shall on April 1, 1959, terminate without any liability whatever upon either party hereto unless both parties agree prior to such termination to extend the time for such performance."

2. Paragraph 5 of said agreement dated November 26, 1958, is hereby amended to read as follows:

"5. Subject to the terms of Paragraph 7 hereof, if Calaveras does not receive the payment of $2,000,000.00 from District at the time and in the amount as provided for in Paragraph 2 hereof, this agreement shall on April 1, 1959, terminate with-

out any liability whatever upon either party hereto, unless both parties agree prior to such termination to extend the time for such performance. In event of such termination District does hereby consent to and request the cancellation by the State Director of Water Resources, on request of Calaveras, of any release theretofore issued to District pursuant to this agreement. Provision for such cancellation shall be included in said release."

3. Paragraph 7 of said agreement dated November 26, 1958, is hereby amended to read as follows:

"7. The provisions of Paragraph 5 to the contrary notwithstanding, if any action, suit or proceeding is instituted which delays the issuance and sale of the bonds by District referred to in Paragraph 2 until after April 1, 1959, then at the option of District, to be exercised and notice in writing thereof given to Calaveras by the District prior to said date, the time for the payment of said sum shall be extended for the period of District's inability so to pay, or such portion of said period as District may elect. In no event, however, shall said time extend beyond April 1, 1960; provided, however, that commencing on April 1, 1959, and continuing during the period of said inability to pay, or portion thereof elected by District, District will pay to Calaveras simple interest on said unpaid sum at a rate which Calaveras could obtain from a savings bank in the State of California for the deposit of said unpaid sum during said period, in no event to exceed the rate of 2½% per annum. District will proceed diligently toward the final disposition of all such actions, suits, or proceedings. If District shall terminate said period of inability to pay without payment in full of said unpaid sum to Calaveras, or if the District shall determine and give notice in writing to Calaveras that the effect of any such action, suit, or proceeding so commenced will permanent-

ly prevent the issuance and sale of said bonds, then upon payment of interest up to the date of giving said notice the payment of interest by District shall cease and this agreement shall thereupon terminate without any liability whatever upon either party hereto."

4. Exhibit "A" attached to said agreement dated November 26, 1958, is hereby amended to read as follows:

"EXHIBIT 'A'

RESOLVED, that this Board of Supervisors (or District) has examined the form of a proposed draft of agreement, dated _____, 1958, as amended by a proposed draft of a Supplemental Agreement, dated _____, 1958, between the CALAVERAS COUNTY WATER DISTRICT and EAST BAY MUNICIPAL UTILITY DISTRICT, and hereby declares that it does not and will not object to the reservation and release provided for in the said proposed agreement as so amended."

5. As herein amended said agreement dated November 26, 1958, shall continue in full force and effect for said additional period.

IN WITNESS WHEREOF, the parties hereto have executed this Supplemental Agreement the day and year first above written by their respective officers thereunto first duly authorized.

CALAVERAS COUNTY WATER DISTRICT

By Vernon Campbell
President

[redacted]

STATE OF CALIFORNIA,
County of SACRAMENTO } ss.

On this 5th day of March in the year one thousand nine hundred and fifty-nine
before me, MAURINE L. HAZELBAKER a Notary Public in and for the
County of Sacramento State of California, residing therein,
duly commissioned and sworn, personally appeared VERNON CAMPBELL, known to me to be the President, and PAUL E. LEWIS,
known to me to be the Secretary
of the corporation described in and that executed the within instrument, and also known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its bylaws or a resolution of its board of directors.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of Sacramento the day and year in this certificate first above written.

Maurine L. Hazelbaker
Notary Public in and for the County of Sacramento State of California.
My Commission Expires 3/12/61.

CORPORATION

20

Response to Comments of the Calaveras County Water District (Letter L16)

L16-1. As described on pages 2-40 and 2-41 of the draft EIR/EIS, EBMUD's ability to use its full Mokelumne River water rights is limited by system demand, river hydrology, upstream storage and diversions, seasonal flood control requirements, and reservoir releases to the lower Mokelumne River. All assumptions used to simulate operation of Alternative 6 and the results of hydrologic simulations are described in Chapter 3 of Volume I and in Volume III of the draft EIR/EIS. Calaveras County Water District is specifically noted in this description. The description goes on to state that "[b]efore enlarging Pardee Reservoir, EBMUD would have to obtain any appropriate modifications to its water rights from the SWRCB."

L16-2. Volume 2, Appendix B, "Alternatives Screening Report for the Freeport Regional Water Project," of the draft EIR/EIS also notes that the Enlarged Pardee Reservoir alternative (a component of Alternative 6 in the draft EIR/EIS) would result in significant controversy and that it is likely that additional or revised water rights would have to be obtained from the SWRCB (page 7-33 of Volume 2, Appendix B).

L16-3. These water rights/permit issues would need to be resolved and/or confirmed prior to implementing a project as described in Alternative 6. However, FRWA has not selected Alternative 6 as the preferred alternative and is not pursuing resolution of the water rights issue or actual project implementation.

Letter L17

County of Yolo

625 Court Street, Room 204 Woodland, CA 95695-1268 (530) 666-8195 FAX (530) 666-8193
www.yolocounty.org

First District – Mike McGowan
Second District – Helen M. Thomson
Third District – Frank Sieferman, Jr.
Fourth District – Dave Rosenberg
Fifth District – Lynnel Pollock
County Administrator – Victor Singh

RECEIVED
DEC 15 2003

December 12, 2003

RECEIVED
DEC 22 2003

Eric F. Mische, General Manager
Freeport Regional Water Authority
1510 J Street, Suite 140
Sacramento CA 95814

Dear Mr. Mische:

SUBJECT: Support for Freeport Regional Project Recommended Site Location

As the member of the Yolo County Board of Supervisors representing the 1st District, which includes the City of West Sacramento and the community of Clarksburg, I am in support of the recommended selection of Site B as the preferred alternative. The recent resurgence of questions as to the feasibility of facility siting on the West Side of the River (Sites A and C) has prompted this response.

The conclusion provided in the Intake Structure Siting Summary (November 2003) clearly supports that the location of the facility on City-owned property along the East Side of the Sacramento River satisfactorily meets identified infrastructure criteria, minimizes potential impacts to the environment, and would not require the acquisition of private property. Specifically, the environmental review and analysis process has determined that the preferred site alternative would have the least potential for posing impacts to land use, water quality, aesthetics, levee maintenance, and agricultural activities. L17-1

This determination is consistent with the input provided by the County of Yolo in response to information provided in the Alternatives Screening Report and the EIR/EIS prepared by the Bureau of Reclamation and the Water Authority. The attached letter of comment dated February 26, 2003, and staff report to the Board of Supervisors dated October 7, 2003, reflects discussions and input provided during public meetings conducted in the County as a part of the public input process.

You are urged to continue to support the selection of Site B as the preferred alternative. I plan to request that the Board of Supervisors take action in January to provide a letter in support of your Board's intention to certify CEQA documentation, in March, and the Bureau of Reclamation's intention to file a Record of Decision under NEPA, in July, in support of Alternative B.

Sincerely,

Mike McGowan
Supervisor, 1st District
Yolo County Board of Supervisors

Attachments

County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT
292 West Beamer Street Woodland, CA 95695-2598 (530) 666-8775 FAX (530) 666-8728
www.yolocounty.org

JOHN BENCOMO
DIRECTOR

February 26, 2003

Eric F. Mische, General Manager
Freeport Regional Water Authority
1510 J Street, Suite 140
Sacramento CA 95814

Dear Mr. Mische:

SUBJECT: Proposed Freeport Regional Water Project

Your presentation to the Yolo County Board of Supervisors about the proposed Freeport Regional Water Project was very informative. As we discussed after the presentation, staff will continue to work with you to assure that you are provided with input regarding areas of interest and issues of concern, from the County's perspective, throughout the environmental review process. Following is a brief summary of areas and issues noted, to date, that need to be clarified and addressed.

GROUNDWATER:

- Aquifer overdraft, particularly in areas already subject to limited groundwater resources, including upstream areas such as Yolo-Zamora;
- Regional and cumulative competing demands impacting or benefiting potential conjunctive use opportunities; and
- Potential (even minimal) impacts to agricultural, and related, uses of groundwater including farming practices, infrastructure, and regional socio-economic effects.

WATER QUALITY:

- Potential for downstream impacts, particularly to Delta and fishery resources;
- Downstream impacts having the potential for affecting Reclamation District facilities;
- Back-flow and upstream salinity transport;
- Increased turbidity and velocity resulting in increased suspension of solids; and
- Impacts to habitat having the potential to cause changes in seasonal use and alter species attraction;

LAND USE:

- Impacts to riparian habitat, particularly with respect to any disturbance of oak trees;
- Selected sites for upland, as well as crossing facilities and structures, should be confirmed and alternatives considered in selection process should be documented;
- The need for acquisitions or easements should be addressed;
- Any encroachment on upland use, public access, or recreational use should be discussed;
- Benefits and incentives pertaining to Yolo County, such as flood protection (if applicable) should be clarified;
- Levee impacts such as subsidence, erosion, scour and seepage or benefits such as bank stabilization and protection should be discussed;

- Potential impacts and benefits to Yolo Bypass activities facilitated by the Yolo Basin Foundation should be analyzed;
- Potential impacts to the University of California, Davis and the cities of Davis, Yolo, West Sacramento and Woodland should be fully analyzed; and
- Potential impacts to landfill operations, related water use and recycling needs, and waste pond impacts should be analyzed.

CUMULATIVE IMPACTS TO EXISTING SYSTEM:

- The type of modeling necessary to determine potential impacts to the existing system, resulting in displacement of existing capacity, should be implemented taking into consideration known proposed projects such as the SAFCA Regional Project, the West Sacramento/Sacramento Waterfront Master Plans, the Freeport Marina and Captains Table expansions;
- Projected fluctuation in river flows resulting from the proposed diversion should be taken into consideration as to impacts on recreational facilities such as existing marinas;
- Scenarios of surface water use that were analyzed (worse case, etc.) should be documented; and
- Incidental impacts to Yolo County resulting from potential benefits to Sacramento County should be considered and discussed.

MONITORING AND MITIGATION:

- A process for the collection of scientific data to be used for projecting unanticipated impacts should be developed and implemented;
- A process for establishing a mechanism for the funding of mitigation should be put in place;
- The potential for third-party liability should be addressed;
- Agreements executed for implementation of the project should provide flexibility for assuring that unanticipated, as well as anticipated, impacts to Yolo County are addressed; and
- Alternative water use plans during the years free of demand should be clarified.

Please continue to provide the County with the opportunity to provide input and comment throughout the project development and environmental review process. My contact number is (530) 666-8019. Thank you again for taking the time to make your presentation before the Board of Supervisors.

Sincerely,

Linda Fiack

Linda Fiack
Parks and Resources Manager

cc: Yolo County Board of Supervisors

County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT
292 West Beamer Street Woodland, CA 95695-2598 530-666-8775 FAX (530) 666-8728
www.yolocounty.org

JOHN BENCOMO
Director

TO: **THE HONORABLE LYNNEL POLLOCK,** Chair
and Members of the Board of Supervisors

FROM: **JOHN BENCOMO,** Director,
Linda Fiack, Parks and Resources Manager
Planning and Public Works Department

DATE: October 7, 2003

SUBJECT: Review of the Freeport Regional Water Project, Draft Environmental Impact Report/ Environmental Impact Statement (SCH 2002032132) and Conclusion that Comments Previously Provided by the County have been Satisfactorily Addressed.

RECOMMENDED ACTIONS:

Staff recommends that the Board of Supervisors (Board):

1. **CONSIDER** staff's review of the Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) prepared for the Freeport Regional Water Project.

2. **FIND** that the comments previously provided by the County during the Notice of Preparation (NOP) process **(Attachment A)** have been satisfactorily taken into consideration in the preparation of the Draft EIR/EIS and that no additional comments are necessary at this time.

3. **DIRECT** staff to continue to keep the Board apprised of the status of the project through coordination with the Freeport Regional Water Authority (Water Authority) and the Bureau of Reclamation.

REASON FOR RECOMMENDED ACTIONS:

The recommended actions would provide assurance to the Board that the County has been represented in the environmental review process for the Freeport Regional Water Project, and the potential impacts identified in the NOP process have been satisfactorily addressed in the Draft EIR/EIS. Additionally, staff will continue to coordinate with the Water Authority and the Bureau of Reclamation, in order to have a County presence in regional water use planning, in that the project is of particular interest with respect to similar water diversion opportunities being explored by the City of Woodland and the City of Davis/University of California at Davis.

BACKGROUND:

The Bureau of Reclamation (federal lead agency under NEPA) and the Water Authority (state lead agency under CEQA) have prepared the joint EIR/EIS on the proposed Freeport Regional Water Project. Water Authority member agencies, Sacramento County Water Agency (SCWA) and East Bay Municipal Utilities District (EBMUD), currently

hold contracts with the Bureau of Reclamation allowing them to divert surface water from the Sacramento River at Freeport. The proposal is to construct and operate a water supply project in order to meet regional water supply needs **(Attachment B)**. Identified project objectives include: support for acquisition of additional SCWA surface water entitlements to promote efficient conjunctive use of groundwater and provide facilities for the delivery of existing and anticipated surface water entitlements; and to provide facilities through which EBMUD can take delivery of a supplemental supply of water that would substantially meet its need for water, and improve system reliability and operational flexibility.

The County's review of the proposal began in February of 2003 when the Water Authority provided an overview of the preliminary project description for the Board. In response to the information provided at the presentation and in the NOP, a letter of comment was provided to the Water Authority on February 26, 2003 to address areas of potential concern to the County. The comments summarized areas needing clarification that include: groundwater, water quality, land use, cumulative impacts to the existing system, and monitoring and mitigation.

Six alternatives have been analyzed in the draft environmental document prepared for the proposed project: (1) No Action; (2) Freeport Intake Facility to Mokelumne Aqueducts with the Meadowview/Mack/Gerber/ Florin Pipeline Alignment; (3-5) Freeport Intake Facility to Mokelumne Aqueducts with Various Pipeline Alignments; and (6) Freeport Intake to Zone 40 Surface Water Treatment Plant/Enlarge Pardee Reservoir. Alternative 5 has been selected as the preferred and environmentally superior alternative.

The selected Alternative does not include the installation of facilities or related activities in Yolo County. It primarily consists of the following features: capacity intake facility and pumping plant on the River near Freeport; a reservoir and water treatment plant in Central Sacramento County; a terminal facility at the point of delivery to the Folsom South Canal; a canal pumping plant at the Canal terminus; a series of settling basins; an aqueduct pumping plant and pretreatment facility near the Mokelumne Aqueducts/Camanche Reservoir; and four pipelines carrying the water from the intake facility to the Zone 40 Surface water transfer plant and to the Mokelumne Aqueducts.

Although the proposed project, and related facilities, does not involve lands within Yolo County, it is of importance from a regional perspective with respect to water rights and conjunctive use. Of particular interest are the aspects related to the diversion of surface water from the Sacramento River. These components are similar to diversion opportunities currently being analyzed in feasibility studies underway by the City of Woodland, and the City of Davis/University of California at Davis, pursuant to the water rights application submitted to the State Water Board in 1994. Therefore, staff will continue to stay apprised of progress made in the planning and implementation of the project.

BUDGET IMPACT:

The recommended action will not have an impact on the County General Fund.

OTHER AGENCY INVOLVEMENT:

Staff comments were prepared with support from Wood Rodgers Consulting.

ATTACHMENT:

Attachment A. Letter of Comment in Response to NOP, dated February 26, 2003
Attachment B. Site Overview Diagram (CD on file with Clerk of the Board)

Response to Comments of Yolo County (Letter L17)

L17-1. Please see comments to Yolo County's 1/06/04 letter (Letter L21), which supersede comments made in this letter.

Letter L18

RECEIVED
DEC 15 2003

OFFICE OF THE
CITY COUNCIL

BONNIE PANNELL

COUNCILMEMBER
DISTRICT EIGHT

CITY OF SACRAMENTO
CALIFORNIA

December 15, 2003

Mr. Eric Mische
General Manager
Freeport Regional Water Authority
1510 J Street, #140
Sacramento, California 95814

RE: FREEPORT REGIONAL WATER PROJECT. DRAFT ENVIRONMENTAL IMPACT REPORT / ENVIRONMENTAL IMPACT STATEMENT

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Freeport Regional Water Project. Although I am in support of the project, I have grave concerns regarding your findings of "less-than-significant impacts" on the transportation system within the City of Sacramento, resulting from construction activities and worker commute trips as stated in Chapter 12.

Your findings of less-than-significant were apparently based on traffic count findings on the "City of Sacramento. 2002. Public Works Department. Traffic Counts. Traffic Counts Web site" as cited on page 23-5 of your list of references. I would like to address specifically those arterials listed on Page 12-2, within the City of Sacramento and within my Council District 8.

Freeport Boulevard: You stated this is north-south, 4-lane, urban road and the ADT is 5,068 vehicles.

The ADT cited is for Freeport Blvd., south of Meadowview Road to Stonecrest Ave. and was calculated in 2001. That section of Freeport Blvd. is a two-lane road, not a four-lane road. See a more recent ADT listed below for the intersection of Freeport and Meadowview Road.

L18-1

Meadowview Road: You cite the ADT E/W on Meadowview between 24th and Detroit Blvd. as 31,915.

A recent traffic study conducted by Fehr & Peers Transportation Consultants in June 1999, for the Home Depot Project cites 26,000 ADT at Pocket Rd / Meadowview Rd/ SR 160 (Freeport Blvd) N/S and 31,000 E/W. Since this study, a 450 single family project has been approved and is under construction just south of Meadowview Road at Amherst.

730 I STREET, ROOM 321, SACRAMENTO, CA 95814-2608
Mailing Address: 915 I STREET, ROOM 205, SACRAMENTO, CA 95814-2608
PH 916-808-7008 • FAX 916-264-7680

Franklin Boulevard: You do not cite an ADT count.

The City of Sacramento cites the most recent ADT in the project area NS, between Ehrhardt Avenue and Idaho Drive, as 22,387.

L18-1 cont

Mack Road: You cite the ADT N/S between Brooke Meadow and Archean as 29,325.

A more appropriate count, closer to the project area, would be between Valley Hi Drive and RT 99 SBOFF R citing 46,195 ADT. Although these counts are dated and were conducted in 1994!

Stockton Boulevard: You cite an ADT of 33,410. This count is not listed on the City of Sacramento's Public Works Dept. – Traffic Count web page, but appears to be reasonable.

Cosumnes River Boulevard: You cite an ADT of 34,416 east of Power Inn.

East of Power Inn is in the County of Sacramento, not the City of Sacramento.
A recent traffic study conducted by Fehr & Peers in March of 2003 for the College Square Project, cites a 51,200 base year ADT on Cosumnes River Boulevard, between Bruceville and Hwy 99.

I find it difficult to believe you can mitigate the impacts to "less than significant" when you construct a pipeline down Cosumnes River Boulevard when it is adjacent to a Cosumnes River Community College, two hospitals (Kaiser and Methodist) and two major projects (Strawberry Creek Target and College Square.)

Center Parkway: You do not cite an ADT.

A recent traffic study conducted by KD Anderson Transportation Engineers in July 2002 for the Strawberry Creek Target Project, cites a 19,000 ADT at the intersection of Center Parkway and Cosumnes River Blvd., N/S.

Bruceville Road: You state Bruceville Road is "a north-south, 4-lane urban road in the project area, and the ADT is 6,922 vehicles.

Bruceville Road, *south* of Cosumnes River Boulevard is a two-lane road and a four-lane road *north* of Cosumnes River Boulevard.

A recent traffic study conducted by Fehr & Peers Transportation Consultants in March 2003 cites a 35,400 ADT on Bruceville Road, south of Cosumnes River Blvd to Cosumnes River College Driveway. The same study cites a 21,400 ADT for Bruceville Road, north of Cosumnes River Blvd., to Timberlake Way.

I find your traffic analysis very vague and flawed. I would like to request you conduct a new traffic study of the existing roadways that will be impacted by the pipeline. L18-1 cont

Additionally, in your **Cumulative Effects Analysis** you identify the following projects:

South Sacramento Corridor Phase 2 Light Rail Project
Interstate 5 / Cosumnes River Boulevard Interchange and Extension
Lower Northwest Interceptor Project
South Sacramento Streams Flood Control Project

You state that "Construction may occur within the same general timeframe, depending on how these projects proceed through the environmental review and engineering design phases." What you don't state is how you are going to mitigate the cumulative impacts of ALL of these projects since it is very likely they will ALL occur within the same general timeframe! L18-2

I would like you to provide a current timeline for each of the projects listed above. I would also like to know what mitigation measures are being proposed, by each project, to mitigate the *cumulative impacts* to the same roadways in my Council District 8.

Currently, to avoid traffic on Interstate 5 and Hwy 99, commuters are using the major arterials, north and south and east in west, in my council district. How are you planning on mitigating the additional noise and dust caused, not only by construction of the pipeline, but additional traffic flows diverted to already over-congested arterials?

Please respond to these comments and concerns.

Sincerely,

Bonnie Pannell

BONNIE PANNEL
Councilmember, Distict 8

c. Mayor / Councilmembers, City of Sacramento
Robert Thomas, City Manager, City of Sacramento
Gary Reents, Director of Utilities, City of Sacramento

Responses to Comments of Bonnie Pannell, Councilmember, District 8, City of Sacramento (Letter L18)

L18-1. The information contained in this comment confirms several of the traffic counts listed in Chapter 12 of the Draft EIR/EIS and also notes certain updates or corrections to those traffic counts and roadway descriptions. It is important to note that the project, and in particular the preferred alternative, would not necessarily change traffic patterns or volumes at many of the locations listed in this comment or described in Chapter 12 of the Draft EIR/EIS. Of the intersections and road segments listed in this comment, the preferred alternative would cross Freeport Boulevard well south of Meadowview Road, and cross Franklin Boulevard, Center Parkway, and Bruceville Road at their intersections with Cosumnes River Boulevard. Other roadways and intersections discussed in this comment would not be affected by the preferred alternative. Roughly 50% of the preferred alignment has been sited in undeveloped areas to minimize construction disturbance.

FRWA is very committed to minimizing traffic impacts associated with the project and is fully cognizant of the importance of this issue to the local community. Because of the importance of this issue and others, FRWA has identified several measures to reduce and minimize impacts and has incorporated those measures into the project. These measures are specifically described under Environmental Commitments on pages 2-44 through 2-51 of the Draft EIR/EIS. Because these environmental commitments are part of the project, they are not discussed in detail in Chapter 12 as mitigation measures but will be implemented as environmental commitments of the project. In particular, the general construction measures described on page 2-44, the traffic control plan on page 2-45, the dust suppression plan described on page 2-46, and the trench safety plan described on page 2-50 will reduce construction-related impacts. Detailed plans for minimizing traffic impacts would be developed as part of the traffic control plan, and could include tunneling under affected intersections so as to avoid impacts. As noted in the discussion of General Construction Measures on page 2-44 of the draft EIR/EIS, these measures will be finalized after additional community outreach and design.

FRWA is also committed to working with all local jurisdictions, including the City of Sacramento and its appropriate departments and divisions, to minimize construction-related effects. For example, as noted under the traffic control plan, FRWA will follow the standard construction specifications and procedures of the local jurisdictions. FRWA believes that because these measures will be fully implemented, because construction-related effects will be temporary, and because much of the alignment is not located within developed rights-of-way, construction-related effects have appropriately been identified as less-than-significant impacts.

L18-2. It is somewhat speculative to discuss the cumulative impacts of the projects listed in this comment as they are not all necessarily additive either geographically or temporally. In addition, the actual timing at any specific location has not been scheduled for any of these projects. FRWA has been and will continue to be very active in coordinating with each of the projects discussed in this comment. Ultimately, it will be the responsibility of

each project to implement appropriate mitigation measures for impacts associated with each action. As described above, FRWA is committed to implementing appropriate environmental commitments to ensure that construction-related effects are minimized to the greatest extent feasible. FRWA is also committed to working closely with the City and the other project proponents in the implementation of all such environmental commitment/mitigation programs during construction.

Letter L19

RECEIVED
DEC 15 2003

DEPARTMENT
OF UTILITIES

ENGINEERING
SERVICES DIVISION

CITY OF SACRAMENTO
CALIFORNIA

December 15, 2003
30861:DB:jr

1395 35th AVENUE
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Environmental Manager
Freeport Regional Water Authority
1510 J Street, Suite 140
Sacramento, CA 95814

Dear Mr. Kroner:

SUBJECT: FREEPORT REGIONAL WATER PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

This letter provides comments from the City of Sacramento ("City") on the Draft Environmental Impact Report/Environmental Impact Statement ("DEIR") prepared and circulated by the Freeport Regional Water Authority ("FRWA") for its proposed Freeport Regional Water Project ("Project").

General Comments:

1. We appreciate the opportunity to review the DEIR, and also appreciate your efforts to work with community members and City staff since the DEIR was released, to identify plan revisions and other measures to mitigate or reduce the proposed Project's potential impacts on City residents. These efforts resulted in the following commitments that were made to the Sacramento City Council by Eric Mische, FRWA's General Manager, at the December 9, 2003, City Council meeting:

   - FRWA will improve the appearance of the proposed intake site
   - FRWA will provide for extensive public participation in the development of the intake facility design, including an architectural competition
   - FRWA will design facilities so that operational noise remains at or below background noise levels
   - FRWA will take specific steps with regard to the use and storage of chemicals at the intake facility site which include triple containment of chemicals
   - FRWA will work closely with local residents to develop mitigation plans and minimize impacts for the construction of the intake facility and pipeline
   - FRWA will provide a permanent landscaped buffer between the residential properties and the facilities

   The specific Project revisions and mitigation measures agreed upon to implement these commitments should be identified and incorporated in the Final EIR/EIS.

General 1

CITY OF SACRAMENTO
DEPARTMENT
OF UTILITIES

Making a Difference in Your Neighborhood

2. Throughout the FRWP planning process, the City has stressed the need for an agreement or agreements between the FRWA, its member agencies and the City to, in general: (a) establish the terms for the FRWA's acquisition of a portion of the City's Freeport property for the proposed intake facility, to be conditioned upon the City's acquisition of County property in the vicinity of Sacramento International Airport; (b) assure appropriate community and City involvement in the architectural design for the intake facility; (c) agree upon the site plan for the proposed intake facilities (including permanent landscaped buffer areas maintained by FRWA to shield Project facilities from the adjacent residential neighborhood); (d) set forth conditions for the design, construction and operation of the FRWP intake and transmission facilities to avoid or mitigate potential adverse effects of the project on the City and City residents; (e) recognize the existence of the City's urban runoff/stormwater and combined sewer discharges to the Sacramento River and agreement upon conditions to hold the City harmless from any costs, claims or other liability incurred by the City with respect to these discharges, as a result of the Project; and (f) require public outreach and coordination of Project construction within the City with affected City Departments, and other existing or planned public projects and facilities.

   By letter dated January 21, 2003, and in presentations to the City Council, FRWA's General Manager has agreed to these principles in concept, and FRWA and City staff have been meeting regularly to develop written principles of agreement setting forth these commitments in specific detail. City staff desires to complete this process as soon as possible, so that these principles of agreement may be presented to the Boards for FRWA and its member agencies, the Sacramento County Board of Supervisors, and the City Council. Agreement upon the specific terms and conditions that will apply to subsequent Project-related transactions is vital to the City's support for the Project, and these terms and conditions should be identified and incorporated in the Final EIR/EIS.

General 2

3. The Final EIR/EIS should provide a more detailed discussion of FRWA's rationale and criteria for selecting the City's Freeport property as its preferred intake site location, including the information presented by FRWA's General Manager to the City Council on December 9, 2003.

General 3

4. We understand that potential impacts to the Cosumnes River will be analyzed in the Zone 40 Water Supply Master Plan Environmental Impact Report.

General 4

5. The final EIR/EIS should respond to the public comments made at the December 9, 2003 City of Sacramento Council meeting. A video tape is being sent under separate cover from the City Clerks office. Additionally, the comments may be viewed from the City's website: **www.cityofsacramento.org/webtech/streaming_video/live_council_meetings.htm**

General 5

Specific Comments:

Summary

1. Page S-7, Alternative 1: Discussion of the No Action alternative states that the Sacramento County Water Agency will divert its existing Fazio entitlement through City of Sacramento facilities based on existing agreements with the City. It should be noted that under the terms of the existing wheeling agreement between the City and County (1) the County presently is not authorized to receive its full Fazio entitlement (15,000 AFA) through the City's Sacramento River plant, and will only be able to do so after completing specified transmission facilities, as well as a "physical solution" providing dedicated transmission capacity from the Sacramento River, and (2) the County presently receives only non-guaranteed capacity. The availability of non-firm capacity, by definition, may diminish over time as the City's demands increase, so that such capacity does not provide a wholly reliable water supply to support existing or anticipated future growth. Addressing these issues may involve potential environmental effects that are not analyzed in the DEIR. L19-1

2. Page S-10, Summary of Environmental Impacts and Available Mitigation Measures: This list should be updated to reflect specific measures developed prior to issuance of the Final EIR/EIS (see General Comments 1 and 2). L19-2

3. Page S-11, Areas of Controversy: Please add "aesthetic and visual impacts associated with construction and operation of the river intake structure." The purpose of FRWA's commitment to extensive community involvement in the FRWP intake facility design is to minimize these impacts. L19-3

Chapter 1 - Purpose and Need

4. Page 1-9, Other Water Supplies: The third bullet should be revised to read "obtain water by wholesale agreement with the City of Sacramento for use in that area of Zone 40 that is within the City's authorized American River water rights Place of Use (consistent with the Water Forum Agreement)". L19-4

Chapter 2 - Project Description

5. Figures 2-1, 2-2: It would be helpful to show the various jurisdictional boundaries on these maps. L19-5

6. Page 2-5 (Project Alternatives): The DEIR's explanation of factors considered to select the Freeport diversion site is not adequate. See General Comment 3, above. L19-6

7. Page 2-6, Alternative 1: Regarding SCWA's diversion of its Fazio entitlement, see Specific Comment 1, above. L19-7

8. Page 2-7 (Freeport Intake Facility - Location): Although geographically accurate, the location description of the intake facility is incomplete and potentially misleading in that it omits any mention of the immediately adjacent South Pocket residential neighborhood. This should be corrected, and the site maps for the intake facility (including Figures 2-4 and 2-6) should show the location of the facility in relation to the South Pocket residential neighborhood. The document also should explain the basis for selecting the specific distances listed as being necessary to minimize or avoid water quality impacts related to other discharges to the Sacramento River (3,500 feet and 9,000 feet). L19-8

9. Pages 2-7 to 2-8 (Design/Operation and Maintenance) and Figures 2-4 and 2-6: These site plans should be revised to reflect the revised site plan developed by FRWA to minimize community impacts (see General Comments 1 and 2). To provide an adequate project-level analysis, the document also should provide a more detailed depiction/discussion of the design, construction and operation of the facilities identified on Figure 2-4 as "Switch Yard," "Chemical Addition"," Air Compressors," and "Air Surge Tanks," including any related facilities that are not shown, such as power lines to the Switch Yard, as well as an analysis of any potential adverse impacts that construction and operation of the facilities may have on the adjacent South Pocket residential neighborhood. L19-9a L19-9b

10. Page 2-9, re Settling Basins on Freeport Site: Mechanical dewatering equipment should be considered as an alternative to settling basins. L19-10

11. Page 2-9, 1st paragraph: What chemicals might be used for settling basins? L19-11

12. Page 2-9, last paragraph: Will terminal settling basins be sized to handle 100 MGD? L19-12

13. Page 2-36,Table 2-4: Should Footnote 3 refer to SRWTP, not the SRWWTP? L19-13

14. Page 2-38, 2nd bullet: Make same revision as Specific Comment 4, above. L19-14

15. Page 2-44: As part of the general construction measures proposed, the public should have access to a FRWA representative 24 hours per day, seven days per week, during the construction period, whether construction is actually occurring or not. Construction related problems could occur after workers leave the construction site. (E.g. water main break on a newly constructed water main occurring in the evening hours, inadvertently parking or leaving construction equipment or supplies in access places, etc.) Additionally, a community advisory committee should be formed for the purpose of mitigating local construction impacts throughout the construction period of the project. Regular community meetings should be held to discuss design and construction impacts with community members. The last sentence indicates that a site-specific construction plan will be finalized once a project is approved - CEQA requires mitigation measures to be identified and approved prior to project approval. L19-15a L19-15b L19-15c

16. Pages 2-44 to 2-55, General Construction Measures/Erosion and Sediment Control Plan: The need to implement measures to control runoff from all Project construction sites should be listed. In addition to compliance with standard construction specifications, any construction in City will need to comply with the City's Grading, Erosion and Sediment Control ordinance (City Code Chapter 15.88) and Stormwater Management and Discharge Control Code (City Code Chapter 13.16). This comment also pertains to discussion of "Localized Erosion and Sedimentation" on Page 9-10 of the DEIR. L19-16

17. Page 2-51, Coordinated Operations: After discussing the planned coordination of operations between the Project and the Sacramento Regional County Sanitation District discharges, this paragraph concludes by stating that FRWA and the City would coordinate their operations to avoid potential conflicts between FRWA diversions and the City's combined sewer and urban runoff/stormwater discharges. To the extent that this suggests that the City intends to modify operations of the City's discharges to accommodate FRWA's diversions from the Sacramento River, this statement is not correct. As noted in General Comment 2, above, the City is seeking agreement between the FRWA, its member agencies and the City upon specific terms and conditions governing the intake site acquisition and construction and operation of the Project, which will include, among other things, provisions that acknowledge the existence of the City's urban runoff/stormwater and combined sewer discharges to the Sacramento River and hold the City harmless from any costs, claims or other liability incurred by the City with respect to these discharges, as a result of the Project. This section should be revised to clarify that it refers to FRWA coordinating its own operations with City discharges as may be required to meet applicable water quality requirements. L19-17

18. Pages 2-56 to 2-64 (alternative screening): See General Comment 3, above. L19-18

Chapter 4 - Water Quality

19. Page 4-6, last two paragraphs: In addition to the discharges referenced in these paragraphs, City facilities contribute combined sewer discharges to the Sacramento River upstream of the Freeport site, as well as stormwater discharges both upstream and downstream. The latter discharges could affect FRWA diversions during the "reverse flow" conditions described on page 4-15 of the DEIR. The DEIR should include a more detailed description of the City's present and anticipated future urban runoff/stormwater and combined sewer discharges both upstream and downstream of the intake site, and should analyze whether any potentially significant water quality impacts are associated with these discharges. The Final EIR/EIS should commit to the implementation of all measures necessary to avoid or fully mitigate any such impacts. See also General Comment 2, above. L19-19

Chapter 6 - Recreation

20. Page 6-6, City of Sacramento: The City provides more than 149 developed parks and open space areas, and the South Sacramento area includes 20 park and recreational facilities. L19-20

21. Page 6-18, Impact 6-1: FRWA must coordinate any temporary closure, relocation and reconstruction of the bike trail in the vicinity of the intake site with the City's Alternative Modes Coordinator (Ed Cox). The Final EIR/EIS should indicate with more specificity how or whether the configuration of the bike trail would be affected by the Project. L19-21

22. The DEIR does not indicate specifically if the proposed pipeline will go through the existing Bill Conlin Sports Complex, which is east of Freeport Boulevard. We understand that the pipeline may go through the sports complex based on discussions with Kurt Kroner of the FRWA. The Sports Complex is a master planned facility, which is being completed in phases, but has not been completed. If the pipeline crosses the sports complex, FRWA should take all feasible steps necessary to mitigate resultant impacts, including the following: L19-22

- Preserve to the extent practicable, any existing trees.
- Coordinate the design of FRWA facilities with existing and planned improvements to the sports complex.
- To the extent feasible, construct within the park during the off seasons (September to November.)
- If the site is used to jack the pipeline under the adjacent interstate highway, please perform this operation in parallel with the construction of the pipeline to minimize downtime of the sports complex.
- Coordinate any surface features (manholes, etc,) with the Parks Department.
- Coordinate the temporary relocation of little league games during the time the sports complex is impacted.
- Find replacement fields for little league games while the sports complex is impacted.

Chapter 7 - Vegetation and Wetland Resources

23. Page 7-25, Impact 7-8: When would surveys for the presence of special status species on the Project site be performed? L19-23

Chapter 8 - Wildlife

24. Page 8-18, Impact 8-2: Swainson's hawk foraging habitat is declining overall in South Sacramento. DFG should be consulted to determine whether temporary impacts are potentially significant, and if so, FRWA should mitigate to a less than significant level. L19-24

25. Impacts 8-10, 8-12: When would surveys for the presence of special status species on the Project site be performed? L19-25

Chapter 10 - Land Use

26. Page 10-2, Table 10-1: Revisions should be made to Table 10-1 to indicate that Segment B L19-26

would traverse low-density residential land uses; Segment C would traverse multi-family residential and commercial land uses; Segment D would traverse residential land uses; and Segment E would traverse low- and medium-density residential and commercial land uses. L19-26 cont

Chapter 12 - Traffic and Transportation

27. Emergency routes should be identified. L19-27

28. Please coordinate the placement the proposed pipeline within the existing and proposed Cosumnes River Blvd corridor with the other planned and existing facilities. These facilities include Phase 2 of the South Sacramento Corridor Light Rail project, widening of Cosumnes River Blvd., widening of Union House Creek by the Sacramento Area Flood Control Agency (SAFCA), Sacramento Regional County Sanitation District sewer trunks, a City of Sacramento water transmission pipeline, and other utilities. L19-28

29. Page 12-1, Affected Environment: Add SR 160 (Freeport Blvd), a designated scenic highway. L19-29

30. Page 12-2: Freeport is a two-lane road at the proposed intake facility site. L19-30

31. Page 12-6: There also is an inactive railroad crossing at the Freeport Boulevard access point, which is owned by the State Parks Department. This may necessitate obtaining a railroad-crossing permit from the PUC. L19-31

32. Page 12-6: The DEIR should explain how the access road from Freeport Boulevard would be used with respect to the planned traffic signal and the railroad crossing. L19-32

33. Page 12-6, Railways: There is no mention of the Walnut Grove Branch of the Southern Pacific Railroad track adjacent to the Freeport site. L19-33

34. Page 12-9 and 12-12: Florin Road should be added as a "haul route" within the City. L19-34

35. Page 12-20 to 12-22, Construction Related Impacts for Traffic and Transportation: This section should reference any Project revisions and mitigation measures developed prior to issuance of the Final EIR/EIS. (See General Comments 1 and 2.)

A traffic control plan for any City streets impacted by the intake or pipeline construction must be submitted to the Street Operations and Traffic Engineering Divisions of the City's Department of Public Works for approval, prior to the commencement of any work in these areas. Any proposed street or lane closures or traffic detours on City streets must be approved in advance by the Traffic Engineering Division. The City's Right-of-Way Manager is Dave Cullivan (433-6200). L19-35

Detailed pipeline construction plans will need to be submitted to the City's Departments of Public Works and Utilities for review and approval. Construction plans should show, in detail: City street right-of-way, locations of the pipe to be installed and pipe depth, and detailed cross-sections of the construction trenches. Plans that identify all hauling routes also must be submitted to the Department of Public Works for review, so that the City may determine what maintenance/repair requirement apply. L19-35 cont

All damages to roadway surfaces within the City must be repaired and restored to original condition. Such work must be coordinated with the Department of Public Works and shall comply with the City's standards, specifications and procedures.

Chapter 13 - Air Quality

36. Page 13-20, Air Quality, Operation Impacts: Where has the potential for odors from the settling basins been analyzed? The prevailing winds in this area tend to be from the south and west. Winds from the south would carry any odors toward the South Pocket and South Land Park areas, while winds from the west would carry any odors toward the Meadowview area. This should be addressed. If any potential for odor is found, appropriate mitigation measures should be identified to eliminate such potential. L19-36

Chapter 14 - Noise

37. Page 14-19, Impact 14-1: There are City residences adjacent to the Freeport site that may be impacted by the pile driving. Consider offering to homeowners a preconstruction video inspection. If damage occurs as a result of pile driving, and is verified on videotape, FRWA will compensate the homeowner for damages. L19-37

38. Page 14-19, Operation Related Impacts: The DEIR does not address potential noise impacts from the operation of the compressors, and surge tanks, and/or measures that will be taken to avoid any such impacts. L19-38

39. Pages 14- 25, Noise levels at Freeport: In addition to the contractor designating a "noise disturbance coordinator", FRWA's community ombudsman should work with the coordinator. By using appropriate design measures such as siting noise producing equipment as far from residences as possible, shielding the project site with construction trailers, enclosing or buffering machinery and using silencers where applicable, noise can be mitigated to a great degree. If measures to mitigate construction noise are ineffective and construction noise remains unduly disruptive to City residents, FRWA should commit to developing additional mitigation measures to reduce such impacts to less than significant levels. L19-39

40. Page 14-30, Impact 14-7: Regarding the increase in noise levels from the intake facility operation, the document suggests that the implementation of noise attenuation may not achieve a less than significant impact level. However, at the various public meetings held since the release of the DEIR, FRWA has committed to a facility that does not produce any L19-40

significant noise impacts on adjacent residents. The final EIR/EIS should demonstrate and commit to the attenuation of noise to a less than significant level (i.e., lower than lowest background level). In addition, FRWA should commit to (1) monitoring the operational noise for a suitable period of time to determine if there is an unacceptable increase in noise for adjacent residents, and (2) mitigating any such impacts. L19-40 cont

Chapter 15 - Public Health and Safety

41. General Comments: Construction of the proposed intake facility will disturb and dislocate rodents whose habitat is the River levee, which may have an impact on the immediately adjacent residential area. This should be addressed in the DEIR. L19-41

42. Volume 2, Appendix D of the DEIR presents the "Hydraulic Modeling Report," which attempts to analyze the potential for erosion along the levee with this proposed project. The Report (p.4) is conclusive about the potential for increased erosion due to the higher velocities of water experienced with the proposed facility: "The higher velocities along the face of the proposed structure will likely produce new erosion and scour unless counter measures are provided. Soil boring information is not available at this time and we have assumed that the bed and bank materials are fine grained sands and silts, which are highly susceptible to erosion." Please include a mitigation measure, which states "The FRWA will analyze the potential for erosion with a fully calibrated two dimensional model, and will incorporate features to prevent erosion in the design." L19-42

43. Page 15-8, Impact 15-4: Has this analysis been provided to State Reclamation Board or SAFCA staff, and, if so, do they agree the potential flooding impacts are less than significant? L19-43

44. Page 15-9, Operation-Related Impacts: We understand that the only hazardous chemical to be utilized at the intake site is Sodium Hypochlorite, based on comments made by FRWA at public meetings. L19-44

Chapter 16 - Visual Resources

45. Page 16-4, City's former Meadowview Sewage Treatment Plant: The yard is used by the City's Department of Utilities, not SRCSD. L19-45

46. Please consider the following architectural measures to mitigate any adverse impacts due to the appearance or operation of its proposed facilities: L19-46

- Use exterior building materials composed of a minimum of 50% low-reflectance, unpolished finishes.
- Paint bare metallic surfaces such as pipes, flashing, vents, and light standards so as to minimize reflectance.
- Provide a vegetative buffer to visually screen the site:

- To buffer the existing homes, planting a vegetative screen composed of evergreen trees planted 30 feet on center and large shrubs planted 10 feet on center just inside the wall.
- Also integrating a vegetative buffer around the periphery of the intake site to provide for substantial screening from adjacent residential or recreational uses. This landscaping would also reduce potential daytime glare. L19-47
- The species composition should reflect species that are native and indigenous to the project area, in addition to species that are traditionally used by nearby residential and commercial uses.
- The vegetative buffer plan could be coordinated with mitigation planting and revegetation that will be implemented to mitigate for any affected vegetation and biological habitat areas (described in the DEIR Chapter 7, "Vegetation and Wetland Resources," and Chapter 8, "Wildlife").
- The vegetative buffer plan should be consistent with local policies and guidelines for native landscaping, including compliance with local tree ordinances and heritage tree programs.
- It is recommended that a qualified landscape architect be retained to design and implement the vegetative buffer.

- Incorporating lighting design specifications for minimum maintenance and access safety standards:
  - Luminaires should be cut-off type fixtures that cast low-angle illumination to minimize incidental spillover of light onto adjacent properties and open space. Fixtures that project upward and horizontally should not be used.
  - Luminaires should be shaded and directed away from residential, roadway and open space areas adjacent to the intake site.
  - Luminaire lamps should provide good color rendering, natural light qualities, and used only where necessary for safety and security purposes. Luminaire intensity should be low.
  - Luminaire mountings should be downcast and the height of placement minimized to reduce potential for backscatter into the nighttime sky and incidental spillover into adjacent properties and open space. Luminaire mountings should have nonglare finishes.

Chapter 17 - Cultural Resources

47. Page 17-6, additional information provided with respect to the Victory Trees:

The Victory Trees on SR160 between Meadowview/Pocket Road and Stonecrest Ave. near the town of Freeport, were determined to be eligible for the NRHP as a contributing element of the River Road/Delta Highway, a potentially eligible historic district. The trees were planted at the height of the Sacramento City Beautification movement of the 1920's, the era in which Sacramento became known as the "home of beautiful trees." (Gregory King, Chief, Cultural and Community Studies Office, Department of Transportation, July 12, 2002). L19-48

If you have any questions concerning these comments, please contact Dan Sherry, Supervising Engineer, at (916) 264-1419.

Sincerely,

Dave Brent
Engineering Services Manager

Cc: Mayor Heather Fargo
City Council
Robert P. Thomas, City Manager
Gary Reents, Department of Utilities

City of Sacramento, Department of Utilities Responses to Comments (Letter L19)

General Comments

L19-1. FRWA agrees with the commitments referenced in the comment, and they are reflected in the project update and mitigation measures included in the final EIR/EIS.

L19-2. The information provided in this final EIR/EIS is consistent with the requests made in the comment.

L19-3. See master response to Intake Facility Issues.

L19-4. The FRWP would not result in any impacts on the Cosumnes River. The Zone 40 Water Supply Master Plan EIR does address potential impacts on the Cosumnes River that may result from implementation of the Master Plan.

L19-5. Comments received at the December 9, 2003, City of Sacramento Council Meeting and responses to those comments are included in Chapter 10, "Public Hearing Comments."

Specific Comments

L19-1. FRWA and SCWA acknowledge that the present wheeling agreement does not provide for moving all of SCWA's P.L. 101-514 CVP contract water through City facilities. The agencies also acknowledge that the amount of this water that can be wheeled is subject to available capacity and that other conditions must be met before the entire amount can be moved through City facilities.

L19-2. The summary of environmental impacts and available mitigation measures has been updated accordingly and is included in Chapter 2, "Project Update," in this final EIR/EIS.

L19-3. FRWA and Reclamation agree that considerable input has been received with regard to aesthetic and visual impacts associated with construction and operation of the river intake structure and that extensive outreach and community involvement have resulted in modifications to the design of the intake structure. A description of those changes and commitments made by FRWA and Reclamation are included in Chapter 2, "Project Update," in this final EIR/EIS.

L19-4. The revision is accepted.

L19-5. The request to show jurisdictional boundaries is noted.

L19-6. See master response to Intake Facility Issues.

L19-7. See response to specific comment L19-1, above.

L19-8. The description of the location of the intake facility has been revised to more fully describe the adjacent land uses, including the South Pocket neighborhood. Figure 2-1 included in Chapter 2 of this final EIR/EIS shows the revised intake facility layout and the adjacent residences. Regarding the basis for selecting the specific distances that should be maintained between the intake location and various pollutant discharges, please see

master response on Intake Site Selection Process and Design.

L19-9a. The project description has been revised accordingly and is included in Chapter 2, "Project Update," included in this final EIR/EIS along with figure 2-1.

L19-9b. The required analyses of any potential adverse impacts that construction and operation of the facilities may have on the adjacent South Pocket residential neighborhood were included in the draft EIR/EIS. Examples of these analyses are found in Chapters 10, "Land Use," 12, "Traffic and Transportation," 13, "Air Quality," 14, "Noise," 15, "Public Health and Safety," and 16, "Visual Resources."

L19-10. Mechanical dewatering equipment was considered as an alternative to settling basins during the technical analyses supporting the draft EIR/EIS. However, mechanical dewatering would require additional equipment housed in an on-site facility. Also, large truck traffic would be required at the site on a regular basis. These items (additional facilities and truck traffic) would be expected to create additional noise and air quality impacts at the site. These impacts would be expected to occur on a regular basis since sediment would have to be continuously handled, dewatered, and hauled off-site. While the mechanical dewatering equipment itself could be housed in a structure with effective acoustical treatment to limit noise, large sediment hauling trucks would need to travel to and from the site on a regular basis. This activity would generate air quality impacts from truck exhaust and would also generate noise related to truck operations and the operation of roll-up doors so trucks could pull through the facility. A mechanical dewatering facility would occupy a similar amount of space as the settling basins. Given these relative impacts, plus more extensive operations and maintenance requirements and higher cost, the mechanical dewatering facility was eliminated from further consideration because it did not provide any apparent benefit and would probably result in additional detrimental impacts.

L19-11. No chemical use is planned for the settling basins located at the intake site. The sediment collected in the intake site settling basins is expected to be the larger and heavier particles occurring in the river water as it is diverted through the pump station. These particles would be settled from the moving flowstream in the forebay between the fish screen and the pumps. The sediment would be collected from the floor of the forebay and pumped in a slurry to the settling basins. Generally speaking, only the larger sediment particles would settle by gravity in the pump station forebay and the smaller particles would be pumped into the pipeline. The settling basins will be designed for a significantly lower flow velocity than the pump station forebay, so all captured sediment is expected to readily settle in the basins without the need for chemical aids.

L19-12. The terminal settling basins would be sized to handle 100 MGD.

L19-13. The comment is correct that Table 2-4, Footnote 3, should refer the City of Sacramento's Sacramento River Water Treatment Plant (SRWTP).

L19-14. The revision is accepted.

L19-15a. A FRWA representative will be available 24 hours per day, 7 days a week, during construction.

L19-15b. A community advisory committee will be formed to oversee mitigation of local construction impacts.

L19-15c. The Environmental Commitments section of Chapter 2 in the draft EIR/EIS provides adequate detail for mitigation measures under CEQA and NEPA. In particular, the environmental commitments made under the "General Construction Measures" section provide the specific types of mitigation that will be implemented. The last sentence on page 2-44 simply states that FRWA will provide even more detail and finalize the plan once the design-level details are worked out in association with the community. This is a level of detail that is beyond that required by CEQA and NEPA and cannot be determined until the design reaches its final stages.

L19-16. As described in the draft EIR/EIS on page 2-45 under Environmental Commitments, Erosion and Sediment Control Plan, FRWA and Reclamation's Erosion and Sediment Control Plan "…will include all the necessary local jurisdiction requirements…". This would include the City of Sacramento ordinances referenced in the comment.

L19-17. FRWA does not expect the City of Sacramento to modify its discharge operations.

L19-18. See master response to Intake Facility Issues.

L19-19. It is not within the scope of the FRWP draft EIR/EIS to analyze and determine whether there are any potentially significant water quality impacts associated with City of Sacramento combined sewer discharges and stormwater discharges to the Sacramento River. The City of Sacramento is responsible for ensuring that its discharge activities are in compliance with applicable water quality regulations and permits. FRWA is responsible for analyzing whether the project adversely affects the City of Sacramento's ability to comply with applicable regulations and permits. As described in the draft EIR/EIS in Chapter 2, Environmental Commitments, Coordinated Operations between Freeport Regional Water Authority and Sacramento Regional County Sanitation District [need to add city of Sacramento to title], FRWA has committed to "… coordinate their operations to avoid potential conflicts between FRWA diversions and City of Sacramento combined sewer system discharges and urban runoff/stormwater discharges." As stated above in response L19-17, FRWA does not expect the City of Sacramento to modify its discharge operations.

L19-20. The number of developed parks and open space areas provided by the City, and more specifically those in the South Sacramento area, has been updated accordingly. This information does not change the analysis included in the draft EIR/EIS.

L19-21. FRWA has already initiated coordination with the City's Alternative Transportation Modes Coordinator during preparation of the Draft EIR/EIS and will continue that coordination through completion of project construction.

Also, see the master response for the Intake Site Selection Process for additional information.

L19-22. The exact pipeline alignment has not yet been determined in some locations, including the Bill Conlin Sports Complex. The actual alignment will be further developed during future engineering analyses and the final design of the system. The construction schedule restrictions and other measures listed by the City of Sacramento Parks to help minimize impacts to the site appear reasonable and every effort will be made to fully coordinate the pipeline work with the existing and planned uses for the area. Also, the completed pipeline is not likely to result in significant long-term recreational use restrictions for the site. However, as described below, Impact 6-2, in Chapter 6, "Recreation," is being modified to better clarify the potential impacts raised by the City of Sacramento and more fully explain how the Environmental Commitments described in Chapter 2 of the draft EIR/EIS would minimize these impacts.

> **Impact 6-2:** Temporary Disruption to Recreational Opportunities during Construction of the Pipeline from the Freeport Intake Facility to the Zone 40 Surface WTP/FSC
>
> Construction of any of the pipeline alignment alternatives that connect the intake facility with the Zone 40 Surface WTP and the FSC would temporarily disrupt recreation facilities within the City of Sacramento, the South Sacramento area, and the Southgate Recreation and Parks District. As described in Chapter 2 of the draft EIR/EIS, "Project Description," FRWA has incorporated several environmental commitments into the FRWP alternatives in order to avoid, minimize, or mitigate effects associated with the proposed project. Those environmental commitment measures identified by FRWA that would be implemented as appropriate in order to avoid or reduce potential impacts to recreational resources associated with construction of the pipeline alignment alternatives include the following:
>
> - replacement of existing landscaping impacted by construction (page 2-44 of the draft EIR/EIS);
> - coordination with planned improvements (e.g., raised medians, turn lanes, street alignments) to minimize disruptions associated with two or more projects and other projects (e.g., light rail) (page 2-44 of the draft EIR/EIS);
> - restoration of community facilities (e.g., parks, golf courses, trails including all features associated with the Bill Conlin/Freeport Shores Complex and the Wildhawk Golf Course) affected by construction to preproject conditions (page 2-44 of the draft EIR/EIS),
> - development and implementation of a project planning, coordination, and communication plan which will ensure that all environmental commitments are implemented consistent with local agency policies and that any potential conflicts with other activities are limited (page 2-51 of the draft EIR/EIS), and

- implementation of a traffic control plan (page 2-45 of the draft EIR/EIS). This plan will maintain access, provide alternate routes, and minimize potential traffic impacts to recreational facilities, including parks, sidewalks, bike lanes, and recreation trails, along the pipeline alignments during construction.

More specifically, FRWA will coordinate the location and design, including any permanent surface features (e.g., manholes), associated with the pipeline with existing and planned improvements to recreational facilities, including the Bill Conlin/Freeport Shores sports complex and the Wildhawk golf course. FRWA's coordination will also include construction schedule information, allowing for the City of Sacramento Parks Department and the Southgate Recreation and Parks District or any other recreation agency to address and manage ahead of time for the temporary closure of facilities and relocation of recreational activities, including locating replacement facilities if necessary. To the extent feasible, construction through recreational facilities will occur during the off-seasons (e.g., September to November). Additionally, if any location within a recreational facility is used for jacking the pipeline for trenchless construction methods (i.e., tunneling), this operation will be performed in parallel with trench construction of the pipeline to minimize downtime of these recreational facilities. Overall, to the extent feasible, existing features within the recreational facilities will be preserved, including any existing landscaping. All features that can not be preserved will be replaced following pipeline installation. With implementation of these environmental commitments, the impact on recreation will be less than significant.

L19-23. Special status species surveys are scheduled to be conducted in spring/summer 2004, which coincides with the best time of year for plant identification.

L19-24. FRWA has coordinated with DFG and will continue to do so through the California Endangered Species Act process. The mitigation measures identified in the draft EIR/EIS is adequate for purposes of CEQA and NEPA.

L19-25. In general, surveys will be conducted in spring/summer 2004, subject to species requirements (e.g., when species presence can be determined).

L19-26. Suggested changes to land use descriptions have been made in Table 10-1. These changes do not affect the results of the impact analysis.

L19-27. As stated under Environmental Commitments, Traffic Control Plan, in Chapter 2 of the draft EIR/EIS, FRWA will consult with emergency service providers and develop an emergency access plan for emergency vehicles' access in and adjacent to the construction zone. Some of the existing major emergency routes servicing the community and emergency facilities in the area (e.g., hospitals, fire stations) Interstate 5, State Route 99, Meadowview Road, Florin Road, and Power Inn Road. A complete list of existing major emergency routes and community and emergency facilities in the area will be

included in the traffic control plan for construction activities.

L19-28. FRWA is actively coordinating the pipeline location within the existing and proposed Cosumnes River Blvd corridor with all of the entities/utilities described in the comment. Recently, the location of the new pipeline in the Cosumnes River Blvd extension was coordinated with the SRCSD Lower Northwest Interceptor and the City's proposed new road section. That coordination is ongoing. Additionally, the location of the pipeline relative to the proposed light rail and SAFCA projects is actively being coordinated. Currently, the SAFCA and light rail projects are not completely defined and FRWA is actively participating in coordination efforts with the various project teams. These efforts are expected to continue throughout the implementation process for all of the projects in that portion of the corridor. FRWA's goal is to work with these other agencies and project teams to cooperatively utilize the existing corridor to everyone's mutual benefit while minimizing impacts to the public and the surrounding neighborhoods.

L19-29. SR 160 was not included in the introductory description. However, it was included in the analysis. The suggested change to page 12-1 has been made, but this change does not affect the results of the impact analysis.

L19-30. The comment correctly identifies Freeport Boulevard as a two-lane road at the proposed intake facility. The suggested change to page 12-2 has been made, but this change does not affect the results of the impact analysis.

L19-31. The comment correctly identifies the presence of the inactive railroad crossing at the Freeport Boulevard access point. FRWA will coordinate with the State Parks Department and Public Utilities Commission regarding a permit as the project planning process proceeds.

L19-32. The railroad track adjacent to the intake site is currently inactive, and there is no traffic signal currently at the intersection of the site access road and Freeport Boulevard. Should the tracks become active or the signal operational prior to construction of the intake, FRWA will incorporate the new facilities into the construction traffic control plan.

L19-33. Similar to the response to comment L19-31, there is an inactive railroad line running parallel to Freeport Boulevard on its western side. This railroad line was formerly referred to as the Walnut Grove Branch of the Southern Pacific Railroad, and it is currently owned by the State Parks Department. The Walnut Grove Branch of the Southern Pacific Railroad was evaluated for its value as a historic resource in the Cultural Resources chapter of this draft EIR/EIS. There is some speculation that the State Parks Department may operate this line at some time in the future. The construction and operation of the FRWP will not affect the ability of the railroad line to operate in the future. As previously stated in the response to comment L19-31, FRWA will coordinate with the State Parks Department and Public Utilities Commission regarding a permit as the project planning process proceeds.

L19-34. As the comment notes, Florin Road could be used as a haul route within the City of Sacramento. However, this does not change the results of the analysis in the Draft EIR/EIS.

L19-35. Chapter 2, Project Update of the Final EIR/EIS includes revisions to the project description. Additionally, during the detailed design process, FRWA will:

- submit its proposed traffic control plan to all agencies with jurisdiction in the affected area prior to construction, including the City of Sacramento's traffic engineering division and right-of-way manager;

- submit detailed pipeline construction plans to all agencies with jurisdiction in the affected area, including the City of Sacramento's Department of Public Works and Utilities. This will include plans for repairing roadways damaged as a result of construction activities.

L19-36. Given the character of the sediment expected in the basins, the planned operational mode, the distance to neighboring properties, and the landscape buffer proposed between the basins and the neighboring land uses, FRWA determined that a detailed odor potential investigation was not warranted.

The sediment collected in the settling basins is expected primarily to be the larger and heavier particles occurring in the river water as it is diverted through the pump station. These larger particles would be expected to settle in the pump station forebay. That settled material would be collected from the floor of the forebay and pumped to the settling basins. Generally speaking, the majority of the smaller particles won't settle in the forebay and would be pumped into the pipeline. Most odor causing particles are organic material, which would generally be found with the smaller and lighter particles and would also be pumped into the pipeline. Therefore, they would not be expected to be deposited in the settling ponds in significant quantities.

Also, no chemicals are planned to aid in sediment settling within the basins. The expected result of this practice is that the sediment collected in the basins will be mostly inert sand and larger silt particles. Odors during drying of this type of material are expected to be minimal and unobjectionable.

Also, during normal basin operations, a continuously refreshed flow of water would be moving through the basins. This water would cover the settled sediments in the basins and further limit the already minor odor production from the submerged sediments. Flow rates are expected to be high enough to prevent the formation of stagnant water and related odors. Therefore, an odor potential would exist only during summer sediment drying and basin cleaning operations, which, as noted above, are not expected to be significant for the larger sand and silt particles.

Given the distance from the proposed basins to the surrounding land uses, and the proposed landscape buffers, diffusion of minor odors into the overall air stream is expected to be effective for further diluting the minimal onsite odor impact of the facility into the

surrounding air mass. It is also expected that operation of the settling basins will generate less odor than the periodic waste vegetation handling activities that are currently conducted on the site. In conclusion, because the relatively large-diameter size of the sediments to be removed and the absence of small particle size organic-laden sediment, odor issues related to the accumulated sediment are not expected.

L19-37. FRWA will conduct visual pre- and post-construction home inspections, with photographic and/or videographic records and will compensate homeowners if any damage is caused as a result of project construction.

L19-38. The operational noise impacts from the compressors and surge tanks at the intake facility are addressed in the draft EIR/EIS under Significant Operation-Related Noise Impacts on pages 14-30 and 31. In the draft EIR/EIS, these impacts were found to be significant and unavoidable even after available mitigation is implemented. However, after further evaluation and design work, FRWA has identified several measures that can be implemented into the design of the intake facility and appurtenant facilities (e.g., compressors, surge tanks, electrical transformers) that will reduce noise levels associated with these facilities to less-than-significant levels. See the master response for the Intake Site Selection Process and Design for further detail on this subject.

L19-39. As described in Chapter 14 of the draft EIR/EIS, Mitigation Measure 14-1 (page 14-25), FRWA and Reclamation will provide noise shielding to the extent feasible, and the designated noise disturbance coordinator will be responsible for responding to complaints regarding construction noise and ensuring that reasonable measures are implemented to correct any problems.

L19-40. As discussed in response to comment L19-38, FRWA has identified several measures that can be implemented into the design of the intake facility and appurtenant facilities (e.g., compressors, surge tanks, electrical transformers) that will reduce noise levels associated with these facilities to less-than-significant levels. As described in Chapter 2, Project Update of this final EIR/EIS, FRWA has committed to design the intake facilities so that noise will remain at or below background noise levels. As a part of this commitment, FRWA will monitor noise levels once the intake structure is operational to ensure compliance.

L19-41. FRWA will implement measures to control rodents and vermin prior to the start of construction. Measures will include best management practices to limit the disturbance of rodents/vermin. In addition, FRWA will work with Sacramento-Yolo Mosquito & Vector Control District in conjunction with a professional contractor to trap/eliminate rodents/vermin throughout the construction period.

L19-42. As the comment states, the analysis included in the draft EIR/EIS identifies that the intake structure could produce new erosion and scour unless countermeasures are provided. However, as stated in Chapter 2, "Project Description," under Environmental Commitments, Hydrologic Simulation Modeling and Scour Analysis

(page. 2-48), "FRWA will complete an analysis to determine the potential for adverse effects related to scour of levees or the natural channel as a result of in-channel construction or placement of the intake facility. The analysis will identify measures for minimizing or avoiding adverse effects related to scour, erosion, and sedimentation." The first phase of this analysis was completed as part of preparing the draft EIR/EIS. A subsequent, more refined analysis will be carried out in conjunction with the California Reclamation Board encroachment permit process. The California Reclamation Board is charged specifically with regulating encroachments in the flood control system in a manner that will ensure there is no loss of integrity in the flood control system.

L19-43. The California Reclamation Board and the Sacramento Area Flood Control Agency (SAFCA) have both received copies of the draft EIR/EIS, which includes the flood control analysis (Volume 2, Appendix D, "Hydraulic Modeling Report"). While formal comments were not submitted by either agency, preliminary coordination discussions and/or comments made at public meetings indicate that they concur with FRWA's findings. However, the Reclamation Board and SAFCA will both review the hydraulic modeling report and future, more detailed design information and hydraulic modeling reports before issuing the required Reclamation Board encroachment permit to FRWA and Reclamation.

L19-44. The comment is correct in stating that the only chemical use anticipated at the intake site is sodium hypochlorite.

L19-45. The comment is correct in stating that the City's former Meadowview Sewage Treatment Plant adjacent to the proposed intake site is used by the City of Sacramento's Department of Utilities and not the Sacramento Regional County Sanitation District. However, this does not change the results of the analysis in the Draft EIR/EIS.

L19-46. As stated in the draft EIR/EIS in Chapter 16, "Visual Resources," (page 16-19), FRWA is committed to implementing a public process regarding the architectural design of the facility and addressing such issues as visual buffers and lighting standards. The architectural measures recommended for consideration in the comment letter will be included for consideration in the design process.

L19-47. The additional information provided regarding the Victory Trees along Freeport Boulevard near the intake site is noted. Consistent with the comment, the draft EIR/EIS recognizes that the Victory Trees have been evaluated and determined eligible for the National Register of Historic Places. The description in the setting section on page 17-6 will be modified accordingly. However, this does not change the results of the analysis in the Draft EIR/EIS.

STATE OF CALIFORNIA--THE RESOURCES AGENCY

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DEC 17 2003

December 16, 2003

Kurt Kroner, Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Subject: Draft Environmental Impact Report (DEIR) Freeport Regional Water Project; SCH # 2002032132

Dear Mr. Kroner:

I am writing regarding the above-named environmental document for the new 185 million gallons per day capacity intake to be shared by Sacramento County and East Bay Municipal Utility District. The Commission itself has not had the opportunity to review the DEIR so these are staff comments only. They are, however, based on the Delta Protection Act and the Land Use and Resource Management Plan for the Primary Zone of the Delta, the Commission's law and regional plan adopted in 1995.

Project Location and Commission Jurisdiction:
The proposed project is on the Sacramento River and adjacent shoreline in Sacramento County in the Secondary Zone of the Delta. The location is opposite lands in Yolo County which are located in the Primary Zone of the Delta. The Secondary Zone is located outside the Commission's planning area, but the Commission has incorporated recommendations into its regional plan. Commission comments on projects in the Secondary Zone are advisory only.

Comment: The DEIR should describe the proposed project's location within the Legal Delta and within the Secondary Zone of the Delta and directly east of the boundary between the Primary Zone of the Delta and the Secondary Zone of the Delta. The DEIR should describe how the proposed project conforms with the Commission's law and regional plan recommendations.

Impacts on Agricultural Uses in the Delta Primary Zone:
One of the key goals of the Commission's law and regional plan is the protection of agricultural land. The proposed project would be located directly east of actively farmed lands in Yolo County in the Primary Zone of the Delta. The Commission's regional plan recommends the creation of adequate buffers, between 300 and 500 feet wide, between new development and existing land uses in the Delta Primary Zone.

Comment: The DEIR should identify the agricultural lands in Yolo County near the proposed intake and determine if the proposed intake would impact the existing agricultural land use.

Impacts to Recreation in the Primary Zone:
The Commission is charged with protection and enhancement of recreation in the Delta Primary Zone. Some recreation--bank fishing, biking--takes place on the Yolo County levee and additional recreation takes place on the waters of the Sacramento River--fishing, water-skiing, cruising, etc. The proposed structure would protrude significantly into the Sacramento River, thus displacing vessel traffic and impacting the aesthetics and views of boating in the vicinity of the proposed intake.

The proposed structure would be located adjacent to Highway 160, a State of California designed scenic highway. The proposed structure would be clearly visible from the scenic highway, as well as from I-5.

Comment: The DEIR should identify possible impacts to public access and recreation in the Delta Primary Zone, on land and on the water, and evaluate consistency with the Commission's Act and Plan.

Comment: The DEIR should address the visual impacts of the proposed intake structure on Highway 160, a scenic highway. The DEIR should identify possible mitigation measures that could mitigate any identified adverse visual impacts of the proposed intake structures and any other project elements.

Provision of Recreation and Public Access in New Projects in the Secondary Zone:
The Commission's regional plan includes recommendations regarding public access and recreation in the Secondary Zone:

> *R-3: New projects in the Secondary Zone, adjacent to the Primary Zone, should include commercial and public recreation facilities which allow safe, supervised access to and along the Delta waterways (pedestrian and bike trails, launch ramps including small boat launch ramps, windsurfing access, overlooks, nature observation areas, interpretive information, picnic areas, etc.).*

Comment: The DEIR does not address provision of public access and recreation facilities as part of the Freeport Regional Water Project. The DEIR simply states the proposed project would not have a long term adverse impact to the existing and proposed public access in the area. The DEIR should identify possible public access improvements that could be incorporated into the intake site plan, for example, public access trails, benches, and overlooks along the shoreline.

Regional Planning Process: Sacramento River Corridor Planning Forum:
For several months representatives of Cities, Counties, regional and State agencies, and interested parties have been meeting to study construction of physical structures within the Sacramento River channel in the area from the American River south to Courtland. This planning process is on-going and has not yet developed recommendations regarding

construction of physical structures in this portion of the Sacramento River Channel, south of the Cities of West Sacramento and Sacramento.

The water intake project does need to be adjacent to the Sacramento River. However, a substantial structure on pilings, some 900 feet long and the approximate size and shape of the Boathouse Marina structure in Locke, is proposed on pilings in the River channel itself.

Comment: The DEIR should identify and describe the Sacramento River Corridor Planning Process and the status of that planning process. The DEIR should also evaluate an alternative where ONLY the intake pipes and fish screens are located within the Sacramento River Channel, and all other structures and facilities are located on the land side of the existing levee, and set back from the levee an adequate distance to allow for levee inspections and continued regular maintenance.

Thank you for the opportunity to comment on the DEIR for the Freeport Regional Water Project. Please call me if you have any questions about this letter or the Commission and its jurisdiction.

Sincerely,

Margit Aramburu
Executive Director

Cc: Chairman Patrick N. McCarty
Supervisor Don Nottoli
Supervisor Mike McGowan
Mayor Christopher Cabaldon
Linda Fiack, Yolo County Planning
Anna Whalen, Sacramento County Planning
State Clearinghouse

Response to Comments of Delta Protection Commission (Letter L20)

L20-1. Please see comments to Delta Protection Commission's 1/24/04 letter (L24), which supersede comments made in this letter.

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JAN - 7 2004

County of Yolo

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Third District – Frank Sieferman, Jr.
Fourth District – Dave Rosenberg
Fifth District – Lynnel Pollock
County Administrator – Victor Singh

January 6, 2004

Eric F. Mische, General Manager
Freeport Regional Water Authority
1510 J Street, Suite 140
Sacramento CA 95814

Dear Mr. Mische:

SUBJECT: Support for Freeport Regional Project Recommended Site Location
On the East Side of the Sacramento River, near Freeport

The Yolo County Board of Supervisors supports the Freeport Regional Water Authority's selection of Site B on the East Side of the Sacramento River, near Freeport, for the location of facilities as a part of the Freeport Regional Project.

The conclusion of the technical and environmental analysis summarized in the Intake Structure Siting Summary (November 2003) clearly supports that the location of the facility at the preferred site meets identified infrastructure criteria and minimizes potential impacts to the environment. Furthermore, because the City of Sacramento has maintained ownership of the site specifically to support water intake and treatment facilities, the project would not require the acquisition of private property.

In contrast, Sites A and C (West), located on the west side of the River and considered for further review and analysis, have been determined to be infeasible. As provided in more detail in Table 1 of the Siting Summary, these sites would have significant impacts that include: acquisition of land; removal of existing homes and farmland; realignment of South River Road and associated levee impacts; multiple river crossings; subsidence and flow capacity displacement; reverse flow sedimentation; and unavoidable facility visibility. L21-1

The concluding determination that the selected site alternative would have the least potential for posing impacts to land use, water quality, aesthetics, levee maintenance, and agricultural activities is consistent with the comments provided by the County on February 26, 2003 (letter attached). The input provided in the letter, and in the October 7, 2003 staff report to the Board of Supervisors, reflects discussions during public meetings conducted in Yolo County as a part of the public review process.

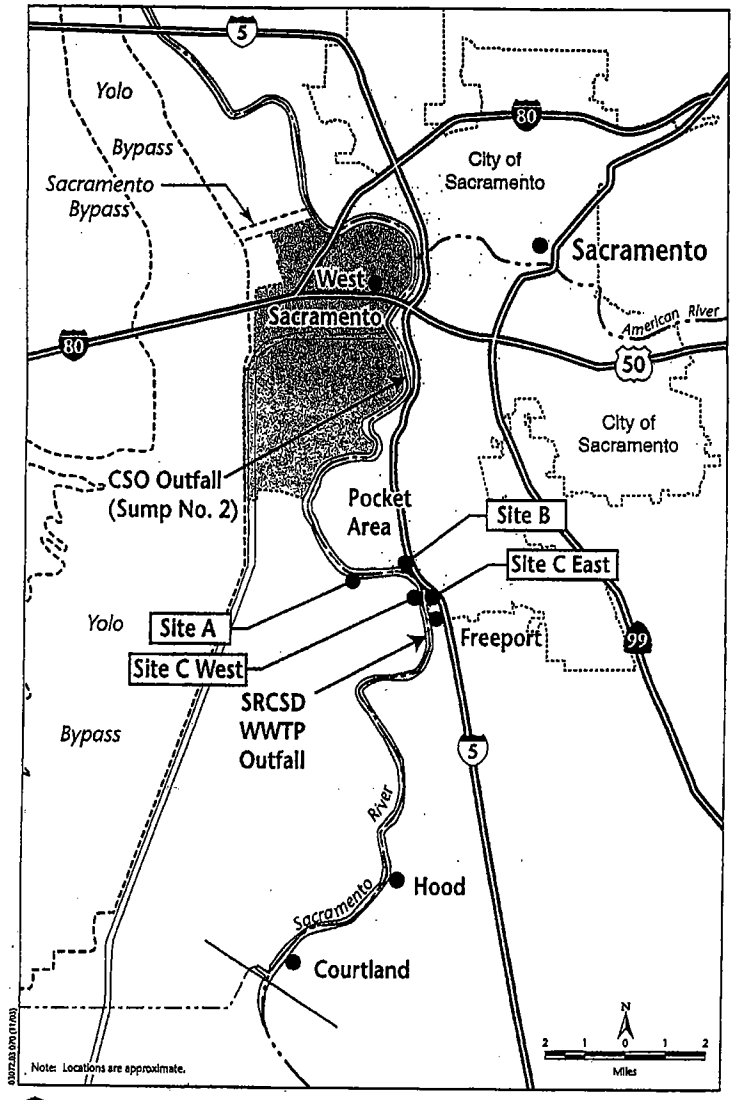
As expressed in my letter dated December 12, 2003 (attached) and herein, as Chairman of the Yolo County Board of Supervisors, you are urged to continue to support the selection of Site B as the preferred alternative. Additionally, support is provided for your intent to certify the appropriate documentation under CEQA, in March, and NEPA, in July, for the adoption of Site B as the preferred alternative.

Sincerely,

Mike McGowan, Chair
Yolo County Board of Supervisors

Attachments

ATTACHMENT B



Jones & Stokes

Figure 1
FRWP Intake Site Limitations

ATTACHMENT C

County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT
292 West Beamer Street Woodland, CA 95695-2598 (530) 666-8775 FAX (530) 666-8728
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JOHN BENCOMO
DIRECTOR

February 26, 2003

Eric F. Mische, General Manager
Freeport Regional Water Authority
1510 J Street, Suite 140
Sacramento CA 95814

Dear Mr. Mische:

SUBJECT: Proposed Freeport Regional Water Project

Your presentation to the Yolo County Board of Supervisors about the proposed Freeport Regional Water Project was very informative. As we discussed after the presentation, staff will continue to work with you to assure that you are provided with input regarding areas of interest and issues of concern, from the County's perspective, throughout the environmental review process. Following is a brief summary of areas and issues noted, to date, that need to be clarified and addressed.

GROUNDWATER:

- Aquifer overdraft, particularly in areas already subject to limited groundwater resources, including upstream areas such as Yolo-Zamora;
- Regional and cumulative competing demands impacting or benefiting potential conjunctive use opportunities; and
- Potential (even minimal) impacts to agricultural, and related, uses of groundwater including farming practices, infrastructure, and regional socio-economic effects.

WATER QUALITY:

- Potential for downstream impacts, particularly to Delta and fishery resources;
- Downstream impacts having the potential for affecting Reclamation District facilities;
- Back-flow and upstream salinity transport;
- Increased turbidity and velocity resulting in increased suspension of solids; and
- Impacts to habitat having the potential to cause changes in seasonal use and alter species attraction;

LAND USE:

- Impacts to riparian habitat, particularly with respect to any disturbance of oak trees;
- Selected sites for upland, as well as crossing facilities and structures, should be confirmed and alternatives considered in selection process should be documented;
- The need for acquisitions or easements should be addressed;
- Any encroachment on upland use, public access, or recreational use should be discussed;
- Benefits and incentives pertaining to Yolo County, such as flood protection (if applicable) should be clarified;
- Levee impacts such as subsidence, erosion, scour and seepage or benefits such as bank stabilization and protection should be discussed;

- Potential impacts and benefits to Yolo Bypass activities facilitated by the Yolo Basin Foundation should be analyzed;
- Potential impacts to the University of California, Davis and the cities of Davis, Yolo, West Sacramento and Woodland should be fully analyzed; and
- Potential impacts to landfill operations, related water use and recycling needs, and waste pond impacts should be analyzed.

CUMULATIVE IMPACTS TO EXISTING SYSTEM:

- The type of modeling necessary to determine potential impacts to the existing system, resulting in displacement of existing capacity, should be implemented taking into consideration known proposed projects such as the SAFCA Regional Project, the West Sacramento/Sacramento Waterfront Master Plans, the Freeport Marina and Captains Table expansions;
- Projected fluctuation in river flows resulting from the proposed diversion should be taken into consideration as to impacts on recreational facilities such as existing marinas;
- Scenarios of surface water use that were analyzed (worse case, etc.) should be documented; and
- Incidental impacts to Yolo County resulting from potential benefits to Sacramento County should be considered and discussed.

MONITORING AND MITIGATION:

- A process for the collection of scientific data to be used for projecting unanticipated impacts should be developed and implemented;
- A process for establishing a mechanism for the funding of mitigation should be put in place;
- The potential for third-party liability should be addressed;
- Agreements executed for implementation of the project should provide flexibility for assuring that unanticipated, as well as anticipated, impacts to Yolo County are addressed; and
- Alternative water use plans during the years free of demand should be clarified.

Please continue to provide the County with the opportunity to provide input and comment throughout the project development and environmental review process. My contact number is (530) 666-8019. Thank you again for taking the time to make your presentation before the Board of Supervisors.

Sincerely,

Linda Flack

Linda Flack
Parks and Resources Manager

cc: Yolo County Board of Supervisors

ATTACHMENT D

County of Yolo

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County Administrator – Victor Singh

December 12, 2003

Eric F. Mische, General Manager
Freeport Regional Water Authority
1510 J Street, Suite 140
Sacramento CA 95814

Dear Mr. Mische:

SUBJECT: Support for Freeport Regional Project Recommended Site Location

As the member of the Yolo County Board of Supervisors representing the 1st District, which includes the City of West Sacramento and the community of Clarksburg, I am in support of the recommended selection of Site B as the preferred alternative. The recent resurgence of questions as to the feasibility of facility siting on the West Side of the River (Sites A and C) has prompted this response.

The conclusion provided in the Intake Structure Siting Summary (November 2003) clearly supports that the location of the facility on City-owned property along the East Side of the Sacramento River satisfactorily meets identified infrastructure criteria, minimizes potential impacts to the environment, and would not require the acquisition of private property. Specifically, the environmental review and analysis process has determined that the preferred site alternative would have the least potential for posing impacts to land use, water quality, aesthetics, levee maintenance, and agricultural activities.

This determination is consistent with the input provided by the County of Yolo in response to information provided in the Alternatives Screening Report and the EIR/EIS prepared by the Bureau of Reclamation and the Water Authority. The attached letter of comment dated February 26, 2003, and staff report to the Board of Supervisors dated October 7, 2003, reflects discussions and input provided during public meetings conducted in the County as a part of the public input process.

You are urged to continue to support the selection of Site B as the preferred alternative. I plan to request that the Board of Supervisors take action in January to provide a letter in support of your Board's intention to certify CEQA documentation, in March, and the Bureau of Reclamation's intention to file a Record of Decision under NEPA, in July, in support of Alternative B.

Sincerely,

Mike McGowan
Supervisor, 1st District
Yolo County Board of Supervisors

Attachments

Response to Comments of Yolo County (Letter L21)

L21-1. The Yolo County Board of Supervisors' support for the intake site considered in the draft EIR/EIS and the analysis that led to its selection is noted.

Letter L22

STATE OF CALIFORNIA—THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *Governor*

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RECEIVED
JAN 13 2004

Agenda Item #10
January 9, 2004

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Proposed Amended Comments on Location of Proposed Intake for Freeport Regional Water Project and Draft Environmental Impact Report [Secondary Zone of the Delta]
(For Public Hearing and Possible Commission Action)

Staff Recommendation:
Review staff report, accept public comments, and determine whether to direct staff to submit a revised comment letter on the proposed Freeport Regional Water Project that supports the proposed location of the intake on the east side of the Sacramento River in the Secondary Zone of the Delta. The revisions to the comment letter reflect the analysis in the "Intake Structure Siting Summary" reviewed by staff in January 2004.

Description of the Proposed Project:
The proposed project is a new water supply intake to serve the Sacramento County Water Agency (SCWA) and East Bay Municipal Utility District (EBMUD). EBMUD would have capacity of up to 100 million gallons a day (MGD) water of exports and SCWA would have capacity of up to 85 mgd. EBMUD has a contract with the Central Valley Project (CVP) for its water. The SCWA would has rights to 15,000 acre feet per year of water from the CVP, is seeking reassignment of 27,000 acre feet per year of water from Sacramento Municipal Utility District, and currently seeking water rights to 16,000 acre feet per year from the State Water Board. In the future, SCWA may seek up to 12,000 acre feet per year of additional water rights. The water is to serve future needs in central Sacramento County.

The proposed intake is located on the Sacramento River to allow the CVP waters to remain in the American River for environmental and recreational purposes. The intake total capacity will be 185 mgd and will include state of the art fish screens.

The EBMUD water will be piped due east to the Folsom South Canal and then south to the Mokelumne Aqueduct near the Camanche Reservoir.

CALFED/California Bay-Delta Authority:
The contract between EBMUD and the Bureau of Reclamation preceded the CALFED planning process, and the Freeport Project is not listed in the CALFED Record of Decision. This is NOT a CALFED project.

Commission Review of the Proposed Project:
In January 2003, the Commission received a Fact Sheet and Public Comment Overview regarding the Freeport Regional Water Project.

In March, 2003, the Commission was briefed on the proposed project by the project manager.

In November 2003, the Draft Environmental Impact Report on the Project was released and staff prepared and submitted the attached comments to meet the review deadline (attached). The proposed project is a new intake structure and associated treatment and pumping facilities to provide drinking water for portions of Sacramento County and for customers of the East Bay Municipal Utility District. The source of the water is Folsom Reservoir; the intake is proposed on the Sacramento River to protect the resources of the American River.

Evaluation of the Location of the Proposed Intake Structure:
In November 2003, a separate report entitled "Intake Structure Siting Summary " was released describing the various locations evaluated for the proposed project. The intake is proposed east of I-5, just south of the Pocket neighborhood in the City of Sacramento on publicly owned land east of the Sacramento River. Other locations were evaluated: two on the west side of the Sacramento River in Yolo County and a more southerly location on the east side of the Sacramento River, north of the Community of Freeport (map attached).

All proposed sites were selected to be an appropriate distance away from any treatment plant discharge pipe and from any marina.

The two sites in Yolo County are both privately-owned; the public road on the levee would be impacted, and the more southerly site would require the relocation of two residences.

The alternative site in Sacramento County is in a straight section of the River, and would not incorporate a bend which new research has shown would move fish away from the intake itself. The site may also require dredging to deepen the River bed adjacent to the proposed intake.

The preferred site in Sacramento County is on a bend in the River, is deep enough to accommodate the intake, and is on publicly-owned land (City of Sacramento).

Delta Primary Zone:
The proposed project includes structures in the waters of the Sacramento River and structures on the shoreline. The boundary between the Primary Zone (Yolo County) and the Secondary Zone (Sacramento County) in the portion of the Delta is the center of the Sacramento River. Currently, the proposed intake and all other structures in the Project are proposed for the Secondary Zone of the Delta.

Delta Protection Act/Commission Authority Over the Proposed Project:
Local government actions approving certain projects, or developments, may be appealed to the Commission. The Delta Protection Act defines "development". The Act also states that "development" does *not* include "the planning, approval, construction, operation, maintenance, reconstruction, alteration, or removal by a...local agency of any water supply facilities or mitigation or enhancement activities undertaken in connection therewith" (Public Resources Code Section 29723(b)(8)). Approval of the proposed project is not subject to the Commission's appeal authority and any comments from the Commission would be advisory.

Land Use and Resource Management Plan for the Primary Zone of the Delta:
The Commission considered utilities and infrastructure in the Plan for the Delta Primary Zone. The Commission's background report indicates that local drinking water needs for the Primary Zone are largely provided by wells. There are no water intakes serving the Secondary Zone located in the Primary Zone. The Commission did adopt a policy that precludes sewage treatment plants that serve the Secondary Zone being located in the Primary Zone.

The Plan states:

> **Policy 1**: Impacts associated with construction of ...utilities can be mitigated by locating new construction in existing utility or transportation corridors or along property lines, and by minimizing construction impacts....To minimize impacts on agricultural practices, utility lines shall follow edges of fields. Pipelines in utility corridors or existing rights-of-way shall be buried to avoid adverse impacts to terrestrial wildlife. Pipelines crossing agricultural areas shall be buried deep enough to avoid conflicts with normal agricultural or construction activities. Utilities shall be designed and constructed to minimize any detrimental effect on levee integrity or maintenance.

The overriding goal of the Commission's Plan is to protect the integrity of the Primary Zone resources and land uses.

Resources and Land Uses in the Primary Zone:

Agriculture: Lands in Yolo County on the west side of the Sacramento River are in agricultural land use.
The project should be designed and managed to ensure there will be no adverse impact to the agricultural land use.

Wildlife Habitat: The Sacramento River is part of the migratory route for endangered salmon and all the waters of the Legal Delta are critical habitat for the Delta smelt. The proposed intake is located in the waters of the River and includes a large, pile-supported structure.
The intake includes fish screens. The project should be designed and managed to minimize or eliminate impacts to endangered and/or threatened fish species.

Recreation: The Sacramento River is a very popular recreation area and this site is near the Garcia Bend free public launch ramp. The facility is very popular for fishermen year round, recreational boaters, and jet-skiers. A larger structure built over and into the River will remove physical areas from current recreation use and have a visual impact to those recreational users. Noises from the water treatment facility and/or the pumps may have an adverse impact on recreational users on the River.
The proposed facility should be located, designed and managed to avoid adverse impacts on the existing land and water recreation uses.

Levees: The proposed project, if located in the Secondary Zone, would pipe the water over the existing levee, thus eliminating impacts to the existing levee.
The project should be designed and managed to ensure there will be no adverse impact to the levees.

Proposed Further Comments on the Proposed Freeport Intake Structure:

- Utilities serving the Secondary Zone should not be located in the Primary Zone to protect the resources and land uses of the Primary Zone, unless the project can be located and designed to not adversely impact the Primary Zone.
- Proposed projects in the Secondary Zone, but adjacent to the Primary Zone, should carefully and thoughtfully analyze any possible impacts to the resources and land uses of the Primary Zone.
- Impacts of concern include: incompatible land uses, impacts to aquatic and terrestrial habitat, impacts to recreation, impacts to agriculture, and possible impacts to levee stability.
- Projects that could adversely impact the resources and land uses of the Delta Primary Zone should take all precautions and make all impacts to minimize or eliminate those impacts.

Note: Proposed Changes are bolded and underlined.

January 24, 2004
December 16, 2003

Kurt Kroner, Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Subject: **Revised Comment Letter on** Draft Environmental Impact Report (DEIR)
Freeport Regional Water Project; SCH # 2002032132

Dear Mr. Kroner:

I am writing regarding the above-named environmental document for the new 185 million gallons per day capacity intake to be shared by Sacramento County Water Agency and East Bay Municipal Utility District. **The Commission discussed the proposed project at its meeting of January 22, 2004 and directed staff to submit amended comments on the DEIR for the proposed project.** [The Commission itself has not had the opportunity to review the DEIR so these are staff comments only. They are, however, based on the Delta Protection Act and the Land Use and Resource Management Plan for the Primary Zone of the Delta, the Commission's law and regional plan adopted in 1995.]

Project Location and Commission Jurisdiction:
The proposed project is on the Sacramento River and adjacent shoreline in Sacramento County in the Secondary Zone of the Delta. The location is opposite lands in Yolo County in the Primary Zone of the Delta. The Secondary Zone is located outside the Commission's planning area, but the Commission has incorporated recommendations into its regional plan. Commission comments on projects in the Secondary Zone are advisory only.

Comment: The DEIR should describe the proposed project's location within the Legal Delta and within the Secondary Zone of the Delta and directly east of the boundary between the Primary Zone of the Delta and the Secondary Zone of the Delta. The DEIR should describe how the proposed project conforms with the Commission's law and regional plan recommendations.

Impacts on Agricultural Uses in the Delta Primary Zone:
One of the key goals of the Commission's law and regional plan is the protection of agricultural land. The proposed project would be located directly east of actively farmed lands in Yolo County in the Primary Zone of the Delta. The Commission's regional plan recommends the creation of adequate buffers, between 300 and 500 feet wide, between new development and existing land uses in the Delta Primary Zone.

Comment: The DEIR should identify the agricultural lands in Yolo County near the proposed intake and determine if the proposed intake would impact the existing agricultural land use.

Comment: The proposed location of the intake on the east side of the Sacramento River appears to have the least impact on agricultural land uses in the Delta Primary Zone.

Impacts to Recreation in the Primary Zone:
The Commission is charged with protection and enhancement of recreation in the Delta Primary Zone. Some recreation--bank fishing, biking--takes place on the Yolo County levee and additional recreation takes place on the waters of the Sacramento River--fishing, water-skiing, cruising, etc. The proposed structure would protrude significantly into the Sacramento River, thus displacing vessel traffic and impacting the aesthetics and views of boating in the vicinity of the proposed intake.

The proposed structure would be located adjacent to Highway 160, a State of California designed scenic highway. The proposed structure would be clearly visible from the scenic highway, as well as from I-5.

Comment: The DEIR should identify possible impacts to public access and recreation in the Delta Primary Zone, on land and on the water, and evaluate consistency with the Commission's Act and Plan.

Comment: The DEIR should address the visual impacts of the proposed intake structure on Highway 160, a scenic highway. The DEIR should identify possible mitigation measures that could mitigate any identified adverse visual impacts of the proposed intake structures and any other project elements.

Provision of Recreation and Public Access in New Projects in the Secondary Zone:
The Commission's regional plan includes recommendations regarding public access and recreation in the Secondary Zone:

> *R-3: New projects in the Secondary Zone, adjacent to the Primary Zone, should include commercial and public recreation facilities which allow safe, supervised access to and along the Delta waterways (pedestrian and bike trails, launch ramps including small boat launch ramps, windsurfing access, overlooks, nature observation areas, interpretive information, picnic areas, etc.).*

Comment: The DEIR does not address provision of public access and recreation facilities as part of the Freeport Regional Water Project. The DEIR simply states the proposed project would not have a long term adverse impact to the existing and proposed public access in the area. The DEIR should identify possible public access improvements that could be incorporated into the intake site plan, for example, public access trails, benches, and overlooks along the shoreline.

Impacts to Levee Integrity:
Alternative intake locations on the west side of the River in the Primary Zone would require acquisition of private land, realignment of South River Road and associated levee impacts.

Comment: The proposed location of the intake on the east side of the Sacramento River appears to have the least impact on levee integrity in the Delta Primary Zone.

Regional Planning Process: Sacramento River Corridor Planning Forum:
For several months representatives of Cities, Counties, regional and State agencies, and interested parties have been meeting to study construction of physical structures within the Sacramento River channel in the area from the American River south to Courtland. This planning process is on-going and has not yet developed recommendations regarding construction of physical structures in this portion of the Sacramento River Channel, south of the Cities of West Sacramento and Sacramento.

The water intake project does need to be adjacent to the Sacramento River. However, a substantial structure on pilings, some 900 feet long and the approximate size and shape of the Boathouse Marina structure in Locke, is proposed on pilings in the River channel itself.

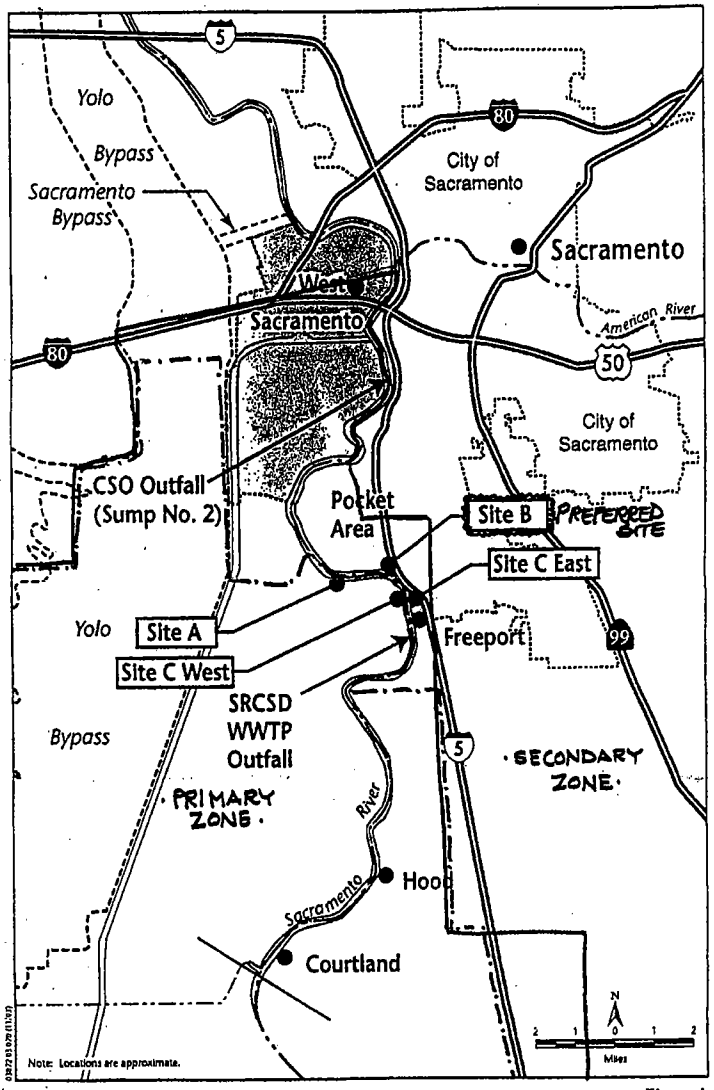
Comment: The DEIR should identify and describe the Sacramento River Corridor Planning Process and the status of that planning process. The DEIR should also evaluate an alternative where ONLY the intake pipes and fish screens are located within the Sacramento River Channel, and all other structures and facilities are located on the land side of the existing levee, and set back from the levee an adequate distance to allow for levee inspections and continued regular maintenance.

Thank you for the opportunity to comment on the DEIR for the Freeport Regional Water Project. Please call me if you have any questions about this letter or the Commission and its jurisdiction.

Sincerely,

Margit Aramburu
Executive Director

Cc: Chairman Patrick N. McCarty
Supervisor Don Nottoli
Supervisor Mike McGowan
Mayor Christopher Cabaldon
Linda Fiack, Yolo County Planning
Anna Whalen, Sacramento County Planning
State Clearinghouse



Jones & Stokes

Figure 1
FRWP Intake Site Limitations

STATE OF CALIFORNIA—THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *Governor*

DELTA PROTECTION COMMISSION
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MEETING NOTICE AND PROPOSED AGENDA

Delta Protection Commission
Thursday, January 22, 2004
Jean Harvie Community Center, 14273 River Road, Walnut Grove

Note: Staff reports for this meeting, plus a copy of this notice and agenda are available on the Commission's website: www.delta.ca.gov

1. **Call to Order/Roll Call**
2. **Public Comment**
3. **Minutes of the Last Meeting**
4. **Chairman's Report**
5. **Commissioner Comments/Announcements**
6. **Attorney General's Report**
7. **Executive Director's Report**
   - Pending Projects Memo

8. **CALFED Activities and Projects**
   - Briefing/Update (Ron Ott, Delta Coordinator)
   - **Designate the CALFED Committee to Prepare Comments on the Draft "Delta Regional Profile" to Submit to the California Bay-Delta Authority**
     (For Commission Action)

9. **Consider Sending a Letter To Governor Schwarzenegger Regarding Reappointment of Patrick Johnston as the Delta Regional Representative on the California Bay Delta Authority**
   (For Public Hearing and Possible Commission Action)
   The 19-member CBDA has five regional representatives appointed by the Governor. Patrick Johnston was appointed to a one-year term as the representative of the Delta region. The Commission should consider sending a letter to Governor Schwarzenegger asking that he reappoint Mr. Johnston as the representative of the Delta region. Mr. Johnston has participated on the CBDA, has critical knowledge and understanding of Delta issues, has ability to communicated with different interests in the Delta region, and has indicated his interest in being reappointed to the CBDA.

10. **Position on Freeport Regional Water Project Intake Location**
    (For Public Hearing and Possible Commission Action)
    The Freeport Regional Water Project, to serve water users in the East Bay and Sacramento County), has released a draft environmental impact report on the proposed project and a supplemental report describing the analysis of various locations for the intake. The intake is currently proposed on publicly-owned land in the City of Sacramento, in the Secondary Zone of the Delta. Concerns have been raised by nearby residents about the proposed intake location. The Commission will review the analysis of alternative intake locations, and possibly take a position against relocating the proposed intake in the Primary Zone of the Delta. The Commission had a briefing on the proposed project in January 2003.

11. **Evaluation of City of Rio Vista's Proposed Sewage Treatment Plant Under Utilities and Infrastructure Policy P-3 [Primary Zone]**
    (For Public Hearing and Possible Commission Action)
    The Commission will review the revised sewage treatment plant proposal for the City and determine if it meets the criteria of Policy P-3.

12. **Review and Discussion of Budget Process and Report from Secretary of Resources Mike Chrisman to Joint Legislative Budget Committee)**
    (For Commission Information Only)
    Staff will brief the Commission on the hearing scheduled for November 12, 2003.

13. **Consider and Adopt Comments on Future of the Commission**
    (For Public Hearing and Possible Commission Action)
    The Commissions will discuss position to forward to Delta Legislators and Secretary of Resources regarding Future of the Commission

14. **Consider and Adopt Annual Report for 2003**
    (For Public Hearing and Possible Commission Action)

15. **Report on Acquisitions in the Delta Primary Zone in 2003**
    (For Commission Information Only)

16. **Adjourn**

Committee Meetings:

Agriculture Committee/RC&D Steering Committee:
Thursday, January 29, 2004, 2 to 4 p.m.
Jean Harvie Community Center, 14273 River Road, Walnut Grove
- **Status Report on AFT Delta Ag Study**
- **RC&D Actions**

CALFED Committee
Wednesday, February 4, 2004, 2 to 4 p.m.
Jean Harvie Community Center, 14273 River Road, Walnut Grove
- **Delta Regional Profile**
- **Update on CALFED Projects in Delta**

Response to Comments of Delta Protection Commission (Letter L22)

L22-1. Please see comments to Delta Protection Commission's 1/24/04 letter (Letter L24), which supersede comments made in this letter.

Letter L23

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DEPARTMENT OF
PARKS AND RECREATION

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET, #400
SACRAMENTO, CA
95814-2997

PARK PLANNING, DESIGN &
DEVELOPMENT DIVISION

916 808-8529

January 20, 2004

Kurt Kroner
Environmental Manager
Freeport Regional Water Authority
1510 J Street, Suite 140
Sacramento, CA 95814

Subject : Freeport Regional Water Project
Draft Environmental Impact Report/Environmental Impact Statement

Dear Mr. Kroner:

The Department of Parks and Recreation appreciates the opportunity to review and comment on the Draft Environmental Impact Report/Environmental Impact Statement for the Freeport Regional Water Project. Our meeting with you, followed by a meeting with Dave Brent, the Engineering Services Manager for the City Department of Utilities, further clarified the possible impact this project would have on park and recreation facilities in the vicinity. Mr. Brent provided comments related to park issues in his letter dated December 15, 2003.

As Director of the Department of Parks and Recreation I would like to reinforce the issues related to parks in Mr. Brent's letter, and further discuss our concerns and recommend mitigation for impacts by the pipeline project to the park and recreation facilities.

In your discussion with staff, you indicated there was a definite possibility the pipeline would go through the Bill Conlin Sports Complex located east of Freeport Blvd. adjacent to Interstate 5. The Sports Complex is a master planned facility extensively used for soccer and baseball activities. The sports activities begin in January with youth baseball and continue through the end of October with both soccer and youth baseball. Additionally, the facility is used in November and December on weekends for practice and tournament play.

If the pipeline project were to require a 130 foot right-of-way, inclusive of an 80 - foot permanent operation corridor and a 50 - foot temporary construction corridor on the east edge of the park, it would impact three existing baseball fields, one soccer field and a future baseball field planned for phase three construction in the sports complex. It is imperative that a mitigation plan be developed to alleviate this impact. The City does not have any existing alternative park sites that could accommodate the displaced use of these facilities. Mitigation measures should consider the possible renovation of other sites for temporary use during the construction period.

L23-1

The master plan approved for this site also includes lighted sports fields. Will sports lighting be allowed within the right-of-way? If not, mitigation must be identified to address this issue and provide for the development of an alternative site that can accommodate lighted sports fields. The need for such facilities is a very high priority for the community and the Department.

Construction period conflicts are also of concern to us. We anticipate not only the fields adjacent to Interstate 5 but also the remaining sports fields and parking lot could be impacted during the construction period. Mitigation measures for the sports complex should address impacts related to construction related traffic, existing parking lot impacts, all field use during construction, increased noise, dust from trenching and ground disturbances, the equipment staging area location and the soil removal storage area.

It is also our understanding the project will include the construction of a micro-tunnel under Interstate 5 adjacent to the park site. Since this construction may also impact the park, it is recommended the construction occur simultaneously with the construction of the pipeline if possible to minimize the impact to the park site and its users.

The design of any FRWA temporary or permanent facilities that may encroach on the park site must be coordinated with the Parks and Recreation Department Parks Planning, Design and Development Division. The removal of any existing turf, irrigation, trees or facilities must be mitigated. The preservation of existing trees is a priority. Maintaining the "Victory Trees" adjacent to Freeport Blvd. as a cultural resource is of importance to us as well. The Department would require complete replacement and renovation of any facilities or land disturbed due to the construction of the pipeline or other appurtenant facilities. The construction timing and field use mitigation would also have to be coordinated with our Recreation Division.

The environmental report for the project also discusses the Sacramento River Parkway Plan, the South Pocket Specific Plan and the Pocket Area Community Plan as they relate to the proposed pipeline intake facility site as a major parkway recreational node. The node as identified in the plans was designated to provide a variety of permanent recreational related improvements such as lawn, picnic areas, restrooms, parking and a bicycle staging area. These facilities, if displaced from this area, would need to be mitigated in another location in close proximity to the bike trail.

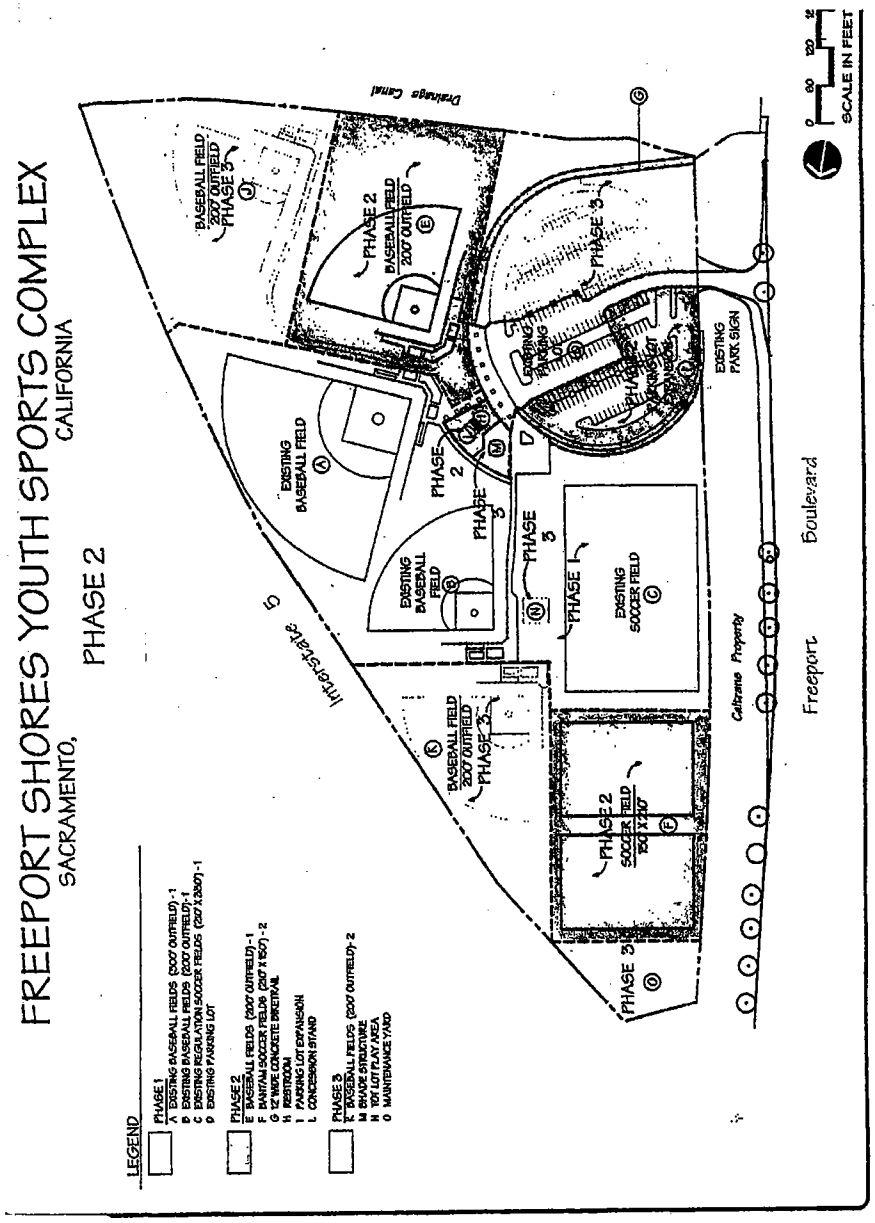
L23-2

In closing, we anticipate continued dialogue regarding the Freeport Regional Water Project and look forward to working with you to mitigate our concerns. If you have questions regarding these comments, please contact Janet Baker, Park Development Manager at (916) 808-8234.

Sincerely,

Robert G. Overstreet
Director

cc: Mayor Fargo
Councilmembers
Bob Thomas
Gary Reents
Dave Brent
Janet Baker



Response to Comments of the City of Sacramento Department of Parks and Recreation (Letter L23)

L23-1. The exact pipeline alignment has not yet been determined in some locations. The actual alignment will be further developed during future engineering analyses and the final design of the system. The construction schedule restrictions and other measures listed by the City of Sacramento Parks and Recreation District to help minimize impacts on the site appear reasonable, and every effort will be made to fully coordinate the pipeline work with the existing and planned uses for the area. Also, the completed pipeline is not likely to result in significant long-term recreational use restrictions for the site. However, as described below, Impact 6-2, in Chapter 6, "Recreation," is being modified to better clarify the potential impacts raised by the City of Sacramento and more fully explain how the Environmental Commitments described in Chapter 2 of the draft EIR/EIS would minimize these impacts.

Impact 6-2: Temporary Disruption to Recreational Opportunities during Construction of the Pipeline from the Freeport Intake Facility to the Zone 40 Surface WTP/FSC

Construction of any of the pipeline alignment alternatives that connect the intake facility with the Zone 40 Surface WTP and the FSC would temporarily disrupt recreation facilities within the City of Sacramento, the South Sacramento area, and the Southgate Recreation and Parks District. As described in Chapter 2 of the draft EIR/EIS, "Project Description," FRWA has incorporated several environmental commitments into the FRWP alternatives in order to avoid, minimize, or mitigate effects associated with the proposed project. Those environmental commitments identified by FRWA that would be implemented as appropriate in order to avoid or reduce potential impacts on recreational resources associated with construction of the pipeline alignment alternatives include:

- replacement of existing landscaping affected by construction (page 2-44 of the draft EIR/EIS);
- coordination with planned improvements (e.g., raised medians, turn lanes, street alignments) to minimize disruptions associated with those projects and other projects (e.g., light rail) (page 2-44 of the draft EIR/EIS);
- restoration of community facilities (e.g., parks, golf courses, trails including all features associated with the Bill Conlin/Freeport Shores Complex and the Wildhawk Golf Course) affected by construction to preproject conditions (page 2-44 of the draft EIR/EIS),
- development and implementation of a project planning, coordination, and communication plan that will ensure that all environmental commitments are implemented consistent with local agency policies and that any potential conflicts with other activities are limited (page 2-51 of the draft EIR/EIS), and

- implementation of a traffic control plan (page 2-45 of the draft EIR/EIS). This plan will maintain access, provide alternate routes, and minimize potential traffic impacts on recreational facilities, including parks, sidewalks, bike lanes, and recreation trails, along the pipeline alignments during construction.

More specifically, FRWA will coordinate the location and design, including any permanent surface features (e.g., manholes), associated with the pipeline with existing and planned improvements to recreational facilities, including the Bill Conlin/Freeport Shores sports complex and the Wildhawk golf course. FRWA's coordination will also include construction schedule information, allowing the City of Sacramento Parks Department and the Southgate Recreation and Parks District or any other recreation agency to address and manage ahead of time for the temporary closure of facilities and relocation of recreational activities, including locating replacement facilities if necessary. To the extent feasible, construction through recreational facilities will occur during the off-seasons (e.g., September to November). Additionally, if any location within a recreational facility is used for jacking the pipeline for trenchless construction methods (i.e., tunneling), this operation will be performed in parallel with trench construction of the pipeline to minimize downtime of these recreational facilities. Overall, to the extent feasible, existing features within the recreational facilities will be preserved, including any existing landscaping. All features that cannot be preserved will be replaced following pipeline installation. With implementation of these environmental commitments, the impact on recreation will be less than significant.

L23-2. As described on page 6-23 of the draft EIR/EIS under Impact 6-8, the location of the intake facility at the proposed site does not preclude implementation of planned recreational improvements described in the Sacramento River Parkway Plan or the Pocket Area Community Plan. Furthermore, as described above under response L23-1, FRWA has committed to development and implementation of a project planning, coordination, and communication plan that will ensure that all environmental commitments are implemented consistent with local agency policies and that any potential conflicts with other activities are limited (page 2-51 of the draft EIR/EIS). Adequate coordination during the detailed design phase will allow the FRWP and the proposed recreational improvements to coexist and possibly complement one another.

STATE OF CALIFORNIA—THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

DELTA PROTECTION COMMISSION
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Amended January 24, 2004
December 16, 2003

Kurt Kroner, Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Subject: **Revised Comment Letter on** Draft Environmental Impact Report (DEIR)
Freeport Regional Water Project; SCH # 2002032132

Dear Mr. Kroner:

I am writing regarding the above-named environmental document for the new 185 million gallons per day capacity intake to be shared by Sacramento County Water Agency and East Bay Municipal Utility District. The Commission itself has not had the opportunity to review the DEIR so these are staff comments only. They are, however, based on the Delta Protection Act and the Land Use and Resource Management Plan for the Primary Zone of the Delta, the Commission's law and regional plan adopted in 1995.

Project Location and Commission Jurisdiction:
The proposed project is on the Sacramento River and adjacent shoreline in Sacramento County in the Secondary Zone of the Delta. The location is opposite lands in Yolo County in the Primary Zone of the Delta. The Secondary Zone is located outside the Commission's planning area, but the Commission has incorporated recommendations into its regional plan. Commission comments on projects in the Secondary Zone are advisory only.

Comment: The DEIR should describe the proposed project's location within the Legal Delta and within the Secondary Zone of the Delta and directly east of the boundary between the Primary Zone of the Delta and the Secondary Zone of the Delta. The DEIR should describe how the proposed project conforms with the Commission's law and regional plan recommendations. L24-1

Impacts on Agricultural Uses in the Delta Primary Zone:
One of the key goals of the Commission's law and regional plan is the protection of agricultural land. The proposed project would be located directly east of actively farmed lands in Yolo County in the Primary Zone of the Delta. The Commission's regional plan recommends the creation of adequate buffers, between 300 and 500 feet wide, between new development and existing land uses in the Delta Primary Zone.

Comment: The DEIR should identify the agricultural lands in Yolo County near the proposed intake and determine if the proposed intake would impact the existing agricultural land use. L24-2

Comment: The proposed location of the intake on the east side of the Sacramento River appears to have the least impact on agricultural land uses in the Delta Primary Zone. L24-3

Impacts to Recreation in the Primary Zone:
The Commission is charged with protection and enhancement of recreation in the Delta Primary Zone. Some recreation--bank fishing, biking--takes place on the Yolo County levee and additional recreation takes place on the waters of the Sacramento River--fishing, water-skiing, cruising, etc. The proposed structure would protrude significantly into the Sacramento River, thus displacing vessel traffic and impacting the aesthetics and views of boating in the vicinity of the proposed intake.

The proposed structure would be located adjacent to Highway 160, a State of California designed scenic highway. The proposed structure would be clearly visible from the scenic highway, as well as from I-5.

Comment: The DEIR should identify possible impacts to public access and recreation in the Delta Primary Zone, on land and on the water, and evaluate consistency with the Commission's Act and Plan. L24-4

Comment: The DEIR should address the visual impacts of the proposed intake structure on Highway 160, a scenic highway. The DEIR should identify possible mitigation measures that could mitigate any identified adverse visual impacts of the proposed intake structures and any other project elements. L24-5

Provision of Recreation and Public Access in New Projects in the Secondary Zone:
The Commission's regional plan includes recommendations regarding public access and recreation in the Secondary Zone:

> *R-3: New projects in the Secondary Zone, adjacent to the Primary Zone, should include commercial and public recreation facilities which allow safe, supervised access to and along the Delta waterways (pedestrian and bike trails, launch ramps including small boat launch ramps, windsurfing access, overlooks, nature observation areas, interpretive information, picnic areas, etc.).*

Comment: The DEIR does not address provision of public access and recreation facilities as part of the Freeport Regional Water Project. The DEIR simply states the proposed project would not have a long term adverse impact to the existing and proposed public access in the area. The DEIR should identify possible public access improvements that could be incorporated into the intake site plan, for example, public access trails, benches, and overlooks along the shoreline. L24-6

Impacts to Levee Integrity:
Alternative intake locations on the west side of the River in the Primary Zone would require acquisition of private land, realignment of South River Road and associated levee impacts.

Comment: The proposed location of the intake on the east side of the Sacramento River appears to have the least impact on levee integrity in the Delta Primary Zone. L24-7

Regional Planning Process: Sacramento River Corridor Planning Forum:
For several months representatives of Cities, Counties, regional and State agencies, and interested parties have been meeting to study construction of physical structures within the Sacramento River channel in the area from the American River south to Courtland. This planning process is on-going and has not yet developed recommendations regarding construction of physical structures in this portion of the Sacramento River Channel, south of the Cities of West Sacramento and Sacramento.

The water intake project does need to be adjacent to the Sacramento River. However, a substantial structure on pilings, some 900 feet long and the approximate size and shape of the Boathouse Marina structure in Locke, is proposed on pilings in the River channel itself.

Comment: The DEIR should identify and describe the Sacramento River Corridor Planning Process and the status of that planning process. The DEIR should also evaluate an alternative where ONLY the intake pipes and fish screens are located within the Sacramento River Channel, and all other structures and facilities are located on the land side of the existing levee, and set back from the levee an adequate distance to allow for levee inspections and continued regular maintenance. L24-8

Thank you for the opportunity to comment on the DEIR for the Freeport Regional Water Project. Please call me if you have any questions about this letter or the Commission and its jurisdiction.

Sincerely,

Margit Aramburu
Executive Director

Cc: Chairman Patrick N. McCarty
Supervisor Don Nottoli
Supervisor Mike McGowan
Mayor Christopher Cabaldon
Linda Fiack, Yolo County Planning
Anna Whalen, Sacramento County Planning
State Clearinghouse

Response to Comments—Delta Protection Commission (Letter L24)

L24-1. As the comment notes, portions of the FRWP are located within the Secondary Zone of the Delta, directly east of the boundary between the Primary Zone of the Delta and the Secondary Zone of the Delta. At the location of the intake site, the boundary between the Primary Zone and Secondary Zone is the middle of the Sacramento River, as defined by the Delta Protection Act. The components of the FRWP that lie within the Secondary Zone include the intake site and approximately 1-1.5 miles of the pipeline alignment. The intent of the Delta Protection Act is to guide the conservation and enhancement of the natural resources of the Delta, while sustaining agriculture and meeting increased recreational demand. As indicated by the analysis in the draft EIR/EIS, implementation of the FRWP will have minimal impacts on the environment, including those under the jurisdiction of the Delta Protection Commission. The FRWP conforms with the Delta Protection Commission's law and regional plan recommendations.

L24-2. The comment is correct in identifying the agricultural lands immediately across the Sacramento River from the FRWP intake site. However, based on the results of the analysis in the draft EIR/EIS, there would be no significant short-term construction or long-term operational impacts on the productivity of those agricultural lands. More specifically, no facilities are proposed to be located in Yolo County (see Chapter 2, Project Description) and all impacts on water supply and water quality were found to be less than significant (see Chapters 3 and 4 of the draft EIR/EIS, respectively). In summary, the analysis indicates that the FRWP would not have an effect on the existing agricultural land use within Yolo County.

L24-3. The summary of the intake screening process supports the comment that the intake location at the City of Sacramento site would have less impact on agricultural land uses in the Delta Primary Zone when compared to the two Yolo County intake locations considered in the project development process.

L24-4. The recreation chapter of the draft EIR/EIS does evaluate the impacts of the FRWP on recreation resources, including public access, and on visual resources. In all cases, impacts on recreation and visual resources associated with the intake structure are found to be less than significant. The FRWP is consistent with the Delta Protection Commission's law and regional plan recommendations.

L24-5. The draft EIR/EIS does address the potential visual impacts associated with the various project elements and State Route (SR) 160. The draft EIR/EIS identifies SR 160 as an officially designated state scenic highway on page 16-5. It goes on to explain that the intake structure and other related aboveground facilities will not be visible from most locations along SR 160 because of the distance of the roadway from the proposed structures, the difference in elevation between the roadway and the intake site (the roadway is lower than the proposed intake site), and because the levee and railroad tracks that are between SR 160 and the intake site frequently block the line of site from the roadway to the intake site. However, the draft EIR/EIS does reference FRWA's

commitment to implement a public process regarding the architectural design of the intake facility and addressing such issues as visual buffers and lighting standards to minimize any impacts that may result from construction of the intake facility. Construction of the pipeline that would cross under SR 160 will not result in substantial effects on visual resources as construction will be short-term in nature; its long-term operation will not result in substantial effects on visual resources because the pipeline will be underground and the land surface will be restored similar to its original condition.

L24-6. Consistent with CEQA and NEPA, the draft EIR/EIS accurately analyzes the impacts that the FRWP may have on existing and proposed recreation resources, including public access. However, FRWA and Reclamation appreciate the recommendations made in the Delta Protection Commission's regional plan regarding public access and recreation. While public access is not a requirement under CEQA or NEPA, FRWA is discussing options for incorporating public access features into the project at the intake site that would generally be consistent with the Delta Protection Commission's recommendations. These discussions are currently underway with local government agencies, nearby residents, and members of the public. This process will continue through the design phase, at which time any features agreed to will be incorporated into the design.

L24-7. The summary of the intake screening process supports the comment that the intake location at the City of Sacramento site would have less impact on levee integrity in the Delta Primary Zone when compared to the two Yolo County intake locations considered in the project development process.

L24-8. FRWA and USBR are aware of the Sacramento River Corridor Planning Forum and have coordinated with a majority of the agencies signatory to the Memorandum of Understanding that originally formed the Forum. FRWA plans to continue this coordination through the design process. The Sacramento River Corridor Planning Forum is currently transitioning its focus from the downtown reach of the river (from the confluence of the American River downstream to the entrance to the Deepwater Ship Channel) to those areas upstream and downstream of downtown Sacramento/West Sacramento (from the Fremont Weir downstream to Courtland). The FRWP intake facility is within this reach between downtown Sacramento and Courtland. The hydraulic modeling analysis conducted thus far for the FRWP is consistent with the guidance developed to date by the Forum. The FRWP as described and analyzed in the draft EIR/EIS includes only facilities within the Sacramento River channel that are absolutely necessary, and the overall length of the intake structure would be approximately 225 feet. All other facilities are located on the landside of the levee. Furthermore, all facilities are situated in a manner that will allow routine and emergency levee inspections and maintenance activities as required by the California State Reclamation Board and the local maintaining agency.

Chapter 7

Responses to Comments from Special Interest Groups

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OCT 0 6 2003

October 2, 2003

Letter Sp1

Mr. Kurt Kroner
Freeport Regional Water Project
DRAFT EIR/EIS Comments
Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Dear Sir:

Subject: Comments on DRAFT Environmental Impact Report/ Environmental Impact Statement. Freeport Regional Water Project of Sacramento County Water Agency (SCWA) and the East Bay Municipal Utility District (EBMUD).

For ease of review, my comments are submitted in three parts as follows: **1. Summary comments with specific recommendations; 2. Introduction and Overview Comments; and, 3. Thoughts and some specific comments and concerns**

Summary comments with specific recommendations

From a public perspective, the Freeport Regional Water Authority (FRWA) is a government unto itself. The Board of Directors of FRWA is composed of individuals that are elected, but not elected directly to its Board by the people. There does not appear to be a direct line between the FRWA Directors and the electorate. Will one have to go through various entities of FRWA such as EBMUD, the SCWA and the City of Sacramento or the Bureau to attain corrective action via negotiation or it could take a lawsuit to get somebody's attention. Sp1-1

The Freeport Regional Water Diversion Project is touted as being consistent with the Water Forum Agreement. EBMUD did not sign the Agreement. Both the City of Sacramento and the County of Sacramento signed the Agreement and are area-of-origin entities. EBMUD is a non-area-of-origin entity that joined forces with Sacramento County and its sub unit SCWA to gain a leg up over those entities presently taking or desiring to obtain a Delta water supply. Any local opposition to EBMUD's involvement would end up opposing the action by an area-of-origin entity like the SCWA. Sp1-2

The Bureau of Reclamation (Bureau) / EBMUD and SCWA contracts do not over rule or supersede the needs to protect public trust resources, uses and values. It was noted that EBMUD retains the opportunity to take delivery of water from the Folsom South Canal. Sp1-3

The Freeport Diversion Project is being touted at less than 2% of the total State and Federal diversions from the Delta system. The seemingly minor, less than significant impacts, attributable to this Freeport Diversion Project along with numerous other projects with less than significant impacts contribute to and result in significant cumulative impacts to public trust interests including water quality, aquatic resources, ecological uses and values of the Bay – Delta system. One only has to look at the past impacts that were deemed minor to insignificant, to see that the cumulatively have had a severe impact the Sacramento River and Delta to water quality, fish resources and riparian habitat and other uses protected by the public trust. Sp1-4

The amount of water to be diverted will come out of existing storage and uses at the expense of other existing uses and values. The closest Federal storage facility is Folsom Reservoir. Sp1-4 cont

Presently a revised OCAP is being formulated for the CVP and will most likely include the SWP. To my knowledge this planning does not include the Water Forum's Lower American River Flow Management Plan and its associated flow standard. A completed OCAP incorporating the Water Forum's Lower American River flow standard / regimen and the Biological Opinion of NOAA Fisheries with flow and temperature criteria for the Lower American River, will help determine the flexibility of the CVP facilities and associated impacts to selected delivery actions. Sp1-5

All impacts should be identified. The Bureau / SCWA / EBMUD must develop mitigation means and measures and then implement them in a timely manner. Monitoring program must be undertaken to determine if the mitigation actions are doing what they were designed to do in an acceptable manner. If not, corrective action must be taken. Sp1-6

Those impacts not mitigated or replaced in some way will constitute another subsidy by the public of this Freeport Diversion Project. All this is at the expense of the public trust resources, uses and interests of the area of origin, such as Shasta and Trinity Reservoirs on the Sacramento and Trinity Rivers respectively and at Folsom Reservoir on the American River. Sp1-7

A major question remains, "How will the delivery of EBMUD's water via the Freeport Diversion / Folsom South Canal / Mokelumne Adequct / Peripheral Canal impact fish resources and water quality of those Californians who drink water divert from the Delta? To say it another way — How does the construction and operation of Sacramento County / EBMUD's Freeport Project, by-passing the Delta as a peripheral canal, rate as being in the overall public interest of the 22 million Californians who already drinking Delta water and those striving to protect and restore the anadromous fish resources (all Chinook salmon races as well as steelhead, sturgeon and other native species) of the San Francisco Bay / Delta watershed? Sp1-8

In my view, the Sacramento County partnership with EBMUD is a partnership with the devil. This is especially so for an area-of-origin diverter. I would not like to see EBMUD and the SCWA and the City and County of Sacramento listed on the same side of a lawsuit. Sp1-9

Quick Summary

A completed OCAP incorporating the Water Forum's Lower American River flow standard / regimen and the Biological Opinion of NOAA Fisheries with flow and temperature criteria for the Lower American River, will help determine the flexibility of the CVP facilities and associated impacts to selected delivery actions. Sp1-10

In the California society in which we live, an EBMUD Delta diversion point is the only **Principled** position for the people to take. The Bixler diversion (Orwood Tract Forebay, ah la Clifton Court Forebay) is a must if protecting water quality of the Delta pool, protecting aquatic resources and other public trust interests are to be realized by those 20 to 22 million people who are already taking and those who could take Central Valley Project and State Water Project deliveries from the Delta pool. Such a diversion point would help the CALFED proposals of blending and sharing of local and regional supplies. The operation of such a facility would allow EBMUD to become part of the solution to Delta water quality / fisheries problems rather than continuing to acerbate these and other public trust problems. It is **right** because it is consistent with the purpose and intent of the Mono Lake and Racanelli decisions; therefore it is in the best overall interest of the state. And it is **right** because the operation of such a facility would allow Sp1-11

EBMUD to become a Delta diverter and part of the solution to Delta water quality / fisheries problems rather than continuing to acerbate these and other related resource and public trust problems. Sp1-11 cont

Recommendations

Consistent with the findings of the Audubon decision, alternatives for enlarging Pardee and Camanche Reservoirs and for development of the Bixler Diversion point – (Orwood Tract) Clifton Court type diversion facility – must be seriously investigated as a way to obtain the desired supply. Construction and operation costs should include full and comparable costs for comparison purposes with the Freeport Diversion Project costs and include the time, duration and volume of water that can be attained or made availability by or at each facility. Sp1-12

In addition the purpose, extent and any time table (planning, and construction) of the Mokelumne River Water and Power Authority involving EBMUD must be discussed in detail. The enlargement of Pardee Reservoir (capacity of 198,000 acre-feet increasing to 370,000 acre-feet is an EBMUD facility. So is Camanche Reservoir (capacity of 417,000 acre-feet) and it was funded in part with federal tax dollars. EBMUD should develop realistic cost estimates for enlarging and operating Pardee and Camanche Reservoirs to provide the added water supply. Water could be released down the Mokelumne River and picked up at Bixler. There would also be added power generating benefits at these facilities as well as improve water quality of the east and central Delta. With such facilities, EBMUD would not need Freeport diverted water; therefore other entities or interests could use such water. Sp1-13

The Bureau should complete an OCAP analysis that includes the Water Forum's LAR flow. standard / regimen and NOAA Fisheries LAR flow and temperature criteria as minimum standards. The results should be submitted for public review and comment before the Bureau makes its final decision to deliver water to EBMUD via the Freeport diversion. Sp1-14

The State Water right permit for the operation of Folsom Dam and Reservoir must prescribe the flows contained in the Water Forum's Lower American River Flow Management Standard or in the FWS Anadromous Fish Restoration Program. This should occur before any action is taken to provide water to the Freeport Diversion Project Sp1-15

Please enter these comments in the record for Freeport Diversion Project. If ongoing negotiations or additional information is developed different from that in the DRAFT EIR / EIS, I and other members of the public reserve the opportunity to submit additional comments.

Sincerely,

Felix E. Smith

Felix E. Smith
4720 Talus Way
Carmichael, CA 95608

Interested parties
Save The American River Association

FreeportDiversionProject Part 2 of 3 attached

2. Introduction and Overview Comments

The Freeport Diversion Project (Project) is a partnership between SCWA and EBMUD is being managed under the Freeport Regional Water Authority. The Authority is the working entity that will be responsible for providing water to SCWA and EBMUD. The Freeport Diversion is presently sized at 185 million gallon per day capacity. SCWA share is 85 million MGD, and EBMUD's share is 100 MGD. Not stated in the recent colorful brochure is that the 185,000,000 MGD diversion is equal to about 286 cfs which is larger than the regulatory minimum flow for the American River. SCWA diversion is equal to 131 cfs with about 94,000 acre-feet capacity and a limitation of about 90,000 acre-feet in any one-year (pg 1-8).

EBMUD's diversion capacity is equal to about 154 cfs or about 111,464 acre-feet annually. but can be increased significantly under pumping to at least 133,000 acre-feet annually. For example under gravity the EBMUD's Mokelumne aqueduct system can deliver about 200 MGD; however, using the Walnut Creek Pumping Plant, this delivery can be increased to 326 MGD an increased yield of about 61 percent over gravity flow (pg 1-16). Sp1-16

No new water supplies are being developed to meet SCWA and EBMUD demands. They will be meet out of existing supplies at the expense of other beneficial uses and ecological values.

The Project is a way for EBMUD, via a revised Bureau contract, to utilize CVP water during a dry year or series of 3 dry years and as a back-up supply in case of an outage of its Mokelumne system. It also is proposed to provide a dry year water supply to EBMUD to supplement its present Mokelumne River supplies to reduce the potential of water rationing of its customers. EBMUD will only use its capacity over the long term 3 out of 10 years. The major question is what is the intended use of the extra (?) pipeline capacity not used in the 7 out of 10 years. Sp1-17

The Project is a way for SCWA to utilize its water to serve the needs of Central Sacramento County. Poor quality groundwater is migrating south and west from the Aerojet – Douglas properties in the Rancho Cordova area. The Project is proposed to provide a surface water supply to be used conjunctively with groundwater of the Central Sacramento County area for growth and development estimated at about 140,000 homes and allied businesses. Sp1-18

A major question remains, "How will the delivery of EBMUD's water via the Freeport Diversion / Folsom South Canal / Mokelumne Adequct / Peripheral Canal impact fish resources and water quality of those Californians who drink water divert from the Delta? To say it another way — How does the construction and operation of Sacramento County / EBMUD's Freeport Project, by-passing the Delta as a peripheral canal, rate as being in the overall public interest of the 22 million Californians who already drinking Delta water and those striving to protect and restore the anadromous fish resources (all Chinook salmon races as well as steelhead, sturgeon and other native species) of the San Francisco Bay / Delta watershed? Sp1-19

Background- Some specific comments and concerns

The California court in its Audubon decision (National Audubon Society v. Superior Court Alpine County, 33 Cal. 3d 419, 189 Cal. Rpt. 346 (1983), provides some general guidelines for protecting the people's resources, uses and values of aquatic ecosystems using the historical public trust doctrine. The Court stated that before state courts and agencies approve water diversions they should consider effect of such diversions upon interests protected by the public trust, and attempt, so far as feasible, to avoid or Sp1-20

minimize any harm to those interests. The Court followed up with -- that the public trust is more than affirmation of State's power to use public property for public purposes; it is an affirmation of the duty of the State to protect the people's common heritage of streams, lakes, marshlands and tidelands surrendering that right of protection only in rare cases when abandonment of that right is consistent with the purposes of the trust. The Court then followed with -- the state has affirmative duty to take into account in planning and allocation of water resources, and to protect trust uses whenever feasible.

The key concern here is the "whenever feasible" language. Physical solutions, protection measures, modification of project operations, alternative developments that can provide equivalent amounts of water, constraint on timing and diversion of water, changing the point of diversion, and amount of water to be diverted are just a few item the are within feasible.

California's area of origin statutes, the County of Origin Act (Cal. Water Code Section 10505), the Watershed Protection Act (Cal. Water Code Sections 11460-11463) and the Delta Protection Act (Cal. Water Code Sections 12200-12205) are legislative expressions for protecting the areas where the water originates. The provisions of these Acts apply to the waters of the Central Valley Project. The County of Origin Act reserves water supplies for counties of origin that are held under state filings and necessary for the development of the county. The Watershed Protection Act applies to water used by the Central Valley Project and the State Water Project. The Delta Protection Act provides that no water should be diverted from the Delta to which the users within the Delta are entitled and that Delta water rights and appropriate water quality needs must be met, before water can be exported to areas of water deficiency. Together these acts reserve for the areas where the waters originates and the Delta, a right to such waters for future needs. Such areas have a preferential or paramount right to such waters for beneficial uses over areas outside of the basin, even though the outside area may have a greater need. The area of origin water right holders still have the responsibility to provide their **Fair Ecological Share (FES)** of the instream flows needed to protect and restore downstream beneficial uses including those interest protected by the public trust doctrine. Sacramento County is an area-of-origin entity. EBMUD is a CVP contractor and able to take its supply as a central / south Delta diverter.

Sp1-20 cont

In today's society fish, wildlife, water quality and ecosystem protection, recreational and scenic values are recognized beneficial uses of water. Such uses and values are economically and environmentally valuable to the counties of the Sacramento River watershed and the Sacramento-San Joaquin Delta.

The Audubon decision (National Audubon Society v. Superior Court Alpine County, 33 Cal. 3d 419, 189 Cal. Rpt. 346 (1983), provides some general guidelines for protecting the people's resources, uses and values of aquatic ecosystems using the historical public trust doctrine.

The Racanelli decision, (United States v. State Water Resources Control Board, 227 Cal. Rpt. 161 - 1986), supported by the Audubon decision, focused on Delta inflow, protecting Delta water quality and meeting outflow criteria to support all beneficial uses. The Racanelli decision stated that the State Board needs to take a global perspective when carrying out its water quality-planning obligation. This global perspective would have all rivers and streams tributary to Delta, contribute their FES of instream flows to protect Delta water quality and other beneficial uses and meet Delta outflow standards.

Sp1-21

American River Basin (ARB) is the closest source of stored water for the Freeport Diversion Project. The ARB is the source of much of the Greater Sacramento Region's water supply and is an environmental setting supporting significant resources, recreational uses and ecological values. The fact that 23 miles of the LAR is classed as a "Recreational River" under the National Wild and Scenic Rivers Act and under the State Wild & Scenic Rivers System is testimony to this value. The American River in an important spawning ground and significant contributor of Chinook salmon to the commercial and sport fisheries. It is also the spawning and nursery grounds for natural spawning steelhead. The naturally spawning steelhead are listed as endangered under the Federal Endangered Species Act, (FESA), while the natural spawning Fall / Late Fall-run Chinook salmon are candidate species for review under the FESA. American River flows also contribute to habitat conditions in the Sacramento River and Delta for the winter-run Chinook salmon is listed as endangered, spring-run Chinook salmon is endangered, the Delta smelt and the Sacramento splittail are listed as threatened.

The Bureau manages Trinity Reservoir (Trinity River), Shasta Reservoir (Upper Sacramento River) and Folsom Reservoir (American River) for many purposes and beneficial uses including that of providing the desired water supplies, water quality improvement, and for other purposes such as fish resource protection and conservation. However until the Central Valley Project Improvement Act (1992) there is little evidence that the Bureau took the protection and management of fish resources and water quality responsibilities really seriously. On the American River Folsom Dam and Reservoir (aside from flood control) is primarily managed to meet Delta water quality and for providing export supplies. Protecting American River resources, ecological values and beneficial uses are frequent provided left over conditions when compared to water provided to its clients in the export areas. Even Judge Hodge of EDF v EBMUD fame observed that the Bureau had done little to study or improve the Lower American River to protect public trust interests and related concerns.

Sp1-21 cont

Judge Racanelli in his decision of U.S. v State Water Resources Control Board,(1986) commented that the State Board needs to consider the impacts of all upstream diversions and uses of water, and that taking a global perspective is essential for the Board to carry out its water quality planning obligation. Racanelli's global perspective would be having all rivers and streams tributary to Delta, contribute its **Fair Ecological Share (FES)** of instream flows to protect water quality and other beneficial uses. Each water right holder on each tributary would also contribute its FES to protect instream resources, ecological uses and values, as well as provide Delta inflow to meets water quality standards and protect public trust interests. The Bureau should also take such a perspective in its management of the CVP associated resources, uses and values including local and export needs.

CONCERN. A major question remains, "How will the SCWA / EBMUD diversion and delivery of EBMUD's water via the Freeport Diversion / Folsom South Canal / Mokelumne Adequct / Peripheral Canal impact the fish resources and water quality of those who divert or utilize water diverted from the Delta? To say it another way — How does the construction and operation of SCWA / EBMUD's Freeport Project, by-passing the Delta as a peripheral canal, rate as being in the overall public interest of the 22 million people who already drinking Delta water and those striving to protect and restore the anadromous fish resources (all Chinook salmon races as well as steelhead, sturgeon and other native species) of the San Francisco Bay / Delta watershed?

Sp1-22

According to the DRAFT, SCWA minimum annual delivers are estimated at 41,000 to 42,000 acre-feet. According to the DRAFT, EBMUD can take 133,000 AF (base amount – present conditions) when storage in its facilities is projected on May 1 to be less than 500,000 AF by October 1 (capacity of its facilities is 766,000 AF). Diversion is not to exceed a total of 165,000

Sp1-23

AF in 3 consecutive years subject to other CVP contractors and meeting Delta water quality and flow standards. There apparently is no limitation or amount in acre-feet of non-storable project water EBMUD can take under an annual contract with approval of the Bureau. Sp1-23 cont

CONCERN. How is the surplus pipeline capacity to be used? Will it be used by EBMUD to sell water to others? The only real limitation on EBMUD's ability to take water is the capacity of its diversion and conveyance facilities. Because EBMUD does not have actual or historical use of its CVP supply during dry years, any reduction incurred by EBMUD is determined from the stipulated base conditions of 133,000 AF. This could easily result in other Bureau contractors, especially in the Delta and south, taking reductions in both water quality and quantity from their amount of recent historical use. Sp1-24

CONCERN. The sale of contract water should not be an option for EBMUD. The water is for its service area. In addition it should not be able to sell water from its Mokelumne River supplies to areas outside entities and replace such supplies with Bureau contract water.

According to the DRAFT, EBMUD can take a total of 133,000 AF when EBMUD storage forecast for October 1 (made May 1) is less than 500,000 AF in its total system facilities; up to 150,000 AF in any one year if certain conditions are satisfied (from contract); a total diversion not to exceed 165,000 AF in 3 consecutive years. According to DWR, the storage of EBMUD's facilities when at capacity is about 766,000 AF, with 151,000 AF in Service Area and 616,000 AF in its Mokelumne River facilities of Pardee and Camanche Reservoirs (DWR Water Supply Outlook, October 15, 1998). This same reference indicates that the long term EBMUD historical carryover storage for the end of September was 542,200 AF, with 241.800 AF in 1977, 378.900 AF in 1992, and 469.500 AF in 1994 with the highest end of September carryover storage being 604.400 AF in 1996. Sp1-25

CONCERN. Dryness of the Basin should be dependent upon several factors. EBMUD should not be the sole determiner of what is a dry year because it can manipulate its supply (sell or transfer water) to get below the 500,000 AF threshold. A four reservoir index of Shasta, Trinity, Folsom and Pardee could be used. Sp1-26

CONCERN. When EBMUD storage is below 500,000 AF, say 480,000 AF, can it take only the water it needs to reach 500,000 AF or can it take all it wants of the 133,000 AF conditioned only by the one year or is it the three year limitation of 165,000 AF? Sp1-27

CONCERN. EBMUD shall utilize the Freeport Diversion project water only for meeting the demands of its service area. However if EBMUD uses of Freeport Diversion water within its service area during unneeded periods (replace Mokelumne River water with Freeport diversion water), could EBMUD then sell Mokelumne River water to others, such as interests in the Delta, south or west of the Delta? The answer should be no. Sp1-28

CONCERN. Other diversion points must include a Bixler or similar point of delivery. This entire EBMUD water supply arrangement looks like more than a supplemental / dry year / planned outage supply. However it has the smell of EBMUD wanting to wholesale water to others while protecting its supply and not providing its "fair ecological share" of Delta inflow/outflow from its Mokelumne River facilities. The water supplies are definitely growth inducing for SCWA and EBMUD as it demands more water for its Ultimate Service Area acquired through continuing annexation. In addition EBMUD does not have a true groundwater / surface water conjunctive use capability to any significant extent. EBMUD should be required to develop such a program within its service area as a partial back-up supply. Sp1-29

CONCERN. EBMUD's diversion from Freeport and its plan of operations must be fully explained. For example, how much water will be taken and when? The Bureau EBMUD contract does not tell the complete story. A chart showing the times when water may be available and what amounts would be diverted would be helpful. It is clear that less than 133,000 AF or even 100,000 AF (a 25 percent cut of 133,000 AF for a dry year) or 66,000 AF (a 50 percent cut in the driest years) may not be available during such years without massive agricultural and urban cutbacks. Sp1-30

CONCERN. What happens to the storage in EBMUD's Mokelumne facilities after the system come off line? Can EBMUD market its water to others while it uses CVP supplies? Sp1-31

CONCERN. A revised OCAP is being formulated for the CVP and will most likely include the SWP operations. To my knowledge this planning does not include the Water Forum's Lower American River Flow Management Plan and its associated flow standard.

A completed OCAP incorporating both the Water Forum's Lower American River flow standard / regimen and the Biological Opinion of NOAA Fisheries with flow and temperature criteria for the Lower American River, will help determine the flexibility of the CVP facilities and associated impacts to selected delivery actions. Sp1-32

CONCERN. The Freeport Diversion Project is to involve less than 2% of the total State and federal diversions from the Delta system. However the seemingly minor, less than significant impacts, attributable to the Freeport Diversion Project along with numerous other projects with less than significant impacts contribute to and result in significant cumulative impacts to public trust interests including water quality, aquatic resources, ecological uses and values of the Bay – Delta system. One only has to look at the past impacts that were deemed minor to insignificant, when viewed cumulatively have had a severe impact the Sacramento River and Delta to water quality, fish resources and riparian habitat and other uses protected by the public trust. Sp1-33

Under the National Environmental Policy Act, identifying impacts especially to endangered species or selected species of anadromous fishes and other public trust interests such as water quality, and then formulating mitigation actions are the responsibility of the Bureau / SCWA / EBMUD. Some of the impacts and **CONCERNS** are: Sp1-34

* The operational flexibility of Folsom Reservoir will be reduced especially so during less than normal and dries years. Water will be required from Folsom and other CVP reservoirs in order to meet water quality and help assure the protection of species listed under the Federal Endangered Species Act (FESA). American River flows support naturally spawning fall run Chinook salmon and steelhead. Fall / late fall, spring and winter-run Chinook salmon as well as steelhead could be impacted by system wide operations to meet Delta water quality standards. Delta smelt and the Sacramento splittail could be impacted. The operation of the Freeport diversion in the drier years could impact the Bureau's capabilities to meet Delta water quality and outflow standards. Sp1-35

* Depletion of the cold water pools of Folsom and Shasta Reservoirs (all other thing being equal) will result in increased temperature, which would impact Chinook salmon of their respective riverine ecosystems. Sudden or abrupt temperature changes could disrupt spawning activity or out-migration of Chinook salmon and steelhead. This is particularly important during years that are less than normal to dry. Winter –run Chinook salmon Sp1-36

could be put at risk. During several recent years evidence indicates that naturally spawning fall-run Chinook salmon have already been impacted because of poor water quality (poor temperatures) in the Lower American River. This project will cause greater draw down of the cold water pool to further acerbate warm water condition on the Lower American River.

Sp1-36 cont

* Depletion of the coldwater pool in Folsom Reservoir will impact operations and could increase mortality (through elevated temperature of the water supply) at the American River Trout Hatchery as well as the Nimbus Salmon and Steelhead Hatchery (NSSH). The NSSH was constructed and is operated to mitigate the loss of the upstream spawning and nursery areas once utilized by Chinook salmon and young steelhead. Salmonid fishes just about cease growing at temperature above 68 F because of increased metabolic rate. In addition increased water temperature has a synergistic effect on the several components of the aquatic ecosystem with signs of stress occurring below 68 F. This is especially so under hatchery conditions. For optimum management a safe and reliable water supply is needed for people as well as fish conservation and protection. This includes water of acceptable quantity and quality including the range of temperature necessary for salmonid production (holding, spawning, incubation and growth) through the year.

Sp1-37

* Water temperatures below 58 F degrees (56 F is optimum) are necessary for adequate survival of eggs deposited naturally in gravel as well as taken at the NSSH. Any decrease in the coldwater pool of Folsom Reservoir will reduce the amount of cold water available during the fall-run Chinook salmon holding, spawning and egg incubation period.

Sp1-38

* Increased impacts to juvenile steelhead in the Lower American River because of reduced flows and higher water temperature during many years.

* Reduced warmwater fish habitat in Folsom, Shasta and Trinity Reservoirs (water level fluctuations or reduction) as water is stored and later released to provide Delta inflow and Freeport Project supplies.

Sp1-39

* Salmonid fishes are capable of sensing a temperature differential of less than .5 F degrees. The temperature of the released flows will increases because of reduced volume in coldwater pool. This will impact summering over of juvenile steelhead and juvenile Chinook salmon and could impact adult Chinook salmon holding, delay spawning thereby increasing pre-spawning mortality and decrease egg survival impacting successful spawning conditions (delay the spawning time and out migration).

Sp1-41

* Impacts to American Shad spawning and out migration resulting from flow fluctuation, reduced stream flow and outflow.

Sp1-42

* Reduced coldwater fish habitat in Shasta and Trinity Reservoirs April thru October as increased releases are made necessary to provide water to the Delta to help maintain water quality for public trust uses and water export. These same releases could reduce coldwater needed for the winter-run Chinook salmon as well as impact fall-run Chinook salmon holding, spawning and egg survival in the upper Sacramento River. There could be similar impacts to fall-run Chinook salmon holding, spawning and egg survival in the Trinity River.

Sp1-43

* Folsom Reservoir is the closest CVP storage facility for providing the Freeport diversion supplies on demand. Any stream flow fluctuations which occur as a result of meeting the on/off Freeport Diversion demands will impact the living space / wetted perimeter of the LAR ecosystem. Such fluctuations are particularly adverse to the entire periphyton community of green algae, brown diatoms and the various developmental stages of aquatic insects and other invertebrates, basic food production. Stream elevation change of .3 tenths of a foot and more as measured at the Fair Oaks USGS gage occur as a result of the Bureau's operational changes for meetings both export demands and water quality standards. It has been difficult to separate or break out the portion that is for export and that for water quality, therefore both must share the blame for flow fluctuation of the LAR. At certain stream flow stages a change of .3 tenths of a foot will result in impacts to the wetted perimeter (including dried out shallow areas and resultant heat buildup), to spring and summer nursery and fall spawning conditions. These conditions will be magnified during periods of high air temperatures and especially so during years of below average runoff, the time when EBMUD is mostly to need additional water.

Sp1-44

* As EBMUD's water is diverted around the lower Sacramento River and Delta, there will be reduced flows in the Lower Sacramento River, resulting in direct impacts to water quality from reduced dilution. This will impact those diverting from the Lower Sacramento River and Delta for domestic, industrial and agricultural uses. Similar impacts will occur in the Delta and will impact the quality of the export supply.

Sp1-45

As the future conditions of 2030 approach, the above impacts and water shortages will become increasingly more frequent and severe as the annual demands increase and operational flexibility becomes more restricted.

Sp1-46

All impacts should be identified. The Bureau / SCWA / EBMUD must develop mitigation means and measures and then implement them in a timely manner. Monitoring program must be undertaken to determine if the mitigation actions are doing what they were designed to do in an acceptable manner. If that is not occurring, corrective action must be taken.

Some potential mitigation actions and needs

CONCERN. The present flow standard for the Bureau and its operation of Folsom Reservoir is both inadequate and out of date. The State Water right permit for the operation of Folsom Dam and Reservoir should be updated. It must prescribe the flows contained in the Water Forum's Lower American River Flow Management Standard or in the FWS Anadromous Fish Restoration Program. This should occur before any action is taken to provide water to the Freeport Diversion Project.

Sp1-47

CalFed and others have estimated that 20 to 22 million Californians get their drinking water from the Delta. It was established under cross-examination during the 1992-93 State Board hearings on EBMUD's water rights for the operation of the Mokelumne River projects, that the Bixler facility is a viable location for EBMUD to take some or all of its water. The City of Pittsburg treats Delta water to a lower level of trihalomethanes than EBMUD's pure snow melt and that Contra Costa W.D. diverts from the Delta and satisfactorily treats its water supply for municipal and industrial purposes. EBMUD representatives admitted that it could treat Delta water to the same drinking water standards as Pardee Reservoir supply.

Sp1-48

EBMUD has maintained an emergency pumping facility along the Mokelumne Aqueducts at the western edge of the Delta where the aqueducts cross the Delta near the town of Bixler. This

Sp1-49

facility was developed in response to the 1976-77 drought. During the later half of 1977 about 25,000 AF of American River water was diverted at this point. Contracts were in place with Yuba County Water Agency to divert water in 1988 and 89, but did not occur for several reasons. EBMUD sold 5000 AF of Mokelumne River water to the Contra Costa Water District in 1985 and 1986 (FERC DEIR - Oct 1992).

Sp1-49 cont

Bixler or an adjacent location remains a viable point of diversion available to EBMUD to take contract water in all water year types. EBMUD's Bixler point of diversion (Indian Slough) or an adjacent Clifton Court Forebay like facility (i.e. Orwood tract) could be used for blending and as a terminal for storage purposes consistent with CALFED objectives as well as a viable diversion point for meeting its supplemental needs. Use of a Bixler type facility and point of diversion is a must if protecting water quality, aquatic resources and other public trust interests are to be realized by those taking or who could take Central Valley Project (CVP) and State Water Project (SWP) deliveries from the Delta pool. The operation of this facility would be consistent with "whenever feasible" language of the Audubon decision.

CONCERN. EBMUD with its upstream diversion and its own peripheral canal (Mokelumne Aqueduct), plus the Freeport Diversion peripheral canal clearly contributes to the aquatic resource and water quality problems of the Delta as well as the Lower Mokelumne River. With EBMUD taking its contract water at Bixler or other Delta diversion point, it would become part of the solution for protecting Delta public trust uses and interests including water quality.

Sp1-50

The Bureau can help meet Delta inflow and water quality objectives by making the point of delivery of EBMUD's contract water its Bixler or adjacent facility. In this way EBMUD can receive water released from other facilities including its own Mokelumne facilities. Therefore EBMUD should develop realistic cost estimates for enlarging and operating Indian Slough or an adjacent Clifton Court Forebay type facility. Such costs and the cost of operations should be included for comparison purposes along side EBMUD's Freeport diversion Project costs including the time, duration and volume of contract water or other water availability at each location.

The purpose, extent and timetable (planning and construction) of the Mokelumne River Water and Power Authority involving several entities and with ideas supported by EBMUD and others must be discussed in detail. Apart of Alternative No. 6 was the enlargement of Pardee Reservoir (capacity of 198,000 acre-feet increasing to 370,000 acre-feet. Camanche Reservoir (capacity of 417,000 acre-feet) is also considered a part of the EBMUD Mokelumne River facilities and was funded in part with federal tax dollars. EBMUD should develop realistic cost estimates for enlarging and operating Pardee and Camanche Reservoirs to provide the added water supply. Water could be released down the Mokelumne River and picked up at Bixler. There would also be added power generating benefits at these facilities as well as improve water quality of the east and central Delta. In this way EBMUD can get the some of the high quality Sierra it so desires. Such construction and operation costs should be included for comparison purposes along side its Freeport Diversion Project costs including the time, duration and volume of water that can be attained or made availability at each facility.

Sp1-51

There are also impacts to water dependent recreational opportunities such as boating, rafting, and swimming and less surface area and loss of boat ramp function at Folsom, Shasta and Trinity Reservoirs, as water is drawn to offset EBMUD's Delta water quality impacts especially in the drier years. EBMUD has indicates that mitigation measures for such impacts are not required. This is faulty thinking. The Freeport Diversion Project is the responsible party

Sp1-52

therefore it is SCWA and EBMUD who must come up with actions to mitigate the impacts. SCWA and EBMUD are the ones accountable for mitigating impacts on site or at least in close proximity of the impact.

SCWA does not have upstream storage facilities. EBMUD has storage facilities on the Mokelumne River and in its service area. EBMUD in the conduct its overall water supply facilities (including Pardee Res.), manages its reservoirs for maximum storage carry over and recreational use. By not implementing mitigation measures, EBMUD will shortchange the areas of origin recreational opportunities, resources, uses and ecological values (Shasta and Trinity Lakes, Trinity River, upper Sacramento River, Folsom Reservoir and Lower American River) while maximizing its benefits at its own facilities.

Sp1-52 cont

Please enter these comments in the record for Freeport diversion Project. If ongoing negotiations or additional information be developed different from that in the DRAFT EIR / EIS, I and other members of the public reserve the opportunity to submit additional comments.

Responses to Comments of Felix E. Smith (Letter Sp01)

Sp01-1. FRWA is a joint powers agency formed under California law. Joint powers agencies are common throughout California. For example, in the Sacramento area, both the Sacramento Area Flood Control Agency (SAFCA) and the Sacramento Transportation Authority (STA) are joint powers agencies. The FRWA is composed of two members each of the EBMUD and SCWA Boards of Directors. The City of Sacramento participates as a non-voting member.

Sp01-2. The FRWP is consistent with the Water Forum Agreement. By agreeing to move their contract delivery points from the lower American River to the Sacramento River, SCWA and EBMUD have developed a joint project that is consistent with the Water Forum Agreement and principles.

Sp01-3. Reclamation and FRWA are fully aware of state law regarding protection of public trust values. The FRWP is entirely consistent with Reclamation's water rights and the protection of public trust values. While EBMUD does currently retain the contractual ability to take delivery from the Folsom South Canal, that contract provision becomes active only if other points of diversion, including that contemplated as part of the FRWP, can not be implemented.

Sp01-4. The CVP is operated to meet many objectives, including water quality and environmental protection. The FRWP will not result in Reclamation's inability to continue to meet its obligations. Cumulative impacts on hydrology and water supply, water quality, and fisheries are fully disclosed in the draft EIR/EIS in Chapters 3, 4, and 5, respectively.

Sp01-5. As noted in this comment, Reclamation is currently consulting with USFWS and NOAA Fisheries under Section 7 of the Endangered Species Act on its Operating Criteria and Plan (OCAP). CVP operations, including deliveries to all CVP contractors, will be consistent with the results of this consultation.

Sp01-6. The draft EIR/EIS fully discloses all potential environmental effects of the FRWP. Where appropriate, mitigation measures have been identified to reduce significant impacts to less-than-significant levels. As noted on page 21-3 of the draft EIR/EIS, a Mitigation Monitoring Plan will be developed prior to project approval.

Sp01-7. See responses to comments Sp01-6 and Sp01-3 above. All potential significant effects of the FRWP alternatives were disclosed in the draft EIR/EIS. FRWA intends to mitigate the significant impacts of the FRWP as required under CEQA.

Sp01-8. Chapters 4 and 5 of the draft EIR/EIS fully disclose the potential impacts of the FRWP on water quality and fisheries. Overall, the FRWP was found to have relatively minor environmental consequences. Where appropriate, mitigation measures were identified.

Sp01-9. SCWA and EBMUD agreed to form the FRWA and pursue the proposed project because both agencies will receive significant benefits by implementing a joint project, and environmental effects will be reduced

compared to each agency independently implementing a project.

Sp01-10. See response to comment Sp-5 above.

Sp01-11. The alternative suggested in this comment has been rigorously explored and evaluated in Reclamation and EBMUD's 2001 REIR/SEIS for the Supplemental Water Supply Project and again in the detailed Alternatives Screening Report for the FRWP draft EIR/EIS (Volume 2, Appendix B). As described on pages 7-20 through 7-24 of the Alternatives Screening Report, this alternative was not carried forward because it failed to meet several screening criteria.

A Delta diversion alternative has two major shortcomings. The low quality of Delta water during droughts is often insufficient to protect public health and could compromise project goals. Equally important, the potential impacts of a Delta diversion on Delta water quality and Central Valley water supply are actually more adverse than a diversion at Freeport, making it an environmentally inferior alternative. These two issues are discussed in detail as follows.

EBMUD's project goal is to improve its water supply reliability during droughts while maintaining a high-quality water source to meet customer expectations and best protect public health (page S-5 to page S-7 in the draft EIR/EIS). Delta water during droughts is often of a low quality and has a salinity much above established targets for municipal and industrial water supply. For example, 71% of the chloride concentration measurements in Rock Slough (the closest location) collected by DWR's Municipal Water Quality Investigation Program exceeded 100 mg/L during the 1987 to 1992 drought. The measurements averaged 141 mg/L and ranged up to 303 mg/L , and are frequently above established targets for municipal and industrial water supply. Details of these established targets are discussed in Section 4.1.2.1 in Volume 3 of the draft EIR/EIS.

Furthermore, water at the Bixler diversion location is polluted by agricultural drainage discharged into Indian Slough and Werner Cut, where Bixler is located. Agricultural wastewater diverted at Bixler will end up in EBMUD's municipal water supply. Contaminants such as pesticides, fertilizers, and pathogens will lead to higher public health risks. Diverting source water heavily contaminated with agricultural drainage contradicts the established state and federal principles of source water protection and multiple barrier approach for drinking water beneficial uses.

A Delta diversion is not only ineffective in meeting EBMUD's project goals, it would also lead to more adverse impacts on Delta water quality than a Freeport diversion. Factors determining salinity in the Delta were summarized in Volume 3 of the draft EIR/EIS, Section 4.1, "Affected Environment," and in more detail in Section 4.2, "Modeling Methodology," (in particular, pages 4-9 and 4-12). These sections provide the background information for the following discussion.

The key difference between a Bixler diversion and a Freeport diversion is that water diverted at Bixler would need to be conveyed through the Central Delta. Assuming that all key variables (Sacramento flow at Sacramento, other inflows, CVP and SWP exports, Delta consumptive use) are the same, a Bixler and a Freeport EBMUD diversion of the same rate will lead to the same Delta outflow. The difference in impacts between the

alternatives on salinity west of the confluence (Collinsville) would be small. However, the two diversion locations could have different impacts at D-1641 compliance locations in the interior Delta.

The difference in salinity effects in the interior Delta is the net result of two factors. On one hand, a Bixler diversion would remove a tiny percentage of Delta drainage that a Freeport diversion would not, in particular the tailwater discharged into Werner Cut and Indian Slough. This will lead to a slightly lower Delta salinity in the vicinity of Bixler (but at great expense to the quality of EBMUD's water supply). On the other hand, the south Delta diversion would lead to an increased southeasterly flow in Threemile Slough, Sherman Lake, and San Joaquin River at Collinsville. This will lead to increased seawater entrainment into the interior Delta (the "carriage water" or "Qwest" effect). A Bixler diversion would therefore lead to a higher salinity in the interior Delta, compared to that of a Freeport diversion. The magnitude of this carriage water is highly variable and depends on the extent of seawater intrusion at the time, which in turn varies with antecedent Delta outflow and spring-neap phase of tide cycle (which determines tidal filling and draining of the Delta at the time), and to the magnitude of Delta exports and inflows.

Estimates of the two key effects could be made as follows:

Effect of increased seawater entrainment into the Delta—The "carriage water" corresponding to a Bixler diversion of 155 cfs would be 16, 31, or 47 cfs for carriage water of 10%, 20%, or 30%, respectively. For a typical Delta outflow in late summer and fall of 4,000 cfs, this translates into a higher salinity for a Bixler diversion of approximately 6 mg/L chloride at Rock Slough (based on salinity predictions of the G-model at a steady state) for a carriage water level of 30%. Salinity at Jersey Point would be higher by 0.050 mmho/cm.

Effect of increased Delta drainage removal at Bixler—The mean flow in Werner Cut, where a Bixler diversion would be located, is small relative to overall Delta flow and is about the same magnitude of the EBMUD pumping rate. Based on a drainage salinity of 600 mg/L total dissolved solids and a combined tailwater discharge rate of 30 cfs from the five drainage discharges along Werner Cut, the maximum salinity impact of these discharges in Old River between Woodward Canal and West Canal would be less than 6 mg/L TDS or between 1 and 2 mg/L chloride. That is, even if a EBMUD Bixler diversion removes all the agricultural drainage discharged into Werner Cut, the salinity improvement at CCWD's Old River (Los Vaqueros) intake and the Clifton Court Forebay intake would be no higher than 2 mg/L in chloride concentration. This salinity "improvement," however, would come at a huge cost to the water quality and elevated public health risk in the EBMUD supply.

Comparing the magnitudes of the two effects, it is clear that a Bixler diversion would lead to a higher salinity in interior Delta. Of the two dominant factors, the increase in salinity due to a higher seawater entrainment (the "carriage water effect") caused by a Bixler diversion would far outweigh the decrease in salinity due to agricultural drainage removal by the same Bixler diversion. The perceived advantage that a Bixler diversion would benefit water quality in interior Delta is not supported by factual evidence.

Because this alternative has been suggested by several entities as one that could conceivably reduce environmental impacts, FRWA and Reclamation have conducted preliminary modeling to assess its potential impacts quantitatively. To provide for a reasonable comparison of alternatives, this analysis also included a separate SCWA diversion at an upstream location. As shown on page 7-24 of the Alternatives Screening Report, the modeled impacts of this alternative are essentially identical to those identified for the FRWP. Based on this information, there is no evidence that such an alternative would be environmentally superior to the proposed FRWP alternatives. In addition, the Alternatives Screening Report found that this alternative is infeasible for a number of reasons discussed in detail on pages 7-25 and 7-26.

Sp01-12. Each of the alternatives suggested in this comment was thoroughly explored in the FRWP draft EIR/EIS. EBMUD options for enlarging Camanche Reservoir and diverting water from the Delta were evaluated in the Alternatives Screening Report (Volume 2, Appendix B) and found to be infeasible. An alternative involving enlarging Pardee Reservoir is fully evaluated in the draft EIR/EIS as Alternative 6.

Sp01-13. EBMUD is not part of the Mokelumne River Water and Power Authority. See also response to comment Sp01-12 above.

Sp01-14. As described in response to comment Sp01-5 above, Reclamation is in the process of consulting on its proposed OCAP. That process is expected to be completed by summer 2004. The process is open to the public, and documents will be available on Reclamation's web site.

Sp01-15. Reclamation and FRWA are not in control of the state's water rights process. Issues regarding appropriate minimum flows for the lower American River are separate from the FRWP and cannot be addressed in this EIR/EIS. However, the FRWP facilities were sited on the Sacramento River below the confluence of the American River to facilitate the availability of water to provide adequate fishery flows in the American River.

Sp01-16. This comment accurately describes overall project capacities. However, proposed operations are substantially different from that discussed in this comment. As shown in Figure 3-1 of the draft EIR/EIS and Table 3.4.2-10 in Volume 3, simulated SCWA diversions at the FRWP intake never exceed 80,000 acre-feet in a water year and average approximately 62,000 acre-feet. The additional 10,000 acre-feet included in the discussion on page 1-8 will be diverted at the City of Sacramento's Sacramento River Intake near the confluence with the American River. Similarly, EBMUD's capacity in the FRWP is 100 MGD or approximately 112,000 acre-feet per year. However, as shown in Figure 3-1 of the draft EIR/EIS and Table 3.4.2-3 of Volume 3, EBMUD's maximum diversion from FRWP facilities is 99,000 acre-feet in a water year. This water will be provided through operation of CVP facilities. In addition, SCWA is proposing to develop new water supplies through use of surplus water, and also plans to enter into one or more long-term water transfer agreements to meet its water supply needs. A significant portion of SCWA's proposed water supply is

an assignment of a portion of SMUD's CVP contract to SCWA.

Sp01-17. There are currently no plans for use of the unused capacity of the FRWP facilities. These facilities may provide additional regional benefits in the future by enabling regional water supply solutions. However, no such plans have been identified at this time, and any such future plan will be required to provide a new source of water and will undergo appropriate separate environmental review.

Sp01-18. SCWA's purpose for proposing the FRWP is described in Chapter 1 of the draft EIR/EIS. As noted in this comment, SCWA seeks water supplies and facilities to deliver surface water to the Zone 40 area.

Sp01-19. See response to comment Sp-8 above.

Sp01-20. Reclamation is fully cognizant of California water law as it pertains to operation of the CVP. Reclamation operates the CVP in full compliance with state water rights permits and in close coordination with the State Water Resources Control Board (SWRCB) to preserve and protect public trust resources. Reclamation and FRWA also recognize the County of Origin Act and the Delta Protection Act. These statutes do not apply to EBMUD or SCWA to the extent that the source of water delivered to these entities is pursuant to Reclamation service contracts. They are intended to provide the opportunity for those in protected areas to perfect water rights senior to Reclamation's rights to export water originating in those protected areas. Such later perfected rights might affect export supplies to the CVP, but Reclamation contracts do not guarantee specific amounts. They all account for the possibility of reduced CVP supplies. See also response to comment Sp01-11.

Sp01-21. The California State Water Resources Control Board (SWRCB) issues water rights permits and licenses in California. The "Racanelli Decision" confirmed the state's right to modify water rights permits and licenses to protect public trust resources. Reclamation contributes substantially to meeting water quality and environmental protection standards throughout the CVP and fully complies with all water right permit and license requirements.

Sp01-22. See response to comment SP1-8.

Sp01-23. See response to comment Sp01-8. According to the detailed modeling conducted for the project (Figure 3-1), maximum EBMUD diversions never exceed 100,000 acre-feet in a water year (October through September). In addition, the 133,000 acre-foot per year contract amount would be reduced during dry years (when EBMUD would be taking delivery of water) by up to 50%. All CVP contractors have equal access to "non storable project water" or surplus water. EBMUD has no plan and no identified need to take delivery of such water. This water is generally available in wet years and wet months when EBMUD's own supplies are high and customer demands are low.

Sp01-24. See response to comment Sp01-17 above. In reality, EBMUD has no water rights or contracts that would allow it to divert any water supplies whatsoever except as described in the draft EIR/EIS. Obtaining any new supplies would require EBMUD to enter into new contracts or agreements or pursue new water rights

through the SWRCB. Any such activity would trigger additional environmental compliance and permitting requirements. As noted above, EBMUD and SCWA fully expect reductions in their CVP contract amounts in dry years consistent with all other CVP municipal and industrial (M&I) contracts. Potential effects on water supplies and water quality are fully disclosed in Chapters 3 and 4 of the draft EIR/EIS. No significant environmental effects were identified.

Sp01-25. EBMUD has no plans to sell any portion of either its CVP or Mokelumne River water supplies. Should any such transaction be proposed in the future, it would be subject to all appropriate state law, CVP contract requirements, and environmental review. It would be cost-prohibitive for EBMUD to purchase, pump, and treat CVP supplies while selling its much less expensive Mokelumne River supplies.

Sp01-26. The procedure for determining when water would be available from the CVP contract is appropriate. Given the costs of using CVP water relative to Mokelumne River water, there is no incentive whatsoever for EBMUD to "manipulate its supply" to get below the 500,000 acre-foot threshold established in its CVP contract.

Sp01-27. As described fully on page 2-39 of the draft EIR/EIS, EBMUD diversions would cease when EBMUD's CVP allocation for that contract year is reached, when the 165,000 acre-foot limitation is reached, or when EBMUD no longer needs the water, whichever comes first.

Sp01-28. See responses to comments Sp01-22 through Sp01-26. EBMUD's CVP contract does not allow EBMUD diversions during "unneeded periods." EBMUD has no plans and no economic incentive for using CVP water in place of Mokelumne River water so that Mokelumne River water could be sold.

Sp01-29. See response to comment Sp01-11 above. It should also be noted that as a result of the project, there will be additional releases to the Mokelumne River as a result of the gainsharing provisions of EBMUD's Federal Energy Regulatory Commission license. Growth inducement issues are fully disclosed in Chapter 20 of the draft EIR/EIS. EBMUD is actively pursuing local groundwater storage/conjunctive use programs, such as the Bayside project, in its service area.

Sp01-30. Figure 3-1 in the draft EIR/EIS clearly displays information on annual diversions by both EBMUD and SCWA as part of the FRWP. In addition, Section 3.4.2 of Volume 3 of the draft EIR/EIS displays more detailed monthly information regarding diversions by each agency. This information is available at the project website; www.freeportproject.org.

Sp01-31. See response to comment Sp01-24 above.

Sp01-32. See response to comment Sp01-5 above.

Sp01-33. See response to comment Sp01-4 above.

Sp01-34. The draft EIR/EIS fully discloses potential environmental effects of the FRWP and alternatives and, where appropriate, identifies mitigation measures to reduce impacts to less-than-significant levels.

Sp01-35. See response to comment Sp01-8 above.

Sp01-36. Chapter 5 of the draft EIR/EIS contains substantial analysis of potential project effects on lower American River (and other) fisheries. In addition, Section 5 of Volume 3 contains the detailed temperature modeling results conducted for the FRWP. Figure 5-2 shows that American River flows at Nimbus Dam are expected to be very similar with and without the project. Figure 5-11 shows that American River temperatures are almost the same with and without the project. Tables 5-8 through 5-13 show frequency of occurrence of the water temperature suitability index for Chinook salmon and steelhead life stages in the American, Trinity, Sacramento, and Feather Rivers. Although minor changes in water temperatures may result from the FRWP, these changes would result in less-than-significant impacts on fisheries.

Sp01-37. See response to comment Sp01-35 above.

Sp01-38. See response to comment Sp01-35 above.

Sp01-39. See response to comment Sp01-35 above.

Sp01-40. See response to comment Sp01-35 above.

Sp01-41. See response to comment Sp01-35 above.

Sp01-42. See response to comment Sp01-35 above. American shad were not directly addressed in the draft EIR/EIS. However, as noted on page 5-1 of the draft EIR/EIS, it is Reclamation's and FRWA's professional judgment that effects on all important species and races are fully addressed by the analysis in Chapter 5 of the draft EIR/EIS. Where the location and timing of project actions and the potential effects on a specific fish species or habitat are not captured by the analysis for the selected species, the specific effects on other species are described.

Sp01-43. See response to comment Sp01-35 above.

Sp01-44. Reclamation operates the CVP as an integrated system and makes daily operational decisions. Reclamation schedules and coordinates releases from each of its reservoirs to meet its project obligations. FRWP diversions will be steady and will not increase the need for short-term fluctuations in flows in Central Valley waterways. In addition, to the extent that water is released from CVP reservoirs to directly meet FRWA demands, resulting river flows, and therefore stage, would be increased rather than decreased.

Sp01-45. The potential environmental effects of the FRWP and alternatives on water supplies and quality are fully disclosed in Chapters 3 and 4 of the draft EIR/EIS. Where significant environmental effects were identified, mitigation measures were identified to reduce such effects to less-than-significant levels, where feasible.

Sp01-46. See responses to comments Sp01-1 through Sp01-44 above. The draft EIR/EIS has evaluated impacts and proposed mitigation measures. As noted in page 21-3 of the draft EIR/EIS, a Mitigation Monitoring and Reporting Plan will be contained in the final EIR/EIS.

Sp01-47. See response to comment Sp01-15 above.

Sp01-48. FRWA and Reclamation acknowledge that Delta water can be treated to meet drinking water standards. At the same time, prudent public policy dictates that water supply agencies responsible for ultimately providing high quality drinking water to nearly 2 million people should seek the highest quality source available as confirmed by the Hodge decision. While Delta water could be treated to achieve essentially the same water quality as EBMUD's Pardee Reservoir supply, such treatment would require highly advanced and costly technology (such as reverse osmosis). Alternatives involving such technology were thoroughly evaluated in the Alternatives Screening Report in the draft FRWP EIR/EIS (Volume 2, Appendix B). These alternatives were found to be infeasible for a variety of reasons and were not found to produce substantially fewer environmental effects compared to the FRWP alternatives considered in the draft EIR/EIS.

Sp01-49. As described on page 1-18 of the draft EIR/EIS, EBMUD does not have any current permit to divert water at the Bixler location. The facilities have been dismantled and are no longer operational.

Sp01-50. See response to comment Sp01-11 above.

Sp01-51. See response to comment Sp01-13 above. The draft EIR/EIS evaluates Alternative 6, Enlarge Pardee Reservoir.

Sp01-52. Potential effects on recreation opportunities, including those described in this comment, are fully evaluated in Chapter 6 of the draft EIR/EIS. Certain significant environmental impacts were identified, as were feasible mitigation measures.

Letter Sp2

SAVE THE AMERICAN RIVER ASSOCIATION, INC.
P.O. BOX 277638 - SACRAMENTO, CA 95827-7638 - (916) 387-1763

14 December 2003

RECEIVED
DEC 16 2003

Eric Mische, General Manager
Freeport Regional Water Project
1510 J Street, No.140
Sacramento, CA 95814

Re: Save the American River Association (SARA) comments on FRWP Draft DEIR

Dear Mr. Mische,

As you are aware, SARA is generally in favor of the FRWP. We have concerns with several elements of the DEIR which are not, in our opinion, adequately discussed or covered. These are noted below.

1). Site Location: EBMUD could, more appropriately, get its needed dry-year water from a Delta diversion, as the Contra Costa Water District and others do, and that option should have been included as an alternative in the DEIR. Sp2-1

Testimony by residents in the area of the proposed project site at the Dec. 9th hearing before the Sacramento City Council prompted us to re-examine how the site was selected and documented in the DEIR. We conclude that there is inadequate data or rationale to support the selection, and that mitigation actions to reduce or eliminate construction-related, and/or operational negative impacts, need to be more thoroughly defined with more consideration given to other candidate sites. Sp2-2

2). EBMUD never has explained just how the unused capacity of its portion of the facility was going to be used in the 7of 10 years that it would not need to take water to meet its demand. We want assurances in the Final EIR that EBMUD does not become a water broker for down-valley and/or Southern California interests. Water from the EBMUD entitlement not used, or able to be stored in EBMUD's Reservoirs, should remain in Sacramento-American River reservoirs to be used as necessary for supporting andronomous fish health during spawning and out-migration periods, for recreational needs, and/or for recharging of the underground storage basins in the project area. Sp2-3

3) The DEIR should explain in detail how EBMUD will limit its diversions in dry years to insure no impairment of Delta water quality. Sp2-4

Thank you for seriously considering and responding to our comments.

Sincerely,

Alan D. Wade

Alan D. Wade, President
Save the American River Association, Inc.

cc: Rob Schroeder, Contract Specialist, Bureau of Reclamation, Central California Office

Response to Comments of the Save the American River Association (Letter Sp02)

Sp02-1. The alternative mentioned in this comment has been rigorously explored and evaluated in Reclamation and EBMUD's 2001 REIR/SEIS for the Supplemental Water Supply Project and again in the detailed Alternatives Screening Report for the FRWP EIR/EIS (Volume 2, Appendix B). As described on pages 7-20 through 7-24 of the Alternatives Screening Report, this alternative was not carried forward because it failed to meet several of the detailed alternatives screening criteria. Because this alternative has been suggested by several entities as one that could conceivably reduce environmental impacts, FRWA and Reclamation conducted preliminary modeling for the alternative. To provide for a reasonable comparison of alternatives, this analysis also included a separate SCWA diversion at an upstream location. See also response to comment Sp1-11 previously. As shown on page 7-24 of the Alternatives Screening Report, the modeling results of this alternative are essentially identical to those identified for the FRWP. Based on this information, there is no evidence that a such an alternative would have any less impact on the environment than the proposed FRWP.

Sp02-2. See Chapter 2 and Appendix A in this final EIR/EIS for additional information regarding the formulation of the proposed project, including the intake site. Since publication of the draft EIR/EIS, FRWA has conducted additional site planning at the intake location. While this site planning was not required under CEQA or NEPA, it addresses many of the issues raised regarding the intake location. It should also be noted that neither CEQA nor NEPA require the evaluation of alternatives to each component of a proposed project. Substantial evidence exists in the draft and final EIR/EIS and in other project documentation to support the formulation of the proposed project. Reclamation and FRWA are confident that the project formulation process is well documented and supported by appropriate information.

Sp02-3. There are currently no plans for use of the unused capacity of the FRWP facilities other than the small quantities described in Chapter 2 of the final EIR/EIS. These facilities may provide additional regional benefits in the future by enabling regional water supply solutions. However, no such plans have been identified at this time, and any such future plan will be required to provide a new source of water (EBMUD's CVP contract does not allow for diversion of water in normal and wet years, when excess capacity would generally be available) and will undergo appropriate separate environmental review.

Sp02-4. Potential environmental effects of the FRWP and alternatives on water quality, including Delta water quality, were fully addressed in Chapter 4 of the draft EIR/EIS. No significant impacts on Delta water quality were identified; therefore no project modifications or mitigation measures were proposed. The project would operate as proposed in the draft EIR/EIS.

Letter Sp3

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December 12, 2003

Mr. Kurt Kroner
Freeport Regional Water Authority
1510 J Street, #140
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Re: COMMENTS ON DEIS/DEIR FOR THE FREEPORT REGIONAL WATER PROJECT

The Nature Conservancy is pleased to present these comments, prepared in collaboration with the Natural Heritage Institute (NHI), on the Draft Environmental Impact Statement / Environmental Impact Report (DEIS/DEIR) for the Freeport Regional Water Project. NHI is a non-profit law firm dedicated to the conservation of natural resources domestically and globally. NHI has substantial experience in conjunctive water management for environmental restoration.

The Nature Conservancy (TNC), a global conservation organization, has been actively involved in protecting and enhancing the natural resources of the lower Cosumnes River and lower Mokelumne River area since 1984, efforts that have lead to the establishment of the multi-partner Cosumnes River Preserve and the permanent conservation of approximately 45,000 acres of land. To help guide its conservation efforts, TNC has established strong research and restoration partnerships with a range of entities, including the University of California, East Bay Municipal Utilities District, and others. That research has helped refine and focus our understanding of the critical threat posed to the habitats of the lower Cosumnes/Mokelumne area by ongoing groundwater pumping, and in particular by the maintenance of deep "cones of depression" north and south of the Cosumnes River that capture river flows, resulting in the near-extinction of the Cosumnes River salmon fishery and threatening the viability of important wetlands and riparian areas, as we discuss more fully below.

Because ongoing groundwater overdraft has a significant negative impact on the viability of aquatic, riparian, and wetland habitats in the lower Cosumnes/Mokelumne area, TNC, the California Department of Fish and Game, the US Fish and Wildlife Service, and others, have repeatedly encouraged Sacramento County (EBMUD's partner in the FRWA) to take seriously its responsibilities as steward of the public trust values of the Cosumnes corridor, and to factor the needs and resource values of the Cosumnes into the development of long term plans for groundwater and surface water management. TNC and others will comment on the draft environmental impact report on Sacramento County's groundwater management plan ("Zone 40 Master Plan") and will urge the County, as we herein urge EBMUD and the Authority, to seriously consider project alternatives or enhancements that further, rather than impair, restoration goals for the Cosumnes fishery and aquatic and riparian habitats.

Neither this comment nor our criticisms of "Zone 40" planning and environmental review should be read as opposition by either organization to the construction of the Freeport diversion and associated facilities. On the contrary, we clearly recognize that the project can provide infrastructure for groundwater/surface water management in a manner compatible with the restoration of natural values in the Cosumnes River corridor. What we seek are commitments to design and implement this infrastructure in a manner that benefits the important natural resources that are at risk.

With respect to the Freeport EIR/EIS, our position, in sum, is that the DEIS/DEIR erroneously rejected an environmentally preferable alternative that featured groundwater banking of wetter year diversions. Chapter 16 finds that this alternative is technically feasible. Nonetheless, the project proponents screened out this alternative due to considerations of timing and cost. However, these conclusions are not supported by either the data and analyses in the DEIR/DEIS or the local realities, as these comments will show. Specifically, the alternative screening analysis does not take into account the willingness of the Southeast Sacramento County Agricultural Water Authority[1] (SSCAWA) to cooperate with EBMUD and SCWA in banking the Freeport Project water, which could substantially ameliorate the institutional issues associated with that alternative. Because wet year diversions and banking is a practical alternative which would have less negative impact on aquatic life in the Sacramento River and strong positive benefits for anadromous fish in the Cosumnes River, we seek reinstatement and equivalent comparative evaluation of this alternative in the final EIS/EIR. Sp3-1

Specifically, we ask the FRWP and the lead agencies to give meaningful consideration to the alternative of diverting water in wetter years when the impacts on the Sacramento River and the Delta would be minimized, arranging for the Omochumne-Hartnell Water District to bank that water in the groundwater aquifer underlying the District through *in lieu* recharge and then extract the stored water and pump it back into the Folsom South Canal in drier years to meet the demands of EBMUD (and perhaps of SCWA as well). This alternative would meet all of the project objectives posited by EBMUD and SCWA with the added environmental benefit of raising the groundwater table underlying the Cosumnes River and thereby reducing the fall baseflow depletions that are now precluding the restoration of a fall run of salmon in this, the last substantial undammed tributary in the Central Valley water system. That benefit is so large as to make this alternative, overwhelmingly, the preferred option for this project. It also embodies the central tenet of the CALFED Bay Delta program that future water development should be designed and operated to confer a net environmental restoration improvement. Sp3-2

As the lead agencies well know, a meaningful comparison of the reasonable alternatives to the proposed project—especially those alternatives that are likely to be environmentally superior—is the heart and soul of the NEPA/CEQA process. While the EIS/EIR concedes that a wet year diversion and groundwater banking alternative is technically feasible, it nevertheless rejects it on the basis of practical considerations related to timing, expense and institutional complications. As these comments will show, the Omochumne-Hartnell banking alternative as described herein readily overcomes these purported barriers. Thus, we believe that there is no sound basis for rejecting this environmentally preferable alternative. Sp3-3

[1] A joint powers authority comprised of the Omochumne-Hartnell Water district, the Galt Irrigation District, and the Clay Water District.

The Effect Of Groundwater Depletion On The Anadromous Fishery Of The Cosumnes River

The Nature Conservancy has acquired a preserve on the Lower Cosumnes River and has been working for almost two decades to restore the superlative ecological values in this essentially undammed riparian system—the longest in the Bay-Delta watershed. The principal "killer threat" to the long-term viability of this ecosystem is the declining groundwater levels in the basins underlying and adjacent to the River, a result of pumping to meet agricultural and domestic needs. Groundwater pumping north and south of the river has created "cones of depression"—deep voids in geological strata that formerly held water to near surface level. Over the past 75 years, groundwater levels have declined substantially. To take one reference point, groundwater levels have declined at the Highway 99 crossing of the Cosumnes from about river bottom level (about thirty feet above sea level) 75 years ago to approximately 30-40 feet below sea level today, a net change of 60-70 feet.

The groundwater threat has three distinct facets. First, dewatered shallow strata underlying the river now capture sufficient early fall flow on the river to significantly alter the flow profile compared to historic conditions, in particular delaying by about one month the opening of the river to salmon seeking to return to spawning grounds. This major threat to the survival of the remnant Cosumnes Chinook salmon run (now averaging 300-500 spawners per year) is well-documented by research that has been performed at the University of California at Davis (Graham Fogg et al.).

Sp3-4

Second, declining groundwater levels reduce soil moisture within the root zone of the riparian vegetation community (valley oak, willow, cottonwood, Oregon Ash, box elder, California grape, and others), posing a threat to its survival by inhibiting "recruitment" of seedlings. This community provides nesting habitat and forage for a range of target species, including neotropical migrant songbirds and Swainson's hawks, provides cover and forage for mammalian species, and plays an important role in moderating air and water temperatures in the river corridor, a key to fish survival.

Finally, declining groundwater levels adversely impact surface wetland features that are essential to the survival of target species. For instance, the Badger Creek marsh hosts one of the largest remaining populations of Giant Garter Snake.

Water development strategies that contribute to reversing the groundwater depletion trend in the vicinity of the Cosumnes River could go a long way toward ameliorating these impacts. The Freeport project, optimally designed, could make a big contribution toward restoring a substantial anadromous fishery in the Central Valley. EBMUD and SCWA are public water supply agencies that have a public trust responsibility to conduct their affairs in a manner reasonably calculated to preserve and restore the natural assets of the State. These agencies are not free to ignore ways of meeting their water supply obligation that will mitigate and reverse ecological damage that has resulted from the prior history of unsustainable water resource development, of which these agencies have certainly been a part. In any event, NEPA and CEQA do not allow agencies to ignore such environmentally preferable alternatives when interested stakeholders have brought them to the agency's attention.

Sp3-5

The Southeast Sacramento County Agricultural Water Authority Groundwater Banking Alternative

The Southeast Sacramento County Agricultural Water Authority (SSCAWA) is a joint powers authority comprised of the Omochumne-Hartnell Water District (OHWD), the Galt Irrigation District and the Clay Water District. Under the alternative that we propose with the support of SSCAWA, EBMUD and SCWA would amend their contracts with the Bureau of Reclamation to allow them to divert the same quantity of water as under the base case, but to take this water during the irrigation season of wetter years (rather than dry years, as under the base case), or during all water year types. This water would be conveyed into the Folsom South Canal (FSC) (as under the base case). EBMUD would enter into a contract with SSCAWA to redivert and bank this water within the Omochumne-Hartnell Water District in the underlying aquifer through an *in lieu* exchange with its growers. SSCAWA would extract water from the aquifer during dry years and pump that water into the FSC to meet EBMUD's supply requirements.

OHWD straddles the Cosumnes River just above the Nature Conservancy's Cosumnes River Preserve. The District does not deliver water to its members at this time, but acts as a planning and advocacy entity to secure future water supplies. Hence, there is no delivery infrastructure now in place. All of the members of the District currently pump groundwater or divert water from Cosumnes River and Deer Creek under riparian rights. There are about 10,000 acres under irrigation within the district, applying about 25,000 acre feet of irrigation water per year, and a total of about 25,000 acres of irrigated land in the three districts that comprise SSCAWA, applying about 62,500 acre feet of irrigation water per year. Much of this is in vineyards. There are also many small residential groundwater users in these districts.

Sp3-6

The banking operation (which would be run by SSCAWA) would store water through arrangements with certain growers who now use only groundwater. Under these arrangements, SSCAWA would provide a substitute surface water supply when available from the Freeport project (presumable the wetter years) and the growers would forebear pumping the aquifer during these years. Natural recharge during those years would help replenish the water table.

SSCAWA would extract water from the bank and deliver it to EBMUD during the drier years. Both recharge and extraction would be conducted in a manner designed to maintain a pattern of hydrologic connection between groundwater and surface flows that resembles natural conditions in the Cosumnes and that would avoid interference with other pumpers. This would be accomplished by recharging the upper aquifer and extracting from the lower aquifer, by pumping at locations that are appropriately distant from the Cosumnes River and other wells, and by assuring that extractions would never be allowed to exceed the amount of *in lieu* recharge that has been achieved (plus a negotiated amount for operating losses or to compensate SSCAWA for performing the groundwater banking services). Thus, the banking operation would assure that the water table could never be lower than under "without project" conditions, and it would generally be substantially higher. SSCAWA's water bank would also store water from other sources, if and when available.

We have discussed this proposal with SSCAWA and OHWD management and consultants and are advised that they do wish to pursue this alternative, as their separate comments on the DEIS/DEIR will confirm.

How The Obstacles To This Alternative Can Be Readily Overcome

The proposed alternative is similar to Scenario 2 (bank EMBUD water) and Scenario 3 (bank EMBUD and SCWA water) in Chapter 18 and in the Technical Memorandum of May 28, 2003, which are part of the draft EIS/EIR, except that the banking entity would be SSCAWA and the location would be the OHWD, and the bank would be operated in a mode that would avoid or overcome the obstacles cited in the DEIS/DEIR (which led the EIS/EIR drafters to discount the groundwater banking alternative as impractical), and described in these comments. Below, we break out each of the practical considerations that caused the EIS/EIR drafters to screen out the groundwater banking alternative and show how of these obstacles can be readily overcome.

Sp3-7

1) ***Time is of the essence and delay cannot be accepted "since this project is a critical water supply source for both SCWA and EBMUD"*** *(Technical Memorandum p. 2).*

The document cites a number of putative delaying factors. First, changing to a wet year diversion would require an amendment of the contract(s) with the Bureau of Reclamation. Second, the document asserts that it would take 3 years to determine if groundwater banking could be implemented in the Galt area. Third, the document asserts that it will take 5-10 years to "establish a framework to allow groundwater to be exported".

We note at the outset that no data or analyses are presented to support the conclusion that the dry year water supply demands for these two agencies are so acute that the time required to implement a water bank would make it infeasible. Likewise, no basis is presented for the assumptions regarding the time required to implement a banking operation. In any event, the DEIS/DEIR indicated that EBMUD does not expect to beginning receiving Freeport project until 2008—five years from now. That should afford enough time to implement a groundwater bank under more realistic assumptions regarding the necessary steps.

Let us review each of these assumptions:

- The DEIS/DEIR correctly points out that a wet year diversion/groundwater banking alternative would require an amendment of the contract(s) with the Bureau of Reclamation. Yet, that should be accomplished expeditiously since the amendment(s) would enable an environmentally preferable configuration for the Freeport Project in two respects. First, and most important, the amendment would help restore natural flows in the Cosumnes River. Second, the wet year diversions will reduce adverse impacts on the Sacramento River and delta fisheries. The better assumption, therefore, is that this amendment can be accomplished without the necessity of an environmental impact statement, which is typically the delaying factor in contract amendments.

Sp3-8

- The DEIS/DEIR assumes that a "water forum" type of process would be necessary to obtain the local consent to groundwater banking. The document is correct to assume that the assent of local groundwater users is a practical requisite for a successful

Sp3-9

groundwater banking operation. And, it might be accurate to assume that local approval would be challenging for a bank in the Central groundwater basin, which is not incorporated within a water district with groundwater management responsibilities. But a bank operated by SSCAWA should not be problematic. There is already widespread endorsement of conjunctive water management by the groundwater users within SSCAWA and the OHWD. They would benefit directly from the elevated groundwater levels. SSCAWA itself would operate the bank, so there would not be a great deal of concern over an outside, municipal water supply agency "dipping its straw into the aquifer." And, SSCAWA has already embarked on a consensus building process around other groundwater banking opportunities and will also utilize other stakeholder processes that are already underway. The officials of SSCAWA advise us that they expect to be able to generate the necessary degree of consensus within 2-3 years–well within the implementation timeline for the FRWA—and therefore local buy-in should not be a delaying factor in implementing the proposed alternative.

Sp3-9 cont

- The DEIS/DEIR assumes that obtaining permission to export groundwater from a groundwater bank would be complicated and entail delays because of the strictures of Water Code 1220 which the DEIS/DEIR reads as prohibiting the export of groundwater unless it complies with an AB 3030 groundwater management plan, and no such plan has been adopted by Sacramento County. But this is not actually a serious obstacle for two reasons. First, Water Code 1220 is an area of origin protection statute for groundwater. As such, it applies only to native groundwater, it does not apply to imported water used to recharge the groundwater. The water that would be banked in and then extracted from the OHWD originates in the American River basin, not in the Cosumnes River basin. Second, SSCAWA has adopted an AB-3030 groundwater management plan, and it has been submitted to the Department of Water Resources for approval. SSCAWA, rather than Sacramento County, is the relevant planning entity for this purpose, and that plan specifically contemplates conjunctive water management.

Sp3-10

As a final consideration bearing upon the feasibility of the proposed groundwater banking alternative, we submit that it could be pursued without delaying the benefits of the FRWA project. The organizations submitting these comments would be satisfied with FRWA starting to implement its preferred alternative, provided that the FRWA would also make an upfront commitment to diligently pursue a groundwater bank in the Cosumnes basin as soon as all necessary permits, contracts and contract amendments have been obtained. Thus, acceptance of this environmentally preferable alternative need not entail any delay in implementing the FRWP project.

Sp3-11

2) ***The DEIS/DEIR cites a number of technical issues that it thinks makes groundwater banking impractical:***

- The DEIS/DEIR asserts that the IGSM model shows that recharge water would migrate outside the area where it is applied. To minimize this effect, injection wells would need to be widely distributed. (Technical Memorandum at p.7).

Sp3-12

These assertions misstate the real issue. Of course, some of the recharge water will commingle with the native groundwater and will not be recovered. That is not a problem. The problem that the bank will need to be designed to avoid is the possibility of its extraction wells interfering with pumping by neighboring groundwater users. To avoid injury, the bank must operate in a manner that will not increase the energy requirements for lifting groundwater relative to the "without-project" status quo[2] or diminish the water quality. Since the recharge water will be of similar quality to the native groundwater, the latter is not a serious concern. As for avoiding pumping interference, the DEIS/DEIR is correct that well spacing and location, as well as rates and timing of extractions, are important—but not insurmountable—design considerations. Since the groundwater users in the OHWD are widely disbursed around the Cosumnes River, it does not appear that it would be difficult for the groundwater bank to site and operate production wells in a manner that would avoid adverse impacts on these pumpers. Additional strategies might include siting the extraction wells within or adjacent to properties controlled by The Nature Conservancy or other Cosumnes River Preserve partners, where no (or very limited) other pumping takes place, and/or pumping from the deep aquifer where impacts to shallower wells would be avoided. Substantial portions of the Preserve are upstream of Highway 99, where the groundwater is not tidally influenced and therefore of good quality. The Natural Heritage Institute has conducted an in-depth study of the physical and institutional design features that result in successful groundwater banking operations. Since that report addresses the feasibility issues cited in the DEIS/DEIR, we attach it for the FRWA's use.

Sp3-12 cont

- The DEIS/DEIR fears that it may not be possible to prevent the other pumpers from raiding the bank's recharge water (Technical Memorandum at p. 8).

  This is not a major problem in an *in lieu* recharge arrangement, since the participating groundwater users will pump or forebear from pumping according to terms specified in their contract with OHWD. Officials and consultants of the District believe that it would not be hard to get growers to agree to forego pumping in wet years and take surface water instead, and to restrict groundwater pumping in dry years to historic levels. However, it would probably be necessary to provide them a monetary or water supply incentive. For instance, the substitute surface water could be provided at less than the current groundwater lifting costs. The District is currently working on a lifting cost estimate.

Sp3-13

The biggest problem is the potential for increased pumping (beyond the historic baseline) by non-participating pumpers. It is clear that the water bank could take

Sp3-14

[2] According to the Technical Memorandum, IGSM modeling of the "Scenario 2" groundwater bank that it evaluated showed widespread raising of the water table in the Galt Basin by between 0-10 feet, but localized drawdowns in the vicinities of the extraction wells, especially during dry years. The extent of drawdown varies based on the number of extraction wells, but can range from 20-30 feet during multiple sequential dry years if using 5-15 extraction wells.

legal action to prevent such occurrences if it chooses to do so and has the necessary information. Whether this is a significant problem will require further exploration. Notably, it has not been a problem in other *in lieu* groundwater banking projects in the Central Valley.

Sp3-14 cont

- The DEIR/DEIS fears that the recovered groundwater in will be of poorer quality than the surface water in the FSC (Technical Memorandum at p. 8)

Sp3-15

This may be a problem banking water elsewhere in the Central or Galt groundwater basins, but the OHWD informs us that the quality of the groundwater underlying the District is good, and there is no appreciable TDS problem.

3) Finally, the DEIR finds the groundwater banking option infeasible because it would be more expensive.

The Technical Memorandum estimates that banking the EBMUD allocation would increase the costs of the FRWA project by about 15% (adding $104 million to the $690 million estimate for the base project), and that banking both the SCWA and EBMUD allocations would increase costs by about 32% (adding $223 million to the $690 million estimate for the base project). However, the largest items are for a groundwater treatment plant (premised on native groundwater quality that may not apply to the OHWD groundwater) and incremental "engineering, legal, administrative, permitting and right of way costs" that appear to be much in excess of what would be required to bank groundwater in OHMD. We therefore request that the final EIS/EIR present more refined and well-documented costs estimates for banking in the OHWD specifically.

Sp3-16

These cost estimates also do not account for the cost savings in the price of wet year water (when demands are low relative to supply) from USBR compared to dry year water (when demands are high relative to supply) over the lifetime of this project. Estimating these savings into the future, when price differentials are likely to become more pronounced, is understandably difficult. But even if these differentials amount to only $20.00 per acre foot on average, the incremental cost of banking the EBMUD water would be amortized in 25 years, and the incremental costs of banking the entire diversion would be amortized in about 55 years, even utilizing what appear to be the highly inflated numbers in the Technical Memorandum (see p. 35 and 42) and leaving aside the prospect of state bonds defraying a substantial portion of the costs. Under public benefit criteria, a reconfigured FRWA project with a groundwater replenishment component designed to improve fishery flows in Cosumnes River should be very strong contender for bond funds.

Conclusion

It appears that there exists a feasible and environmentally preferable alternative configuration for the FRWA project that would involve banking wet year (or every year) diversions by and within the Omochumne-Hartnell Water District. In the final EIS/EIR we request that the FRWA reinstate the groundwater banking alternative with a specific OHWD focus and with a design that overcomes the feasibility barriers cited in the Technical Memorandum. We describe these design features in these comments. The first

Sp3-17

step in this direction would be for the FRWA, EBMUD, SCWA and USBR to open a dialogue with the OHWD and SSCAWA on this alternative. The Nature Conservancy and the Natural Heritage Institute would appreciate being included in those discussions. Sp3-17 cont

For our part, we would be glad to assist in the further development of this alternative in any manner that the FRWA would find helpful.

Yours sincerely,

Michael Eaton
The Nature Conservancy

c.c. Dennis Delmer
John Lampe
Randall Knouse
Eric Mische, FRWA
SCWA
Board members
Supervisors
USBR

Responses to Comments of the Nature Conservancy (Letter Sp03)

Sp03-1. Chapter 18 of the draft EIR/EIS thoroughly explores the potential for implementing a groundwater banking/exchange component to the FRWP. As described on pages 18-18 and 18-19, there are substantial constraints on implementing such a program that cannot currently be addressed, and this alternative is, therefore, infeasible. Should these constraints be addressed by the appropriate entities and should additional funding be made available, it is conceivable that the FRWP infrastructure could be used to help implement a groundwater banking program. CEQA and NEPA require that an EIR/EIS examine a reasonable range of alternatives. The range of alternatives should generally be focused on alternatives that reduce or eliminate significant environmental effects associated with the proposed project. As noted in Chapter 18 of the draft EIR/EIS, implementation of a groundwater banking/exchange component would not substantially reduce or eliminate any significant impacts associated with the FRWP and, in fact, would cause additional impacts related to the additional facilities that would be required for such a program. The fact that such a program may result in secondary benefits does not require the inclusion of an infeasible alternative in detailed analysis in an EIR/EIS.

Sp03-2. The alternative suggested in this comment was fully addressed in the Alternatives Screening Report (Volume 2, Appendix B), and in Chapter 18 of the draft EIR/EIS. As described in Chapter 7 of the Alternatives Screening Report, this alternative is not a feasible alternative. As discussed on page 7-36 of the Alternatives Screening Report, this conceptual alternative was carried forward and discussed in Chapter 18 of the draft EIR/EIS because Reclamation and FRWA recognize the local interest in such programs. The FRWP could provide some of the infrastructure needed to implement groundwater banking/exchange programs should they become viable in the future. The ability of this alternative to provide substantial benefits to salmon passage on the Cosumnes River is still under a considerable amount of study, and such benefits are beyond the scope and purpose of the FRWP.

Sp03-3. See responses to comments Sp03-1 and Sp03-2 above. As noted above, this potential alternative was thoroughly evaluated in the alternatives screening process and was found to be infeasible. In addition, it would result in only a minor reduction in certain potential impacts while creating other new and expanded impacts. It is, therefore, not considered a viable alternative at this time.

Sp03-4. FRWA and Reclamation are aware of the efforts of The Nature Conservancy along the lower Cosumnes River and support restoration efforts along the river.

Sp03-5. The FRWP will substantially contribute to protecting the resources described in this comment by providing a surface water supply to an area that is rapidly growing and currently relying almost exclusively on local groundwater resources. As described on pages 1-1 and 1-2, FRWA and Reclamation recognize concerns regarding groundwater levels in central Sacramento County and one of the primary purposes of the project is to promote the efficient conjunctive use of groundwater and surface water in the Zone 40 area. .

Sp03-6. See responses to comments Sp03-1 through Sp03-6 above. Again, the FRWP could be an integral component to any such programs identified in the future.

Sp03-7. As noted in this comment, this concept was evaluated in the Alternatives Screening Report (Volume 2), and Chapter 18 of the draft EIR/EIS. The rationale for finding that this conceptual alternative is not feasible is thoroughly described in those sections.

Sp03-8. See responses to comments Sp03-1 through Sp03-7 above. An assessment of the potential impacts of a groundwater banking/exchange program was conducted and the results are presented in pages 18-12 through 18-19 of the draft EIR/EIS. As clearly demonstrated, there is no substantial evidence that this alternative would substantially reduce the environmental effects of the FRWP on hydrology, water supply, water quality, and fisheries, each of which were already identified as less-than-significant impacts of the FRWP in the draft EIR/EIS. Based on the available information, FRWA and Reclamation believe that additional environmental review would be required to address a contract amendment such as proposed in this comment.

Sp03-9. As noted in this comment, while there may be a general interest in exploring such an alternative among members of the local community, there is clearly no local consensus about the desirability of such a program. The fact that the South Sacramento County Agricultural Water Authority "expects to be able to generate the necessary degree of consensus" with 2 to 3 years emphasizes the difficulties of establishing such a program. As noted above, the FRWP could be an integral component to any such programs identified in the future.

Sp03-10. This comment offers an opinion regarding the applicability of California Water Code Section 1220 to the export of stored groundwater. While Reclamation and FRWA acknowledge that the opinion offered may ultimately be determined to be the intent of the section, this question is highly controversial; other entities have expressed opposing points of view, and it will likely become an issue for the courts to address in the future. This uncertainty is one of several key issues regarding the feasibility of such a program as part of the FRWP. In addition, elsewhere in this comment letter, "in lieu" groundwater banking programs are suggested as the most expeditious method of implementing a groundwater banking/exchange program. In such a program, it would be native, not imported water, that would be pumped and exported from the basin.

Sp03-11. As noted on page 18-19 of the draft EIR/EIS, SCWA will continue to investigate groundwater banking/exchange programs through the Central Sacramento County Groundwater Forum.

Sp03-12. This comment appears to make a number of assumptions regarding the feasibility of a groundwater banking/exchange program. For example, the rate of migration and the amount of recharge water available to FRWA would be critical to determining whether the objectives of the FRWP could be met. Neither of these issues are well understood. The assumption that native and imported water quality is "similar," while true in a general sense, would require substantial additional verification and modeling to determine the impacts of

storing imported water on the groundwater basin. See also responses to comments Sp03-1 through Sp03-11 above.

Sp03-13. This comment appears to make a number of assumptions regarding the ability to prevent other groundwater users from extracting excessive amounts of water. In addition, as noted throughout these comments, agricultural water users currently rely almost exclusively on groundwater. Few, if any, surface water distribution systems exist in the area. The funding mechanism for constructing and operating such systems over the 25,000-acre area described in these comments has not been identified. These costs would be substantial.

Sp03-14. This comment refers to the legitimate concerns regarding increased pumping by nonparticipating members and discusses the fact that the proposed water bank "could take legal action to prevent such occurrences if it chooses to do so and has the necessary information". The comment illustrates some of the substantial technical and legal challenges that remain unresolved with respect to the implementation of a groundwater banking/exchange program. It should also be noted that many other groundwater banking arrangements in the Central Valley have been temporary or short-term in nature and therefore these issues were not as critical.

Sp03-15. No data is presented to evaluate in this comment. In addition, the groundwater basin would likely behave differently under a groundwater banking/exchange program in response to the addition of imported surface water. These substantial technical issues that would have to be investigated and fully addressed as part of any such program. Such investigation could substantially delay the implementation of the proposed project.

Sp03-16. Reclamation and FRWA believe that the additional costs associated with the addition of a groundwater banking/exchange component are accurate. The costs related to a groundwater treatment plant are not associated with any assumptions regarding water quality. Such a water treatment plant would be required to provide potable water directly from the groundwater to the Zone 40 area. Because at times under this alternative 100% of the ultimate buildout needs would have to be capable of being delivered through this plant, the plant would have to be sized to accommodate those demands. In addition, there is no substantial difference in the cost of water from Reclamation between wet years and dry years; therefore, assumptions regarding cost savings are not valid. Finally, while bond funds may be available for such a program, the ability to obtain such funding is highly uncertain and cannot be relied on to defray the additional costs.

Sp03-17. See responses to comments Sp03-1 through Sp03-16 above. See also responses to comments of the Southeast Sacramento County Agricultural Water Authority.

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Letter Sp4

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Freeport Regional Water Project
1510 J Street, Suite 140
Sacramento, CA 95814

Re: Comments on Draft Environmental Impact Report/Environmental Impact Statement, Freeport Regional Water Project of Sacramento Water Agency and the East Bay Municipal Utility District

Dear Mr. Kroner:

The Environmental Council of Sacramento is pleased to submit the following comments and questions on the Draft EIR/EIS for the Freeport Regional Water Project:

1. The Draft EIR/EIS does not discuss how the project infrastructure will be financed. If growth in the Zone 40 area is slowed by an unforeseen change in economic conditions, what impact will that have on project financing? Sp4-1

2. The water budgets in the Water Forum Agreement for future Sacramento County development rely on a level of conservation of 25.6% to be achieved within the next few years and sustained into the future. If these conservation measures reduce water consumption levels beyond the target specified in the Agreement, what will the impacts of reduced Sacramento County demand be on project financing, Sacramento River water diversions, potential growth outside the Urban Services Boundary, and the potential for out-of area water sales? Sp4-2

3. If EBMUD anticipates diverting Sacramento River water to its Mokelumne Aqueducts only during dry years (3 years out of every 10), will EBMUD be able to sell its share of project water during average and wet years to out-of-area purveyors? If so, what will be the growth pressures in southern Sacramento County if this water fuels growth in northern San Joaquin County? Sp4-3

4. Presently, the depletion of groundwater in Zone 40 and diversions of surface water from the upper Cosumnes River have caused the lower Cosumnes River to cease flowing during a number of months each year. Also, the depletion of groundwater has increased the viability of an agricultural economy in Zone 40. Why hasn't the DEIR evaluated the potential of active groundwater recharge using EBMUD project water and the diversion of a small quantity of this water through Folsom South Canal and into the Cosumnes River to both mitigate current adverse impacts on agriculture and restore flows and salmonoid migration in the Cosumnes River in average and wet years? Sp4-4

5. We incorporate into these comments those of Felix Smith, dated October 2, 2003, with respect to the impacts on Delta fisheries and the feasibility of an EBMUD diversion from the lower Delta to meet dry year water supply needs.

Thank you for this opportunity to address issues that ECOS believes should be discussed in the final EIR for this project.

Sincerely,

Earl Withycombe
Water Forum Delegate

www.ecosacramento.net

Responses to Comments of the Environmental Council of Sacramento (Letter Sp04)

Sp04-1. The project will be funded locally. The costs will be shared by SCWA and EBMUD. All costs will be borne by the project beneficiaries. SCWA will sell bonds that are paid by the collection of developer fees. Certain SCWA facilities will be constructed only as increases in demands require; thus the costs and associated revenues will be paid and collected at the rate that growth occurs. Changes in anticipated economic conditions and growth have the potential to alter various aspects of how financing is obtained but would not affect the ability to finance the FRWP.

The level of conservation used for protecting buildout demands in the draft EIR/EIS is 25.6%; if demands are ultimately less than this, then less facility capacity will be required and, consequently, some facility costs may be reduced.

In accordance with the Sacramento County General Plan, none of the planned water is allowed to be served outside the Urban Services Boundary. To serve water outside the Urban Services Boundary would require revision of General Plan and expansion of the Zone 40 service area. Sale of water outside the service area is not planned for because availability of potential supplies are very limited and not fully assured.

Sp04-2. Planning for the FRWP is based on feasible, though aggressive conservation assumptions. It is speculative to attempt to predict what effect conservation above and beyond the levels used in project planning would have on diversions, growth outside the Urban Services Boundary, and the potential for out-of-area water sales. Substantial gains need to be made in water conservation and in acquiring reliable supplies of water to achieve the levels used for these other purposes. It is equally possible that planned conservation levels will be achieved and future demand levels could be higher than anticipated for project planning purposes.

Sp04-3. There are currently no plans for use of the unused capacity of the FRWP facilities other than the small quantities described in Chapters 2 of the final draft EIR/EIS. These facilities may provide additional regional benefits in the future by enabling regional water supply solutions. However, no such plans have been identified at this time, and any such future plan will be required to provide a new source of water (EBMUD's CVP contract does not allow for diversion of water in normal and wet years, when excess capacity would generally be available) and will undergo appropriate separate environmental review.

Sp04-4. The alternative suggested in this comment was fully addressed in the Alternatives Screening Report (Volume 2, Appendix B), and in Chapter 18 of the draft EIR/EIS. As described in Chapter 7 of the Alternatives Screening Report, this alternative is not a feasible alternative for the FRWP. As discussed on page 7-36 of the Alternatives Screening Report, this conceptual alternative was carried forward and discussed in Chapter 18 of the draft EIR/EIS because Reclamation and FRWA recognize the local interest in such programs. The FRWP could provide some of the infrastructure needed to implement groundwater banking/exchange programs should they become viable in the future. Although the alternative is beyond the scope and purpose of the

FRWP, the ability of actions similar to this alternative to provide substantial benefits to salmon passage on the Cosumnes River are undergoing a considerable amount of study by several entities. .

Sp04-5. See response to comments of Felix Smith (Letter Sp01).

FRIENDS OF THE RIVER
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CALIFORNIA'S STATEWIDE RIVER CONSERVATION ORGANIZATION

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Letter Sp5

Mr. Kurt Kroner
Freeport Regional Water Authority
1510 J Street, #140
Sacramento, CA 95814

December 15, 2003

Re: Comments on the Draft EIS/EIR for the Freeport Regional Water Project

Friends of the River has reviewed the draft EIS/EIR for the Freeport Regional Water Project. Moreover, this joint Sacramento County/East Bay Municipal Utility District (EBMUD) project has already been the subject of considerable review in the context of the Water Forum Agreement and the EIS/EIR for EBMUD's recent amendatory contract with the Bureau of Reclamation. Friends of the River was a major participant in both of these forums.

The Freeport Project would serve as the diversion and a portion of the conveyance facilities to deliver U.S. Bureau of Reclamation Central Valley Project (CVP) water to EBMUD, consistent with EBMUD's current amendatory contract with Reclamation. Once the Freeport Project is implemented, American River points of diversion will no longer be a feature of EBMUD's contract with Reclamation. American River diversions are less desirable than equivalent downstream diversions, and we look forward to the day when American River diversions are no longer consistent with this CVP contract.

The Freeport Project is also planned to serve as the diversion and conveyance facilities for Sacramento County water supply projects developed in the Water Forum Agreement, an agreement to which Friends of the River is a signatory. We believe that the Sacramento County aspects of the Freeport Project are consistent with the Water Forum Agreement.

EBMUD Freeport Issues

The EIS/EIR properly notes that diversions consistent with EBMUD's CVP contract will be limited to the use of a reduced portion of the dry year yield of the CVP during times of anticipated shortfall of the District's Mokelumne River supplies. EBMUD's contract with Reclamation appropriately imposes a significant CVP shortage provision—at least if viewed in terms of the original EBMUD CVP contract. Friends of the River would, of course, prefer EBMUD to meet its modeled Mokelumne River shortage year demands from improved conservation efforts—and and we take seriously EBMUD's stated commitment to meet a portion of its planned shortfall from these continued efforts. It is our hope and expectation that EBMUD's demand reduction efforts will meet with more success than the District has planned for. EBMUD itself has noted that its demand has been flat for decades, in spite of significant increases in the number of customers served by the District. Such efforts, particularly if practiced by all regional water suppliers, should have positive impacts on the CVP, its contractors, and the CVP's environmental commitments.

Sp5-1

Sp5-1 cont

However, we do recognize that both Reclamation and EBMUD believe that sufficient dry year CVP yield exists to be able to meet the current contractual deliveries to EBMUD during these years. The EIS analysis assumes that EBMUD deliveries will necessarily reduce deliveries to other CVP contractors, particularly those with lower internal CVP delivery priorities. This is an important insight, and should be reaffirmed in the record of decision for the Freeport Project. Otherwise, the Freeport Project will have significant and not currently disclosed adverse consequences on the CVP's environmental obligations. The final EIS/EIR, record of decision, and certification should also reaffirm EBMUD's commitment to increasing Mokelumne River flows if and when EBMUD finds other sources such as the Freeport project to augment its Mokelumne River water supplies.

Sp5-2

Proposals to reamend the Reclamation/EBMUD contract to feature wet year project deliveries and a groundwater banking program may be made as comments to this EIS/EIR. We believe these proposals should be considered with considerable caution and deliberation. If any proposed operational changes emerge from such deliberations, we believe that they would most likely emerge after approval, construction, and the start of operations of the Freeport Project. We note that Reclamation has the authority to undertake desirable contract amendments after the start of Project operations.

Sp5-3

Such considerations necessarily will note that currently the Freeport Project and the Reclamation/EBMUD contract are expected to meet the contractor's modeled needs with little increased adverse environmental impacts and with efficient use of CVP water supplies. CVP contractors in drainage impaired areas in the San Joaquin Valley may bear the principal "adverse" effects of the Freeport Project. However, reduced water availability in areas that suffer from high saline groundwater tables may not always result in economic losses proportional to delivery reductions since groundwater management programs in these CVP service areas can benefit from such circumstances .

Foreseeable Sacramento or San Joaquin County groundwater banking programs will have to confront a number of tough issues: 1) difficulty in recovering banked groundwater, which may have moved elsewhere, 2) the probability of significant depletions of banked groundwater to other pumpers in the region who would be unlikely to commit to paying for banked CVP supplies, 3) likelihood that non-CVP contractors will benefit from groundwater banking of CVP water, either indirectly because of reduced pumping lifts, or from effective augmentations of groundwater available for pumping, 4) likelihood that considerably increased CVP water resources would be required to meet EBMUD's modeled needs, in comparison to the existing contract, 5) little apparent likelihood that CVP groundwater banking would meaningfully contribute to aquatic or riparian resource restoration programs—at least in comparison to other alternatives being proposed by Sacramento County.

Sp5-4

Sacramento County Issues

The Freeport Project is designed to deliver Sacramento County water entitlements to serve planned urban growth south of the American River in a conjunctive use program developed in the Water Forum Agreement. It is also anticipated that the Freeport Project and the County's remediated groundwater recovery project, or both projects together, will be used by the County to help stabilize and clean up polluted aquifers south of the American River damaged by military and aerospace industry discharges to these aquifers. In addition, these facilities and waters may play an important part in Sacramento County's efforts to meet Nature Conservancy restoration objectives for the Cosumnes River corridor. We recognize that these efforts have different timelines than the Freeport Project, nevertheless, these are important County objectives, and should be reaffirmed by the County and the Freeport Authority in the context of certifying the EIR for the Freeport Project.

Sp5-4 cont

Joint Project Issues

Friends of the River is pleased that the Freeport Authority has listened carefully to concerns raised by residents near the Freeport diversion structure about the facility and its operations. It appears that the Authority has committed to refinements to the project in response to comments on the draft EIS/EIR to appropriately mitigate the visual and acoustic impacts of the facility. Indeed, the proposed refinements offer positive improvements to neighborhood amenities.

Sp5-5

Sincerely yours,

Ronald Stork
Friends of the River

Response to Comments of Friends of the River (Letter Sp05)

Sp05-1. The basis for EBMUD's water supply reliability planning is provided in Chapter 1 of the draft EIR/EIS (for example, see Table 1-3) and Volume 2, Appendix A. As noted in those sections, EBMUD plans to meet a significant portion of its drought supply needs through conservation and water recycling. While EBMUD has committed significant resources to meeting aggressive numeric goals for demand management, EBMUD will seek to exceed those goals by any cost-effective means available. However, conservation and recycling cannot reasonably meet all of EBMUD's dry year needs. EBMUD is committed to exploring methods of achieving a reliable and safe water supply while minimizing environmental effects.

Sp05-2. The CVP is operated as an integrated system. Reclamation is committed and obligated to provide specified instream flows to protect environmental resources, including flow, temperature, senior water rights, and water quality. These requirements are met prior to Reclamation making allocations to water supply contractors. As CVP contractors, the FRWA agencies will be treated identically to other CVP contractors and will receive the same priority as other contractors.

Sp05-3. See responses to comments of The Nature Conservancy and Southeast Sacramento County Agricultural Water Authority. Chapter 18 of the draft EIR/EIS thoroughly explores the potential for implementing a groundwater banking/exchange component to the FRWP. As described on pages 18-18 and 18-19, there are substantial constraints on implementing such a program that cannot currently be addressed and this alternative is therefore infeasible. Should these constraints be addressed by the appropriate entities and should additional funding be made available, it is conceivable that the FRWP infrastructure could be used to help implement a groundwater banking program. Such a project would require separate environmental review.

Sp05-4. See responses to comments Sp05-2 and Sp05-3 above. Refer also to responses to comments from Felix Smith above.

Sp05-5. See Chapter 2 in this final EIR/EIS for additional information regarding the formulation of the proposed project, including the intake site. FRWA appreciates the support expressed in the comment.

Letter Sp6

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MEADOWVIEW DEVELOPMENT COMMITTEE

December 15, 2003

Mr. Kurt Kroner
Freeport Regional Water Project
Draft EIR/EIS Comments
Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Re: DRAFT ENVIRONMENTAL IMPACT REPORT FREEPROT REGIONAL WATER PROJECT (State Clearinghouse No. 2002032132)

Dear Mr. Kroner:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Freeport Regional Water Project (FRWP). The Meadowview Development Committee (MDC) is submitting the following comments regarding the DEIR.

We have major objections to the project as proposed in the DEIR. We believe that the proposed location of the intake facility and pipeline are inappropriate in a dense residential area. The placement of any major facilities within 200 feet of residential homes are not warranted when there are many other locations available for the intake facility and the pipeline. Sp6-1

We also have major objections to the manner in which the public was notified about the project prior to the release of the DEIR. I attended one of the meetings referenced in the DEIR (which was held at the MDC). There were no handouts given, no descriptions of the facility, and no written information distributed with regards to the various alternative proposed. Since the DEIR has been released, there have been no discussions with the Meadowview or Valley High residents with regards to mitigation or proposed improvements. Sp6-2

1) Violation of Environmental Justice Laws

It is our opinion that this project is in violation of Title VI of the Civil Rights Act and the 1994 Executive order 12898 in conjunction with National Environmental Policy Act. These laws bar intentional discrimination as well as disparate & disproportionate adverse impacts to minority and low income populations. Simply stated we feel that the adverse impacts of this project are borne on Sp6-3

minority and low income populations in a much greater magnitude than will be suffered by non minority populations and non low income populations.

These adverse impacts include: Sp6-3 cont

- Noise (facility operations, pile driving, jack and bore operations, ect)
- Vibrations (pile driving, jack and bore operations, increased truck traffic)
- Increased traffic congestion and reduced levels of service (due to lane closure on major roadways, increased truck traffic)
- Reduced property values and destruction or dimunition of aesthetic values
- Destruction or disruption of man made or natural resources

Our conclusions are based on GIS mapping which clearly shows that all the alternatives presented in the document go through the same neighborhoods despite the many other river bends located in Sacramento County. Our 2000 census studies also show that of all the homes within a one half mile radius of the project (approximately 10,000) 65% are of minority or low income populations. This percentage is approximately one and one half times the average rates for Sacramento County

In our repeated talks (at least 8 meetings) with the FRWA we have yet to receive any defined benefits for the local residents who will be impacted by this project. This is noteworthy because benefits have been defined for EBMUD customers, Developers who would like to build homes in Sacramento County, the Sacramento County Water Association, and EBMUD.

Although Environmental Justice is included in chapter 10 of the DEIR, it is vague and inadequate. GIS mapping should be included and the document should state why this is the only feasible route for the project (otherwise the project location should be changed).

2. The DEIR does not address the loss of property values along the project route.

We are also against this project because it will reduce the property values of all homes located within one half mile of the proposed pipeline. We feel that our home values will be affected by the 2-year construction period and by the diminished views at the intake facility. Sp6-4

We feel that the construction noise, increased traffic congestion, and dust will make it more difficult for people to sell homes located near the project. These difficulties will force people to lower their asking price similar to the construction sales held at stores. These lower prices also affect the appraisal values of homes located within one half mile of the discounted home.

There are approximately 10,000 homes located within one half mile of the Freeport Water project (according to 2000 Census data). These homes have an

approximate combined value of $2,500,000,000 (two billion five hundred thousand dollars). At the present time there are no plans to improve the areas that are impacted by this project. Studies have shown that properties located near noisy facilities fall at an annual rate of 6% compared to other properties in the same area (Gamble, et. al., 1974: 43). A 6% loss in property values for homes located in the vicinity of the FRWA project is approximately $150,000,000 (one hundred and fifty million dollars. If the project goes forward as planned we are asking that a mitigation funds be set aside for home owners whose property values decrease due to the construction and facility impacts.

Sp6-4 cont

3) Lack of adequate representation in project discussions

During the DEIR circulation phase there have been various meetings with City officials with regards to mitigation and improvements. In the Volume II Appendices of the document on pages 7-7 & 7-8 and under the heading of **Options 2 & 3: Diversion at Freeport**, it is stated that "the city has indicated support for this alternative. However, Mayor Heather Fargo has publicly stated that this is not the case. In further discussions with City officials there have not been any discussions with regards to the approximately 8,000 homes which are located along the pipeline alignment. It is our opinion that the Valley High and Meadowview areas do not adequate representation with regards to City discussions with FRWA concerning mitigation alternatives. According to FRWA they only plan to place the 7' diameter pipeline, cover it up, and leave the area as is. This is not acceptable. Landscaping, property value mitigation, soundwalls, and beautification projects should be included in the discussions of mitigation for property owners located along the pipeline. In discussion with the City Manger, Bob Thomas, it was stated that this project will not affect Meadowview and all mitigation proposals presented should address all of the issues. This is not the case, since there have not been any mitigation proposals with the exception of the intake facility. There are no discussions on traffic migration to Meadowview Road, mitigation to clean homes/cars covered by construction dust, mitigation to repair foundation cracks, and mitigation to improve the listed visual impacts.

Sp6-5

Sp6-6

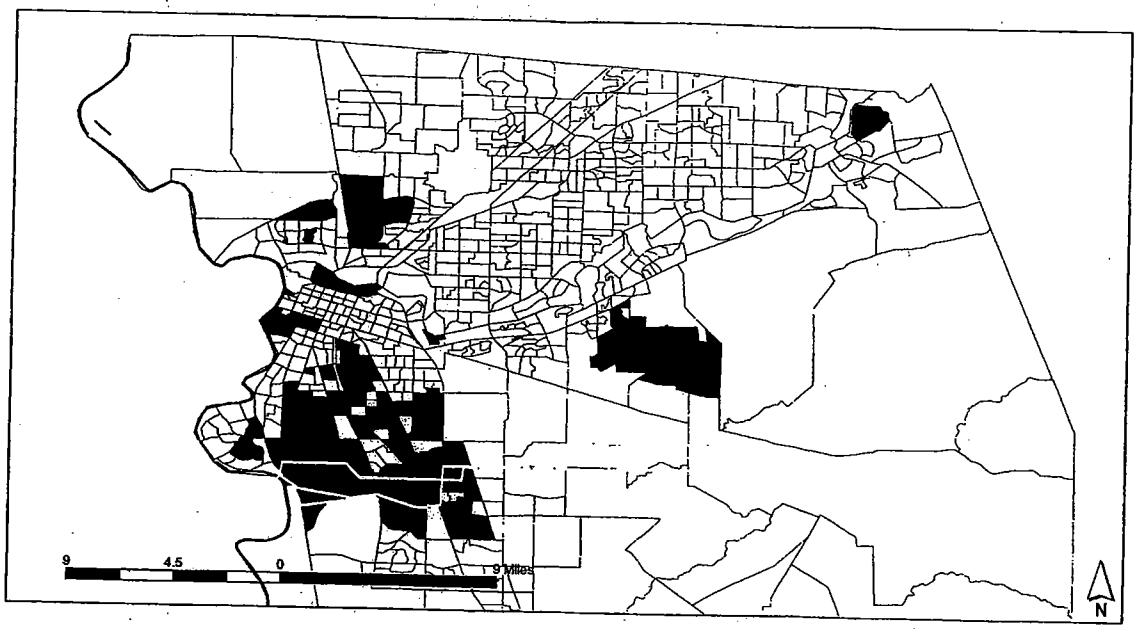
The Meadowview Development Committee is appreciative for the opportunity to comment on this DEIR. We are awaiting your responsive answers to appear in the Final EIR. Please enter these comments in the permanent record for this project.

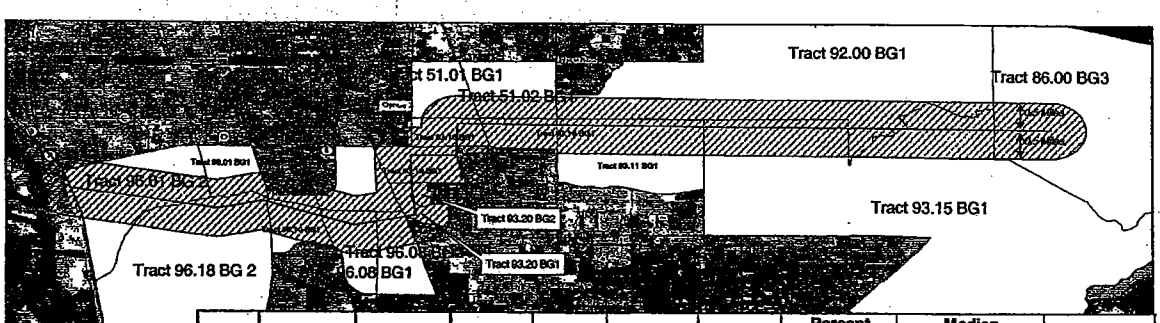
Sincerely,

Keith Herron
President, Meadowview Development Committee

Enclosures

Cc
Illa Collin, FRWA Board, Sacramento County Board of Supervisors
Don Nottoli, FRWA Board, Sacramento County Board of Supervisors
Katy Foulkes, FRWA Board, East Bay Municipal Utility District
John Coleman, FRWA Board, East Bay Municipal Utility District
Bonnie Pannell, FRWA Board, City of Sacramento
Honorable Dianne Feinstein, U.S. Senate
Honorable Barbara Boxer, U.S. Senate
Honorable Robert Matsui, U.S. House of Representatives
Honorable Deborah Ortiz, California State Senate
Honorable Darrell Steinberg, California Assembly
Honorable Mayor Heather Fargo, City of Sacramento
Honorable City Council Members, City of Sacramento
Robert Thomas, City Manager, City of Sacramento
Betty Masuoka, Assistant City Manager, City of Sacramento
Thomas Lee, Deputy City Manager of Sacramento
Gary Reents, Director, Department of Utilities, City of Sacramento
Butch Hodgkins, Executive Director, SAFCA
Pete Ghelfi, Director of Engineering, SAFCA
Eric Mische, General Manager, FRWA
Rob Schroeder, Contract Specialist, US Department of Interior, Bureau of Reclamation



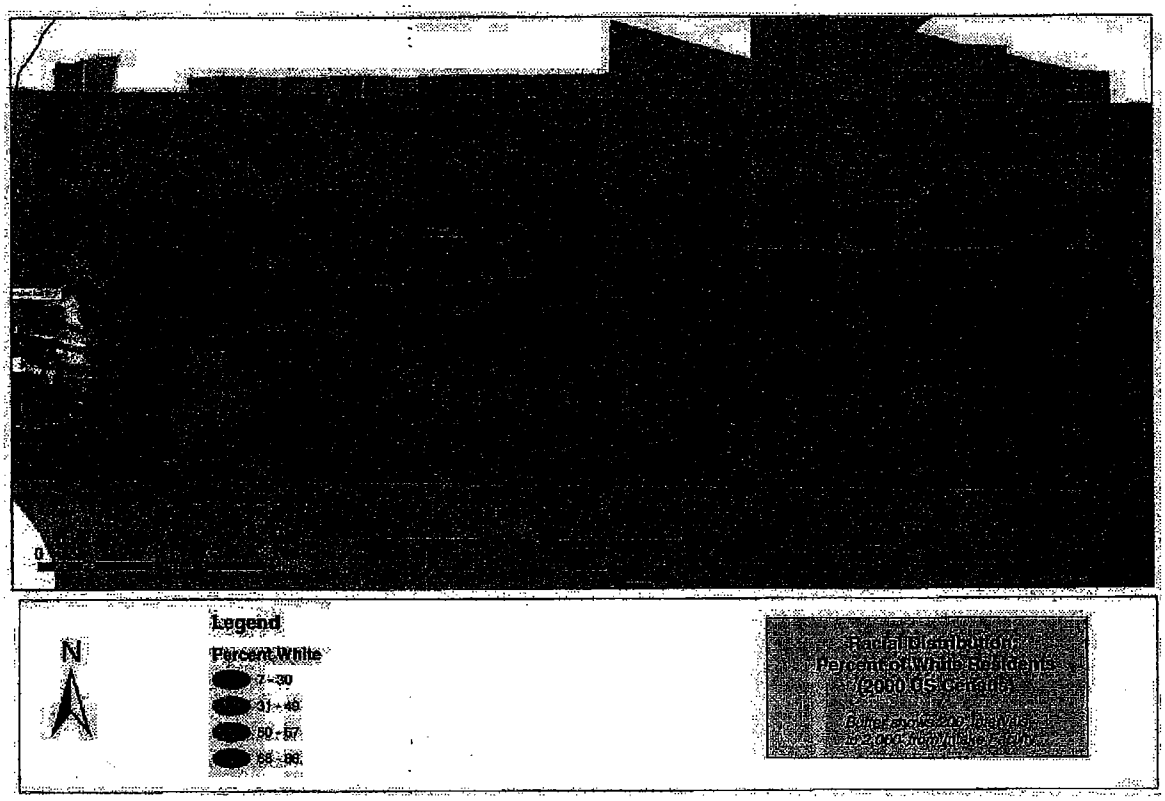


Census Block Groups Along Preferred Alternative

Data Source: 2000 Census

Buffer shown is 1/2 mile from proposed pipeline

TRACT	GROUP	Population	Percent White	Percent Black	Percent Hispanic	Housing Units	Percent Below Poverty	Median Household Income	Median Home Value
51.01	1	4,239	40%	18%	19%	1,350	21%	$ 36,828	$ 105,900
51.02	1	4,528	56%	11%	16%	1,716	15%	$ 36,414	$ 109,300
86.00	3	1,085	84%	2%	16%	463	7%	$ 39,615	$ 244,300
92.00	1	649	70%	2%	18%	215	8%	$ 54,861	$ 222,100
93.11	1	3,549	66%	6%	11%	1,143	3%	$ 63,621	$ 148,900
93.15	1	2,429	75%	5%	11%	807	2%	$ 91,122	$ 326,900
93.16	1	3,110	53%	16%	17%	988	10%	$ 51,226	$ 111,000
93.18	1	2,573	30%	14%	17%	666	14%	$ 50,383	$ 110,300
93.19	1	3,395	32%	10%	16%	913	7%	$ 49,774	$ 119,300
93.20	1	1,064	34%	20%	17%	322	25%	$ 41,875	$ 132,300
93.20	2	670	48%	10%	15%	217	7%	$ 47,344	$ 138,300
96.01	1	5,439	24%	32%	17%	1,539	20%	$ 48,430	$ 112,300
96.01	2	1,417	10%	11%	22%	268	30%	$ 36,510	$ 83,100
96.06	1	4,135	34%	29%	21%	1,339	20%	$ 40,050	$ 117,600
96.07	2	3,501	28%	29%	21%	1,081	22%	$ 37,024	$ 100,800
96.08	1	2,166	37%	26%	16%	712	13%	$ 53,631	$ 142,900
96.08	2	612	62%	11%	10%	224	8%	$ 36,597	$ 146,100
96.10	1	6,233	30%	23%	19%	1,709	16%	$ 48,224	$ 111,200
96.18	2	2,508	45%	13%	14%	764	4%	$ 65,938	$ 164,800
	Total / Avg	53,302	41%	18%	17%	16435	13%	$ 48,919	$ 144,600



Racial Distribution:
Percent of White Residents
in 2000 US Census

Responses to Comments of the Meadowview Development Committee (Letter Sp06)

Sp06-1. See the master response to Intake Facility Issues.

Sp06-2. See the master response to Public Outreach Process and Environmental Justice Issues.

Sp06-3. See the master response to Environmental Justice Issues.

Sp06-4. See the master response to Intake Facility Issues.

Sp06-5. The comment is correct in stating that the City of Sacramento has not provided formal support for the FRWP or the location of its individual components. The statement in the Alternatives Screening Report (page 7-8) regarding support for the FRWP with a diversion at Freeport was based on discussions with City staff during the development of a joint project between the City of Sacramento, SCWA, and EBMUD. It was not intended to imply a formal approval, rather, it was intended to reflect the City's support for the project concept as implied by their associate membership in the Freeport Regional Water Authority.

Sp06-6. As described in Chapter 2 of the draft EIR/EIS under "Environmental Commitments" (pages 2-44 through 2-51, FRWA has made several environmental commitments that will reduce or eliminate impacts that may be caused by project construction. Specific environmental commitments relevant to the comment include replacement of existing landscaping, dust suppression and cleanup provisions, establishment of a community ombudsman to handle ongoing public outreach and address construction concerns, restoration of community facilities affected by construction, a traffic control plan, and a dust suppression plan. Mitigation for construction-related noise is also included in the draft EIR/EIS (page 14-25) and includes providing public notice of proposed activities and noise-reduction shielding to the extent feasible. Also, see the master response for Intake Site Selection Process.

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Letter Sp7

SIERRA CLUB Mother Lode Chapter
Northern California and Northern Sierra Nevada

December 15, 2003

Mr. Kurt Kroner
Freeport Regional Water Authority
1510 J Street, Suite 140
Sacramento, CA 95814

Re: Comments on DEIR/DEIS For The Freeport Regional Water Project

Dear Mr. Kroner,

This letter contains the comments of the Sierra Club – Mother Lode Chapter comments on the Freeport Regional Water Project DEIS/DEIR. While the Club supports the concept of diverting surface water from the Sacramento River in quantities sufficient to support projected needs within the present County Urban Service Boundary, the deficiencies identified in this letter and in letters submitted by others preclude the Club from supporting the project at this time. Failure to correct the deficiencies in the project and the DEIR/EIS could cause the Sierra Club to consider the option of opposing approval of the project.

1. Impacts on Swainson's Hawks: Mitigation Measures 8-6 And MM 8-7 are Seriously Deficient

The DEIR/EIS, p. 8-25, MM 8-6 says that if an active nest is found within .5 mile of the pipeline corridor, CDFG should be consulted if construction is scheduled for the nesting season, which the DEIR/EIS incorrectly defines as March 1 – June 15, which mistakenly implies that construction within .5 mile of an active nest is acceptable after June 15. In reality, the nesting season runs through mid-August, which is recognized by the CDFG mitigation guidelines, which recommends a .5 mile no-disturbance zone around active nests between March 1 and completion of the fledging period, approximately August 15.

Sp7-1

MM 8-6 fails to address the impacts of constructing the pumping/diversion facilities and treatment plan within .5 mile of an active SWH nest. Measures applicable to construction of the pipeline within .5 mile of an active SWH nest should certainly apply to construction of the diversion and treatment facilities within .5 mile of an active SWH nest.

MM 8-6 should be revised to require the CDFG should be consulted if an active SWH nest is found within .5 miles of a pipeline corridor or pumping or treatment or any other from March 1 – August 15.

Too often in this region, pre-construction surveys for active Swainson's Hawk nests are performed only in March, even though some hawks start nesting much later, or are performed by consultants who are not qualified raptor biologists, or who fail to follow recognized protocols for locating active Swainson's Hawk nests. For example, in Spring 2003, it was discovered that major construction activities were occurring very close to active Swainson's Hawk nests at three separate locations in Elk Grove. As a result, certain projects underway were subject to unanticipated restrictions until the nestlings fledged and left the nest, and the City of Elk Grove received some embarrassing publicity. In all three instances, biologists retained by developers conducted SWH surveys incompetently, or perhaps not at all. For that reason, MM 8-6 should be revised to require that the selection of the biologist retained to perform the nesting surveys, and the protocols for conducting SWH nesting surveys, should be approved in advance by CDFG.

Sp7-1 cont

MM 8-6 says that if a nest tree must be removed, it can be done outside of the nesting and fledging season, and makes no mention of need for consultation with CDFG, mitigation, or even the desirability of avoidance of tree removal if feasible. Implementation of this non-mitigation measure could be construed as unlawful taking of Swainson's Hawks. SWH use the same nests from year to year. Loss of nest trees leads to disruption of breeding and nesting necessary for the continued survival of the species in the Central Valley. Loss of suitable nesting trees has been identified as a major cause in the decline of the SWH population in the Central Valley.

MM Measure 8-6 must be revised to be consistent with CDFG's Staff Report Regarding Mitigation for Impacts to SWH, also known as the SWH mitigation guidelines. These guidelines require that "nest trees should not be removed unless there is no feasible way of avoiding it." If a nest tree must be removed, a Management Authorization (now known as an Incidental Take Permit) must be obtained from CDFG, with the tree removal period specified in the Authorization, generally between October 1 through February 1, and there must be mitigation conditions approved by CDFG to offset the loss of the nest tree. For example, the Metro Air Park development in Natomas Basin was required to mitigate for removal of a single SWH nest tree by acquiring, and transfer to the Natomas Basin, a 200-acre parcel of land in Natomas Basin suitable for SWH foraging, along with fees sufficient. for management and monitoring in perpetuity.

By contrast, the County surreptitiously removed three SWH nest trees on Airport buffer land in Natomas Basin, and suffered very detrimental publicity as a consequence. County Airport and CDFG are working to settle on mitigation measures to offset Airport's unpermitted removal of those nest trees.

MM 8-7, compensation for loss of SWH foraging habitat, states that "DFG should be consulted" to determine appropriate compensation to replace lost foraging habitat, but does not require that the project implement mitigation measures recommended by CDFG. MM 8-7 should be amended to require that the project shall comply with mitigation measure determined by CDFG.

2. The DEIR/EIS Is Deficient Because It Fails to Prescribe Measures to Avoid Taking of Fully-Protected White-Tailed Kite

Sp7-2

The DEIR/EIS fails to disclose that the White-Tailed Kite is fully protected by Fish and Game Code Section 3511(b)(12), and its taking is absolutely prohibited. The DEIR/EIS fails to prescribe any measures to avoid taking of the White-Tailed Kite, including its nests and nest trees. The DEIR must be amended to prescribe measures that the project must implement to avoid taking the White-Tailed kite, including avoidance of disturbance of nesting, nest trees, breeding behavior, and foraging habitat.

Sp7-2 cont

3. The DEIR/EIS Erred by Improperly Rejecting The Alternative For Groundwater Banking

The DEIR/EIS erred by the rejecting the environmentally preferable alternative which calls for groundwater banking. The Sierra Club supports and incorporates the comments of The Nature Conservancy on this issue. The DEIR/EIS fails to provide sufficient facts and analysis to support its bare conclusion to reject that alternative. See DEIR/EIS vol. 2, pp./ 7-9 through 7-11.

Sp7-3

4. The DEIR/EIS Erred by Improperly Rejecting The Alternative For Re-locating the EBMUD Diversion Facility In the Delta

The DEIR/EIS erred by the rejecting the alternative which calls for locating the EBMUD Diversion Facility in the Delta, while retaining the SCWA diversion facility at or near the Freeport site.. The Sierra Club supports and incorporates the comments of Felix Smith. The DEIR/EIS fails to provide sufficient facts and analysis to support its bare conclusion rejecting that alternative.

Sp7-4

5. The DEIR/EIS Is Inadequate Because It Fails To Consider the Effects of Use of EBMUD's "Excess" Wet-Year Capacity Built Into the Diversion Facility

The project states that it will provide water to EBMUD only as back-up during "dry" years, estimated to be three out of every ten years, with EBMUD diverting little or nothing during the "wet" years. Reality is that agencies often (invariably) yield to the temptation to use "excess" capacity of facilities where there is benefit to doing so. Nothing in the DEIR/EIS or project would prevent EBMUD from deciding to divert water during the theoretical seven "wet" years per ten years, to sell water to other water users, including Sacramento County Water Agency (not unlikely if local government decides to urbanize beyond the current Urban Service Boundary). The decision to divert and sell, or to not divert and sell, water to other users when not needed by EBMUD is a voluntary action at the discretion of EBMUD.

Sp7-5

Diverting and selling of water to other entities during "wet" years, when EBMUD does not need to divert from Freeport for its own use, is a clear temptation, which would have both growth-inducing impacts and impacts upon the flows of the Sacramento River below the point of diversion. The DEIR/EIS must consider or analyze these potential impacts of the project, or provide a mechanism which will restrict EBMUD from diverting water at this facility except during "dry" years, when it is needed to supplement EBMUD's other sources.

6. The DEIR/EIS Is Deficient For Failing To Discuss The Adequacy Of Measures For Financing The Project Facilities, and Failing to Consider Environmental Impacts Of Mechanisms For Financing The Project

The project is massive and very expensive, especially for Sacramento County Water Agency, whose customer and financial base is much smaller than that of EBMUD. Presumably, it will be paid for by issuance and sale of bonds (ie: borrowing money) to be repaid with developer fees and revenues generated by ratepayers. We are not aware of any commitment for financial assistance by the State or Federal governments.

The need to generate massive revenue to repay the bonds (or to even support issuance and marketability of the bonds) is a strong incentive for local government in southern Sacramento County to approve new urban development which will generate both developer fees and more ratepayers to repay the bonds issued to finance the project. The DEIR contains no information that would assist the decision-maker or public in determining whether the project will be so costly that substantial new urban development will needed to generate revenues to pay for the project. The financial information, showing cost and sources of financing, and the amount of new development that would be needed to generate financing sufficient to pay for the project, must be in the DEIR/EIS so that the public and decision-makers can determine the full environmental (growth-inducing) impacts of this project.

Sp7-6

7. Impacts on Communities Near Proposed Facilities

Numerous comments have been submitted by neighbors and others regarding impacts on neighborhoods near the proposed facilities. Sierra Club has no comment on those issues at this time.

It should be noted that this is yet another instance of long-established communities being unfavorably impacted by construction of facilities needed to serve new suburban sprawl development at the urban edge. Other examples include the impacts of the Lower Northwest Interceptor (SRCSD) upon the Deerwood area and other areas of West Sacramento (including removal of many established trees on the pipeline corridor), the impacts of widening of the Watt Avenue bridge and proposed widening of Watt Avenue upon the Arden area, proposed widening of Hazel Avenue, and proposed widening of roadways in the Sheldon area.

Sp7-7

Thank you for the opportunity to comment.

Very Truly Yours,

JAMES P. PACHL, Attorney
submitted on behalf of
Sierra Club - Mother Lode Chapter

Response to Comments of the Sierra Club—Mother Lode Chapter (Letter Sp07)

Sp07-1. The comment is correct in stating that Mitigation Measure 8-6 should require DFG consultation if an active Swainson's hawk nest is found and construction is to occur in the time period between March 1 and approximately August 15 rather than March 1 to June 15. Furthermore, Mitigation Measure 8-6 applies to all aspects of the project and not just the pipeline element. Surveys will be conducted by qualified biologists and will include multiple surveys during the aforementioned timeframe and not just a single preconstruction survey, consistent with DFG survey protocols. With regard to the removal of nesting trees, all efforts will be made to avoid the removal of Swainson's hawk nesting trees. Nest trees will not be removed unless there is no feasible way of avoiding it. If it is determined that a nest tree must be removed, FRWA will consult with DFG to obtain appropriate DFG approvals and determine, through consultation with DFG, appropriate mitigation measures such as habitat replacement, habitat preservation, or other measures determined appropriate by FRWA and DFG. Similarly, Mitigation Measure 8-7 is revised to clarify that mitigation would be implemented as a result of consultation with DFG.

Sp07-2. The draft EIR/EIS identified the White-tailed kite as fully protected in Table 8-3 and on page 8-24. Impact 8-14 describes potential impacts to White-tailed kite and Mitigation Measure 8-5 prescribes preconstruction and monthly surveys during construction and avoidance and minimization of construction within 500 feet of nest trees or a nesting colony (see page 8-24). Impact 8-16 and Mitigation Measure 8-7 (page 8-25), as modified above in response Sp07-1, are now expanded to include foraging habitat for white-tailed kite.

Sp07-3. The alternative suggested in this comment was fully addressed in the Alternatives Screening Report (Volume 2, Appendix B) and in Chapter 18 of the draft EIR/EIS. As described in Chapter 7 of the Alternatives Screening Report, this alternative is not a feasible alternative for meeting the purposes and objectives of the FRWP. As discussed on page 7-36 of the Alternatives Screening Report, this conceptual alternative was carried forward and discussed in Chapter 18 of the draft EIR/EIS because Reclamation and FRWA recognize the local interest in such programs. The FRWP could provide some of the infrastructure needed to implement groundwater banking/exchange programs should they become viable in the future. Chapter 18 of the draft EIR/EIS also thoroughly explores the potential for implementing a groundwater banking/exchange component to the FRWP. As described on pages 18-18 and 18-19, there are substantial constraints to implementing such a program that cannot currently be addressed, and, therefore, this alternative is infeasible. Should these constraints be addressed by the appropriate entities and should additional funding be made available, it is conceivable that the FRWP infrastructure could be used to help implement a groundwater banking program. However, any such program would be required to undergo separate environmental review. CEQA and NEPA require that an EIR/EIS examine a reasonable range of alternatives. The range of alternatives generally should be focused on alternatives that reduce or eliminate significant environmental effects associated with the proposed project. As noted in Chapter 18 of the draft EIR/EIS, implementation of a groundwater

banking/exchange component would not substantially reduce or eliminate any significant impacts associated with the FRWP and, in fact, would cause additional impacts related to the additional facilities that would be required for such a program.

Sp07-4. This alternative has been rigorously explored and evaluated in Reclamation and EBMUD's 2001 REIR/SEIS for the Supplemental Water Supply Project and again in the detailed Alternatives Screening Report for the FRWP EIR/EIS (Volume 2, Appendix B). See also response to comment Sp1-11 above. As described on pages 7-20 through 7-24 of the Alternatives Screening Report, this alternative was not carried forward because it failed to meet several of the detailed alternatives screening criteria. Because this alternative has been suggested by several entities as one that could conceivably reduce environmental impacts, FRWA and Reclamation conducted preliminary modeling for the alternative. To provide a reasonable comparison of alternatives, this analysis also included a separate SCWA diversion at an upstream location. As shown on page 7-24 of the Alternatives Screening Report, the modeling results of this alternative are essentially identical to those identified for the FRWP. Based on this information, there is no evidence that such an alternative would have any less impact on the environment than the proposed FRWP.

Sp07-5. There are currently no plans for use of the unused capacity of the FRWP facilities other than the small quantities described in Chapter 2 of this final EIR/EIS. These facilities may provide additional regional benefits in the future by enabling regional water supply solutions. However, no such plans have been identified at this time, and any such future plan will be required to provide a new source of water (EBMUD's CVP contract does not allow for diversion of water in normal and wet years, when excess capacity would generally be available) and will undergo appropriate separate environmental review.

Sp07-6. As noted in this comment, the costs for SCWA's portion of the FRWP will be financed through developer fees and water retailing and wholesaling. The project sizing and financing plans are both based on the Sacramento County General Plan. Therefore, construction of the project would not be expected to result in any incentive or need to approve additional development beyond that described in the general plan.

Sp07-7. Any project that is proposed in currently urbanized areas will necessarily result in disruptions to residents and communities. FRWA is committed to minimizing those disruptions and in being a positive contributor to the local community. See Chapter 2, Project Update, in this final EIR/EIS for a description of additional site planning activities that have occurred since publication of the draft EIR/EIS.

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DEC 15 2003

South Pocket Homeowners' Association
PMB 236
7485 Rush River Dr., #710
Sacramento, CA 95831

Letter Sp8

VIA HAND DELIVERY December 15, 2003

Mr. Kurt Kroner
Freeport Regional Water Project
Draft EIR/EIS Comments
Freeport Regional Water Authority
1510 J Street #140
Sacramento CA 95814

Mr. Rob Schroeder
Freeport Regional Water Project
Draft EIR/EIS Comments
Bureau of Reclamation
7794 Folsom Dam Road
Folsom CA 956390

Re: COMMENTS ON FREEPORT REGIONAL WATER PROJECT'S JOINT DRAFT ENVIRONMENTAL IMPACT REPORT/ DRAFT ENVIRONMENTAL IMPACT STATEMENT (State Clearinghouse No. 2002032132)

Dear Mr. Kroner and Mr. Schroeder:

The South Pocket Homeowners' Association ("SPHA") submits the following comments on the Joint Draft Environmental Impact Report ("DEIR")/ Draft Environmental Impact Statement ("DEIS") for the Freeport Regional Water Project ("FRWP"). SPHA is a voluntary organization of neighbors that live in the South Pocket community of the City of Sacramento, roughly bounded by Interstate 5, the Sacramento River and Greenhaven Drive. SPHA represents approximately 300 households.

SPHA has significant objections to the proposed project and to the DEIR/DEIS. The proposed water intake facility is inappropriate next to any residential area as it is far too massive to be placed, as proposed, adjacent to residences in the Pocket neighborhood.

SPHA also objects to the manner in which the Freeport Regional Water Authority ("FRWA") conducted public outreach prior to the release of the DEIR. FRWA's poor communication and lack of public outreach resulted in public ignorance regarding the location of the "preferred site" of the intake structure and the size and nature of the facility. FRWA's lack of notice and poor public outreach proved a barrier to full participation of area residents in the siting process.

1. SPHA OBJECTS TO THE LOCATION OF THE PROPOSED INTAKE FACILITY

FRWA proposes constructing the FRWP intake facility next to the South Pocket neighborhood in Sacramento. Due to the intake facility's size and location, Pocket neighborhood residents will experience the longest period of construction and operational impacts of any of the communities impacted by the project. The completed intake structure will rise 40 feet above the levee immediately adjacent to the bike path and will house nine 2,000 horsepower pumps. (A pump size that is almost 10 times the size of City of Sacramento current pump facilities.) An industrial facility of this magnitude should not be built as proposed next to any neighborhood.

FRWA staff has failed to provide an example of a similarly sized intake structure next to a residential neighborhood. A recent public outreach effort by FRWA to visit two Nevada sites was informative but the sites were not fully comparable to the proposed facility.

Sp8-1

Other intake facilities in the Sacramento area would be dwarfed by the proposed facility. And nothing approaching this size has been placed near a residential community. Even the City of Sacramento's planned intake structure in North Natomas will be located in an agricultural area with no nearby residents to impact. South Pocket residents should be given equal consideration with other residents in the region and the state. Due to the size and location of the intake facility:

- The construction period will result in unpredictable and significant impacts on the South Pocket area.
- The operation of the Project will result in significant impacts on the South Pocket area.

2. FRWA FAILED TO PROVIDE ADEQUATE OPPORTUNITIES FOR PUBLIC PARTICIPATION

FRWA claims it engaged in "significant" public involvement, made "substantial efforts to solicit public input" and published fact sheets. (DEIR/DEIS Chapter 22.) These "public outreach efforts" failed to adequately engage the neighborhood located adjacent to the proposed project because the project description was misleading as to the site's location and the information provided was significantly lacking. SPHA and the neighborhood did not know of the true location of the project until four members of the public learned it just prior to the publication of the DEIR/DEIS.

Sp8-2

FRWA's "public outreach materials" failed to include clear visual map presentation of the proposed intake facility's proximity to South Pocket area residences. Although FRWA distributed printed materials at public meetings, these materials never identified

the proposed intake site as being within a few hundred feet of single-family residences in the South Pocket neighborhood.

Sp8-2 cont

The recent printed public outreach materials distributed this year by FRWA continue to mislead the public regarding the project's location and proximity to residences. For example, the triple folded blue mailer entitled, "The Freeport Regional Water Project, A Regional Resource," mailed on or about August 20, 2003, in the second paragraph states, "*The proposed Freeport Project would draw water from the Sacramento River near the small town of Freeport.*" There is no mention of the South Pocket area or the project's close proximity to the residences in the South Pocket Area.

Sp8-3

The **meaningful involvement** of residents from the community near the intake structure in the decision making process has been flawed because of the mislabeling of the intake structure as "near Freeport" in public notices. Had nearby residents been advised of the actual proximity of the project to their own homes, they could have become involved in the process at an earlier point in the review process.

FRWA cites the Notice of Intent (2002) as public outreach and fails to list the environmental impacts on the population located closest to the project. The record demonstrates that FRWA has mislead and continues to mislead the population most affected by the project by not providing adequate and accurate information on the project, its location and its potentially significant impacts.

Sp8-2 cont

FRWA began charging the public $180 to receive a hard copy of the DEIR/DEIS. According to the CEQA Guidelines Section 15045, a public agency can recover "reasonable" printing costs however the $180 charge effectively discourages public participation.

Sp8-4

3. THE DEIR/DEIS FAILED TO ADEQUATELY DESCRIBE THE PROPOSED PROJECT

CEQA requires that EIR contain an accurate description of the entire project. (See *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.) In *County of Inyo*, the court stated that "[a]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR."

> An accurate and complete project description is necessary for an intelligent evaluation of the potential environmental impacts of the agency's action. "Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measure, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance." (*City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398. 406, quoting *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d at p. 192-193.)

The CEQA guidelines define the term "project" as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Guidelines, § 15378(a).) Only through an accurate view of the project may interested parties and agency personnel uphold CEQA's policy to "develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state." (Pub. Resources Code, § 21001(a).)

The CEQA Guidelines also state that the precise location and boundaries of the proposed project shall be shown on a detailed map. (Guidelines, § 15124(a).)

A. FRWA'S Project Description of the Intake Facility Location Misleads the Public

The DEIR repeatedly describes the preferred intake facility location, as being "*near the community of Freeport*," or "*6,500 feet upstream of the Freeport Bridge.*" These statements clearly mislead the reader to believe the proposed project lies outside of the City of Sacramento. The proposed location lies within the city limits of the City of Sacramento. The town of Freeport is located in the unincorporated area of Sacramento County outside of the City of Sacramento.

An accurate description of the proposed project location is as follows "200 feet downstream of the South Pocket neighborhood." Proximity to the nearest population center should be the primary descriptive reference, especially in a document that claims to attempt to consider environmental impacts on people.

FRWA failed to describe the proposed project's proximity to residences or properly identify the location of the intake facility on a map. DEIR Figure 2-4, labeled as the "Freeport Intake Facility Site Plan," and Figure 2-6, labeled "Freeport Intake Facility On-Site Settling Basins" fail to provide any frame of reference for the reader on the intake facility's location in relation to the nearest landmark or residence. Neither map contains a map scale. Figures 2-4 and 2-6 show a property that can be deduced to be immediately adjacent to South Pocket residences. However, the DEIR/DEIS fails to clearly show the existing residences.

Sp8-5

FRWA fails to provide evidence as to why the project location description focuses on the proximity to the Freeport Bridge and omits any reference to the nearest neighborhood. This significant omission undermines the legitimacy and quality of the DEIR/DEIS as an informational document as required by CEQA and the CEQA Guidelines.

B. The DEIR/DEIS Fails to Provide Pictures/Illustrations of Associated Structures

Structures associated with the intake facility include an "electrical switchyard, chemical storage and injection facility, surge tanks and air compressors." (DEIR/DEIS at p. 2-7.) The DEIR/DEIS, however, fails to provide any pictures, photographs, or illustrations depicting these associated structures. FRWA also fails to provide technical information about the construction of these structures. Because no information is provided on these separate three (3) structures, the DEIR/DEIS is inadequate. Sp8-6

C. The DEIR/DEIS Fails to Adequately Describe the Electrical Switchyard Relative to Residents' Home

An "electrical switchyard" is proposed to be located behind City of Sacramento South Pocket area residents' homes, approximately 60 feet from their rear fence line. The DEIR/DEIS provides no description of the electrical equipment or the health hazards. Sp8-7

One of our constituent residents contacted SMUD and asked Paul Omstead, Water & Water Resource Specialist, about his knowledge of this project and its electrical needs. Mr. Omstead said that FRWA had not yet contacted SMUD and that was an unusual circumstance for a project of this size. FRWA failed to provide adequate description of the electrical equipment and analysis of the impacts associated with that equipment. FRWA must address these deficiencies and recirculate the DEIR/DEIS. Sp8-8

D. FRWA Fails to Adequately Describe the Air Surge Compressor Tanks Located by Residents' Homes

The Air Surge Compressor Tanks are an associated feature at the intake facility site, which is negligibly described in the DEIR/DEIS. These tanks are to be located less than 200 feet from the rear fence line of the private residences. Again, neither the electrical switchyard nor the air surge compressor tanks were discussed with residents during any "public outreach" meeting; our first knowledge of these proposed associated facilities came when we read the DEIR/DEIS. FRWA failed to provide the public with an adequate description of these associated features and an analysis of their resulting impacts on the area and neighborhoods. Sp8-9

4. THE DEIR/DEIS FAILED TO CONSIDER A REASONABLE RANGE OF ALTERNATIVES TO THE PROPOSED LOCATION OF THE INTAKE FACILITY

The alternatives section, along with the mitigation section, is the core of an EIR. (See *Citizens of Goleta Valley v. Board of Supervisors ("Goleta Valley")* (1990) 52 Cal.3d 553, 564.) "The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided. (Section 21002.1(a) (emphasis added); see also Section 21061.) In preparing an EIR, a lead agency must ensure "that all reasonable alternatives to proposed projects are thoroughly assessed." (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 717; quoting *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 197; Section 21001(g) (lead agency must "consider alternatives to proposed actions affecting the environment"); *Laurel Heights Improvement Association v. Regents of Univ. of Cal. ("Laurel Heights")* (1988) 47 Cal.3d 376, 400.)

The EIR must "describe a range of reasonable alternatives to the project, *or to the location of the project*, which would feasibly attain most of the basic objectives of the project, and evaluate the comparative merits of the alternatives." (Guidelines, § 15126.6(a).) An EIR's alternatives discussion must focus on alternatives that avoid or substantially lessen any significant effects of the project. (Guidelines, § 15126.6(b); *Goleta Valley*, 52 Cal.3d at p. 556 (EIR must consider alternatives that "offer substantial environmental advantages").) The range must be sufficient "to permit a reasonable choice of alternatives so far as environmental aspects are concerned." (*San Bernardino Valley Audubon Society v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750.) Although there is no rule governing the number of alternatives that must be considered, the range is governed by the "rule of reason." (Guidelines, § 15126.6(f).) The range of alternatives, however, must be selected and discussed in a manner that allows for meaningful public participation and informed decision-making. (Id.)

As discussed in the CEQA Guidelines:

> An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.... The lead agency is responsible for selecting a range of project alternatives for examination and must publicly

> disclose its reasoning for selecting those alternatives." (Guidelines, §15126.6(a) (*emphasis added*).)

In evaluating alternative locations to a project, the CEQA Guidelines provide some guidance.

> The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. (Guidelines, § 15126.6(f)(2).)

The DEIR/DEIS identified four (4) possible pipeline alignments and one intake location as alternatives. (DEIR/DEIS Fig. 2-1.) Thus, the DEIR/DEIS only discusses alternative pipelines but blatantly failed to discusses alternative intake locations within the DEIR/DEIS.

Page 2-5 of the DEIR/DEIS states, "Four sites were investigated for construction of the intake facility." However, the entire minimal description of the investigation is contained in the remainder of that second paragraph on page 2-5. The three other potential intake locations, identified in Figure 2-1 of the DEIR, were eliminated prior to publication of the DEIR/DEIS. They are represented on Figure 2-1 as purple ellipses. These three alternative intake locations are located in a primarily agricultural setting and do not have the same residential impact as the proposed intake site. The proposed intake site appears to be the only one with significant impact on a dense residential area. FRWA fails to provide analysis or comparison of impacts on residents and homes of the three eliminated sites and the proposed intake site.

Sp8-10

Guidelines section 15126.6 (c) identifies alternatives that must be considered even more closely.

> The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.

The three eliminated intake sites could feasibly accomplish the project objectives and avoid significant impacts on South Pocket Neighborhood residents. Clearly, the three alternative sites, located in an agricultural area, would have less significant impacts on people and the environment. FRWA's objections to the alternative intake sites relate to expense. For example, FRWA states "*[t]hese sites would have required construction of a more costly pier or in-river structure rather than a bank-side structure.*" (DEIR/DEIS 2-5.)

This analysis related to expense and neglected possible environmental impact considerations including mitigating significant impacts to the South Pocket area. All the objections to the three alternatives sites are monetarily related.

Sp8-10 cont

CEQA requires a thorough investigation and analysis of alternate proposed intake sites. However, FRWA provided minimal information in the DEIR/DEIS. CEQA clearly states that the first consideration should be environmental impacts, not financial impacts on the sponsoring agency. FRWA must provide a complete discussion and analysis of these alternative intake sites and environmental impacts.

5. THE SOUTH POCKET NEIGHBORHOOD CENSUS TRACT AND REQUIRED "ENVIRONMENTAL JUSTICE" EVALUATION IS MISSING FROM DEIS

Executive Order 12898 requires DEIS's to consider "Environmental Justice" impacts. According to the US Environmental Protection Agency:

> Environmental Justice is the **fair treatment** and **meaningful involvement** of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. **Fair treatment** means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. **Meaningful involvement** means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process, and (4) the decision makers seek out and facilitate the involvement of the potentially affected" (http://www.epa.gov/compliance/environmentaljustice/).

In addressing the topic of environmental justice, the DEIS (pages 10-8 to 10-10) cites income and ethnicity data for census tracts crossed by the project components. FRWA however, fails to include an analysis of Census Tract 40.12, which includes the city of Sacramento South Pocket Neighborhood and the proposed intake structure. The Bureau of Reclamation violates its Environmental Justice obligations.

Sp8-11

The population in Census Tract 40.12 is ethnically diverse and largely minority. According to the 2000 Census, the population is 49.7% white, 9.2% African American, .2% American Indian and Alaska Native, 33.2% Asian, .3% Native Hawaiian and Other

Pacific Islander, 2.9% Other, and 4.5% mixed race (two or more races). Of this total population, 9.2% identify themselves as Hispanic or Latino.

The community in Census Tract 40.12 has been overlooked by the DEIR in another way as well. This census tract is the only highly populated urban area that will house the intake structure, a major facility of the project, and this was not adequately addressed in the DEIR/DEIS. The DEIR/DEIS does note that the period of construction will be extensive for the major facility locations, which include the intake structure, Zone 40 WTP, canal pumping plant, and aqueduct pumping plant and pretreatment facility. The DEIR also notes that a significant unmitigatable impact of construction of the intake structure will be the noise levels. The DEIS fails to acknowledge that the South Pocket neighborhood will bear a larger burden from impacts than other surrounding areas which will benefit from the intake facility. Sp8-12

The DEIR/DEIS also states *"Operating the intake facility is not expected to result in a disproportionate impact on a minority or low income population because of the distance between the facility and residential and commercial areas."* (DEIR/DEIS at p. 10-15.) Sp8-13

This statement misleads the public. Not only is the facility located within 100 feet of the nearest house, but also FRWA concludes that the operational noise from the facility will likely have a significant impact on noise levels in the area.

The DEIS neglected to fairly treat an ethnically diverse, largely minority community. FRWA inadequately addressed issues of Environmental Justice in the DEIR/DEIS.

As noted earlier, the meaningful involvement of residents from the community near the intake structure in the decision making process has been flawed because of the mislabeling of the intake structure as "near Freeport" in public notices. Had nearby residents been advised of the actual proximity of the project to their own homes, they could have become involved in the process at an earlier point in the review process.

6. THE DEIR/DEIS FAILS TO ADEQUATELY IDENTIFY AND ANALYZE THE PROJECT'S CHEMICAL USE AND STORAGE

The DEIR/DEIS's omission of information on chemical use, storage, properties, and impacts, the misrepresentation of "chloramines" as well as the subsequent revelation that sodium hypochlorite 12.5% will be used defies CEQA's intent. The DEIR/DEIS's significant omissions require additional information and analysis as well as recirculation of the DEIR/DEIS to ensure adequate public review of the environmental impacts of the proposed project. Sp8-14

The DEIR/DEIS includes two brief mentions of chemical storage and use at the intake facility. The DEIR/DEIS states "Site features would include an intake and pump station, electrical switchyard, chemical storage and injection facility..." (DEIR/DEIS at p. 2-7.)

"Chemical injection ports could also be accommodated at the intake and at the turnout to the Zone 40 Surface WTP to introduce chloramines or similar biological growth controls into the pipeline if determined necessary in the future." (DEIR/DEIS at p. 2-12.) The DEIR/DEIS, however, fails to name or analyze any specific chemical in Chapter 2, Project Description, relative to the intake structure. Sp8-14 cont

The DEIR/DEIS briefly identifies some chemicals to be used during the Project's operation but fails to provide information on the their properties and health impacts from exposure. (DEIR/DEIS at p. 15-9.) For example, the reference to "chloramines" fails to provide an accurate description and analysis of its properties and potential impacts. Consultation with U.C. Davis Chemistry Department and Environmental Health & Safety Department (telephone conversation on November 4, 2003) revealed that chloramines are an inactive by-product of the chlorination process and not a useful chemical for the purpose of retarding or eliminating biological growth. Sodium hypochlorite is mentioned in the DEIR/DEIS as part of the Zone 40 Water Treatment plant, but not as part of the main project description.

Community members learned through public meetings after the release of the DEIR, and from individual telephone conversations with both FRWA staff and City of Sacramento Department of Utilities staff, that the chemical sodium hypochlorite 12.5% will be used by the Project. FRWA failed to provide an adequate description and analysis of its properties and potential impacts in the DEIR/DEIS.

The CEQA Guidelines advise that a DEIR must provide enough information that decision makers and the public can fully assess environmental impacts of a proposed project. Guideline, section 15147 states:

> The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public.

The omission of chemical identification in the DEIR/DEIS, the misrepresentation of "chloramines" as well as the subsequent revelation that sodium hypochlorite 12.5% is being considered is inconsistent with CEQA intent. FRWA's significant omissions require additional information and analysis as well as recirculation of the DEIR/DEIS to ensure adequate public review of the environmental impacts of the proposed project.

The proposed storage and use of sodium hypochlorite 12.5% immediately behind single-family residences raises questions about the long-term exposure to this chemical in a neighborhood setting. Sodium hypochlorite is classified as a "hazardous material" and regulated by California Occupational Safety & Health Administration (Cal OSHA), California Department of Pesticide Regulation, and the United State Environmental Protection Agency (EPA).

The Material Safety Data Sheets (MSDS) for sodium hypochlorite reveal that it has characteristics that may cause "moderate skin irritation" and "severe irritation" to eyes according to Hill Brothers Chemical Company of Orange, California's MSDS. Hasa, Inc. of Saugus, California emphasizes "eye and skin irritation" and "chemical burns to broken skin" in their MSDS. "May cause eye damage" is a further notation. Hill Brothers' MSDS summary of chronic health hazards states; "Irritating effects increase with strength of solution and time of exposure." (http://www.knorrsystems.com/docs/106-12.5%25NaOCl.pdf) (See Attachment 1.)

Sp8-14 cont

All three MSDS sheets note that sodium hypochlorite should not be exposed to extreme heat. Hasa, Inc. recommends storing the chemical in a cool, dry area only. Hill Brothers notes that: heat and acid contamination will produce irritating and toxic fumes. Sodium hypochlorite may decompose, generating irritating chlorine gas. (http://hillbrothers.com/msds/shypo.htm is part of Attachment 1.)
Roydent, of Rochester Hill, Michigan bluntly recommends against storing sodium hypochlorite in conditions over 80 degrees F. and, further, states, *"May explode when exposed to extreme heat. Toxic fumes may form upon exposure to acids or heat.* (http://www.roydent.com/pdf/EDTASodHypo.pdf is part of Attachment 1.)

The DEIR/DEIS fails to provide any information on the chemical or details on chemical storage. Sacramento typically has many days in the spring, summer and fall when the temperature reaches 80 degrees F. or above.

FRWA states it will develop and implement a hazardous materials management plan; however, the entire paragraph description encompasses only three (3) sentences. (DEIR/DEIS at p. 2-47.) FRWA must follow California law and provide a Hazardous Materials Business Plan - or Plans – for public review. California Code of Regulations section 25504 sets forth regulations to include an inventory and response plan. FRWA fails to provide this information.

A review of the complete lack of chemical information in the environmental document, the subsequent suggestion by FRWA to use sodium hypochlorite after the publication and release of the document, the possible health hazards and obvious health concerns of locating a chemical storage facility directly behind homes with children and pets and, lastly, more unanswered questions about the storage of this chemical in extreme heat, require recirculation of the DEIR/DEIS or, at a minimum, recirculation of Chapter 2 Project Description. The circumstances outlined above require a finding that ". . . a new significant environmental impact would result from the project. . . " (Guidelines, § 15088.5(a)(1)) and the DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Guidelines, § 15088.5(a)(4).)

7. THE PROJECT MAY HAVE SIGNIFICANT NOISE IMPACTS

The DEIR/DEIS acknowledges that noise from both the construction of the intake facility and its operation would have a significant impact on the environment. Projected worst-case noise levels during construction would be a concern for homeowners. The DEIR/DEIS addresses several ways to minimize the potential impacts, but says the noise impact would still be significant. (DEIR/DEIS at pp. 14-26, 28, 30-31.) The DEIR/DEIS also acknowledges that once the intake structure is operational there would be substantial permanent increase in ambient noise levels above existing levels without the project.

Sp8-15

FRWA's conclusion that "it is impossible to mitigate noise to achieve an insignificant level" lacks analysis.

For example, the FRWA DEIR states that there will be an increase in noise levels from facility operation, and that the alternatives considered will require long-term operation of major facilities including the intake facility, the Zone 40 Surface WTP, the canal pumping plant, and aqueduct pumping plan and pretreatment facility. (DEIR/DEIS at p. 14-30.) Each of the listed facilities is capable of generating noise levels that could be 5 dB greater than existing noise levels in an area. (DEIR/DEIS at p. 14-30.) As a result, the DEIR/DEIS acknowledges that, the noise impacts will be significant and that: "While implementation of the noise attenuation environmental commitment would minimize this impact, it may not reach a less-than-significant level." (DEIR/DEIS at p. 14-31.)

Effective noise mitigation is possible but it requires extensive research, analysis and significant monetary commitment. FRWA should commit to:

- Mitigate the noise to a "less than significant level", or no greater than City of Sacramento residential standards.
- Design the intake facility to meet maximum noise attenuation standards
- Monitor the construction period noise and operational noise as ongoing self-analysis, which would tell FRWA when they need to mitigate the noise to a less than significant level.
- Restrict hours of Intake facility construction to between 8:30 am and 5pm Monday through Friday.

The DEIR/DEIS fails to adequately address the significant noise impacts on the adjacent neighborhoods, as well as evaluate cumulative noise impacts and all potential mitigation.

8. THE PROPOSED INTAKE SITE CONTAINS RISK OF SOIL "LIQUEFACTION"

The CEQA Guidelines recommend that potential impacts based on geological factors be addressed in the DEIR. This includes exposing "people or structures to potential adverse effects, including the risk of loss, injury, or death involving:

> "i) Rupture of a known earthquake fault....
>
> "ii) Strong seismic ground shaking...
>
> "iii) Seismic related ground failure, including liquefaction...
>
> "iv) Landslides.." (CEQA Guidelines, p.220).

The DEIR addresses geological issues in general but excludes potentially significant impacts because the project components are not on any seismic fault lines.

The DEIR/DEIS fails to address the liquefaction risk that exists at the preferred site of the intake structure. Liquefaction occurs when saturated soil becomes fluid from ground shaking.

Sp8-16

The preferred site of the intake structure has been owned by the City of Sacramento for many years, and, over the years, several geotechnical reports about the site or the surrounding vicinity have been prepared. One report is particularly relevant. "Foundation Engineering Report: Meadowview Treatment Plant" was prepared in December 1969, and investigated the adequacy of the site for proposed secondary treatment facilities to be added to the existing Meadowview Waste Water Treatment Plant. (See Attachment 2).

The report included information about the quality of the soil and the depth of ground water.

> "The investigation revealed the presence of two distinct soil conditions on the site. An agricultural soil map of the Sacramento area indicates the surface soils on the westerly portion of the site to be Sacramento Silty Clay Loam, while the easterly soil is Alamo (Adobe) Clay. The line of intersection or contact line between these two soil types was determined to pass directly through the proposed building area. The upper soils westerly from the contact line are predominantly loose interbedded silty sands and soft silty clays, which are low strength, potentially compressible materials. The soils easterly from the contact line are predominantly stiff silty clays with occasional thin zones of medium dense to dense sands. These materials have relatively high potential bearing capacity" (p. 1).

> "....The ground water table existed at depths of approximately 12 to 13 feet below existing ground surface at the time of field exploration. In general, the water table was observed in the Borings drilled westerly from the contact line immediately upon penetration to those depths, while Borings accomplished easterly from the contact line were initially dry within the upper 17 to 20 feet. In those Borings, water slowly entered each Boring, with an elapsed period of several hours to overnight being required for the ground water to stabilize at the 12 to 13 foot depth" (p. 2).

Sp8-16 cont

Based on these findings, the city decided to not build the additional structures on the western part of the site, but, instead, placed them on the eastern part of the site. Moreover the investigating engineers recommended that all future structures be located on the eastern portion of the property.

The land on the western side of the property has a high groundwater level, and the quality of soil is not very firm. The ground in this area has been known to shake during an earthquake.. (In fact, during the Loma Prieta earthquake in 1989, residents observed the water tower swaying, and the tower was later retrofitted to better withstand earthquakes.) These are all conditions that could lead to liquefaction.

After reviewing the relevant information, Dr. Richard Hazlett, professor of geology at Pomona College in Claremont, has indicated that the presence of shallow groundwater in the sandy silt and clay bed causes the potential for liquefaction at this site. (See Attachment 3.) Dr. Hazlett states that disregarding this risk would be risky. He further states " it is well-established that general collapse of the ground begins along river and stream banks at seismic intensities as low as VII—and sand and silt volcanoes may erupt with general settling and collapse of heavy structures with poor foundations at Intensity VIII (citation omitted)." Earthquakes with an epicenter on Calaveras or Hayward both are capable of generating shaking that could impact southwestern Sacramento. Dr. Hazlett points out that FRWA has failed to provide adequate information regarding the structure's design and necessary efforts to strengthen the levee on which it is to be built.

In the DEIR, the proposed layout for the buildings at the intake site places all of the structures on the western portion of the site. The final EIR will need to take into consideration the geotechnical information presented here. In particular, the careful placement of any chemical tanks must be considered. If any underground chemical tanks were to be placed on the loose soil, greater risk of cracking and leaking would result. FRWA must address these risks.

9. THE PROPOSED PROJECT IS INCONSISTENT WITH LOCAL GOVERNMENT PLANS

A. The Proposed Project Conflicts with City of Sacramento Water Policy

CEQA Guidelines Section 15125(d) provides that inconsistencies with local plans shall be discussed rather than just listed. The Guidelines state "[t]he EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans. (Emphasis added.)

The City of Sacramento General Plan includes the following water supply goal:
"To provide and improve water supply facilities to meet future growth of the City and assure a continued supply of safe, potable water."

The DEIR/DEIS states that "The City of Sacramento General Plan Public Facilities and Services Element has an overall goal of providing and maintaining a high quality of public facilities and services for all areas of the City." (DEIR/DEIS at p. 10-4.)

Sp8-17

The DEIR is misleading and negligent in not discussing in any chapter whether this project will improve or degrade the City of Sacramento Water supply. The DEIR is inconsistent with the City of Sacramento General Plan and its City water supply goals. FRWA fails to address these inconsistencies and potential impacts as described in CEQA Guidelines section 15125(d).

B. FRWA Fails to Address Impacts from the Proposed Intake Site's Location on a Recreational Resource and Scenic Viewshed next to a Scenic Highway

The DEIR/DEIS states:

> The proposed location of the intake facility is in an area designated as a proposed Major Access Point (Freeport Reservoir) in the Sacramento River Parkway Plan. The access point would include restrooms, a lawn, drinking fountain, parking and bicycle-staging area, bicycle access, and a bridge over Freeport Boulevard accessing the Freeport Shores Youth Sports Complex. (DEIR/DEIS at p. 6-13.)

The DEIR/DEIS attempts to consider recreational impacts of the proposed Freeport Regional Water Project, and states the project will coordinate with existing local plans. (DEIR/DEIS, Chapters 6 and 10.) It lists the Sacramento River Parkway Plan (1997) and the Pocket Area Community Plan (1979), without details of how these plans and the project can coexist.

Sp8-18

The DEIR/DEIS reasons that "*Although the intake facility would fall within the area proposed as a major access point, adequate land would remain available to accommodate the proposed recreation development.* (DEIR/DEIS Page 6-23 (emphasis added).) The DEIR/DEIS concludes that "The recreational impact will be less than

significant" and that no mitigation is needed. (DEIR/DEIS 6-23.) The DEIR/DEIS fails to provide adequate analysis of how the impacts on recreation will be less than significant. FRWA failed to provide evidence that it consulted the appropriate City of Sacramento Department of Parks and Recreation representatives to insure that "*adequate land would remain.*"

Sp8-18 cont

The DEIR/DEIS fails to discuss the project's impacts on the Bill Conlin /Freeport Shores Recreation Complex on SR 160 (Freeport Boulevard), and cooperation with the Caltrans Designated Scenic Highway 160, Freeport Boulevard. In Chapter 12 of the DEIR on 12-2, SR 160 is described incorrectly. It should say that Freeport Boulevard is a 2-lane tree lined local traffic only road in the project area. The DEIR recognizes SR 160 as an officially designated state scenic highway, and concludes that it "*may be affected by the proposed project alternatives.*" (DEIR/DEIS at p. 16-14.) The DEIR/DEIS further adds "*Views of the intake facility would be obstructed from most locations along . . . SR 160*", not all locations.

Sp8-19

The Sacramento River is also considered a "scenic viewshed" in the City of Sacramento General plan. Development at the proposed intake facility site should be given the same mitigation measures for the Zone 40 Water Treatment Plant, or better. This is not proposed in the DEIR/DEIS.

Sp8-20

The proposed 40 foot high intake facility on the river will impact the levee bike trail, which serves many local hikers and bikers. The levee trail may be closed or diverted on and off for years around a noisy, busy, dusty construction site. The DEIR/DEIS does state on 12-12 that the level of truck traffic during construction may at maximum be 120 roundtrips per day. A "traffic control plan" will close and open the trail as safety demands or allows. Assuming construction happens, the trail may become a bike path in the shadow of a large noisy structure, which blocks the river view. The path, used by young bikers and fishermen (and women) will be a stone's throw from chemical storage, and sediment basins.

Sp8-21

The DEIR/DEIS states "*continued use of the trail and all other nearby recreation facilities would remain accessible.* (DEIR/DEIS at p. 6-18, Impact 6-1.)

The proposed project however, conflicts with the Sacramento River Parkway Plan designation of this location as a Major Access Point. This is the City of Sacramento's adopted planning policy. The developed site should include parking, bicycle staging, lawnspace, restrooms, fountains, safety lighting. It cannot be both recreational resource and industrial utility site that they own, and comply with the Parkway Plan. An intake facility would, no doubt, reduce the site's value for recreation purposes.

Sp8-22

Alternate intake sites, or significant mitigation to maximize the proposed intake site and the levee trail as a recreational resource, should be reconsidered.

C. FRWA Fails to Include Details of Cooperation with the Pocket Area Community Plan

The DEIR/DEIS states, p 6-13:

> The Pocket Area Community Plan includes the South Pocket Specific Plan. The South Pocket is generally bounded by Florin Road to the north, the City of Sacramento boundary to the south, the Sacramento River to the west, and Interstate 5 to the east. The South Pocket Specific Plan is intended to ensure a healthy and attractive living environment for residents of the area. Policies of the plan include providing suitable access to the Sacramento River, interfacing development with the Sacramento River in a manner that promotes the best use of this recreation resource, and ensuring that a continuous park–open space system is provided that links public facilities and activity centers wherever possible.
> The plan designates the proposed intake facility site as a major parkway recreation node. This node will provide a variety of permanent recreation-related improvements such as lawns, picnicking facilities, restrooms, and parking. Also an off-street bikeway is proposed for the levee top along the entire length of the levee. (DEIR/DEIS at p. 6-13.)

In order to comply with the Pocket Area Community Plan's recreational goals, a utility site cannot coexist with a recreational resource. The DEIR/DEIS failed to discuss any inconsistencies between the proposed project and applicable the Pocket Area Community Plan. (See Guidelines, § 15125(d).) Sp8-23

D. FRWA Failed to Discuss the City of Sacramento Public Facilities Safety Goal

Goal E of the Public Facilities and Services Element (City of Sacramento General Plan Update, pg. 7-2) states that public facilities shall be designed in a manner *"as to ensure safety and attractiveness.* The proposed Freeport Intake Facility site does not meet this standard. Sp8-24

The intake facility will co-exist with the levee walkway, and bike path and therefore is obliged to come into compliance with City design requirements. There is, however, no discussion in the DEIR/DEIS of the project's compliance.

10. THE PROJECT WILL IMPACT THE RESIDENT WILDLIFE

The intake facility in the 'preferred alternative' Pocket neighborhood site brings a risk of significant adverse impacts on species of special concern and a threatened species. The DEIR/DEIS fails to provide adequate mitigation to reduce the significant impacts to less than significant.

For example, two of the protected species found in the project area include Burrowing Owls and Swainson's Hawks. Neighbors have observed these species on or near the tower, or in our direct neighborhood. Biologists and wildlife professionals should conduct pre-construction surveys to determine current populations. The DEIR/DEIS must include assurance and mitigation for habitat loss.

The Burrowing Owls are listed as "species of concern" in California and are required to have special protection under the law. The Swainson Hawk is listed as "Threatened" by the State of California. FRWA indicated that the species will be significantly impacted from construction and operation of this project and permanent loss of habitat may result. Sp8-25

The Burrowing Owl Survey Protocol and Mitigation Guidelines prepared by the California Burrowing Owl Consortium in April 1993 concluded that California's burrowing population is clearly in peril and that owls can be affected by disturbance and habitat loss. The Burrowing Owl Guidelines emphasize maintaining the burrowing owls and their resources in place rather than minimizing [project] impacts through displacement of owls to alternative locations. The DEIR/DEIS, however, does not address the length of time these species will be affected by the construction of the intake structure. The protracted period of construction (from 2 to 3 years) means the species could well be displaced permanently, thus, resulting in permanent habitat loss.

A legislative body of a city or county shall deny approval of a tentative map (or parcel map for which a tentative map was not required), if it finds that the design of the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat. Clearly the proposed water intake project would cause substantial damage to wildlife habitat near and around the Freeport site.

City and County officials have an obligation to adhere to the provisions of CEQA, which protect the wildlife, and the habitat that allows the wildlife to live. The proposed intake site development will significantly impact the habitat of wildlife.

Has the Department of Fish and Game surveyed the proposed intake site land for special status species, like Nesting Western Burrowing Owls and Swainson's hawk foraging habitat on the site? The DEIR/DEIS considers these might be a significant impact (Impact 8-16 and Impact 8-17) at the proposed water treatment plant but not at the intake site. It should be stated that the same mitigations would be appropriate at both sites. Sp8-26

11. THE DEIR/DEIS CONTAINS SEVERAL INCONSISTENCIES

FRWA's claim to isolate the Intake Facility from the Sacramento Regional Sanitation discharge is unwarranted. FRWA states the intake site must be a certain distance from possible contamination from treated wastewater discharge. The DEIR/DEIS states that "[t]o minimize potential for intake of treated effluent from the SRCSD discharges during a reverse flow event, the intake point would need to be located at least 3,500 feet (ft) upstream from the SRCSD discharge point." (DEIR/DEIS at p. on 2-7.) This statement is inconsistent with other opinions. For example:

- Personnel at the Sacramento Regional Sanitation Wastewater Treatment Plant stated that there is no such regulation. The 3,500 ft is an arbitrary number.
- Published Regional Sanitation Water Quality Data disputes FRWA's claim that water quality issues dictate this proposed site. Samplings at the Freeport Marina and River mile 44 are very similar to samples taken far up the Sacramento river at Veterans Bridge (view http://www.srcsd.com/cmpmap.html)
- Claudia Goss, Communications & Media Officer Sacramento Regional County Sanitation District wrote in an email:

> It is difficult to make a general statement on whether our discharge is better quality than the water in the Sacramento River because there are many variables to consider. There are hundreds of different constituents in both waters including salts, solid particles, nutrients, metals, and organic compounds. Some of the constituents are higher in the river than in the discharge and vice versa. Overall, it can be concluded that the quality of the water in the discharge is compatible with the quality and uses of the river water.
>
> The Sacramento River water is suitable for irrigation without any further treatment. Additional treatment is required before Sacramento River water is suitable for human consumption.
> **(See Attachment 4.)**

FRWA's statement from DEIR/DEIS 2-7 is inconsistent with to the following statement from DEIR/DEIS 4-15:

Sp8-27

> "Infrequently,[1% annually] tidally induced reverse flows can be large enough to result in the upstream reverse transport of treated SRWWTP wastewater effluent to beyond the [proposed] Freeport intake facility. However, [], the intake facility will [] restrict diversions during these periods to avoid diversion of water that may contain treated wastewater from the SRWWTP discharge." (Emphasis added)

Sp8-27 cont

The DEIR/DEIS also states:

> The potential for FRWP diversions to contain highly diluted treated wastewater is mostly a concern over public perception regarding the quality of the water supply. [Diversions] would occur for only the short period of a few hours (less than 4 hours) even if the intake were operated continuously during the most severe reverse flow events. (DEIR/DEIS at p. 4-16.)

The DEIR/DEIS itself states the facility will not run during reverse flow, and "contamination " of the water supply is no more than a public perception problem, even if the facility was built close to the SCRSD discharge point. FRWA should clarify and restate its intentions in this area, perhaps remove this unsupportable claim.

12. THE DEIR/DEIS FAILED TO ADEQUATELY ADDRESS THE POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS ON THE ON SOUTH POCKET NEIGHBORHOOD FROM PILE DRIVING

The Alarm Inspector for the City of Sacramento advised us that the potential for pile driving construction to set off home and auto burglar alarms in close proximity to the FRWA project location is very high. Pile driving will impact glass, break detectors, motion sensors, shock sensors, and proximity alarms.

- As the City never "forgives" false alarms (because of the city alarm ordinance and for obvious reasons) this could get very expensive for homeowners.
- Pile driving will also mean a dramatic increase in calls for service for the City of Sacramento Police Department.
- Any alarms in our area could end up ranking lower in Police Department priority than they normally do, because the alarms could be assumed to be construction related false alarms. The practice would be to do an "all units" broadcast for any patrolman who gets a chance to check the residence/auto. In most instances there would be no response. This would increase the risk to homeowners of actually being a victim, and no police responding.

Sp8-28

The DEIR/DEIS fails to address the significant impacts from the pile driving on the South Pocket neighborhood. To mitigate the impacts, FRWA should hire an off-duty City of Sacramento Police Department staff to patrol for alarms for the three-year construction period to safeguard our homes and respond to calls. Also, FRWA should pay for all neighborhood false alarms during the periods of pile driving. Otherwise the South Pocket neighborhood will bear an unfair burden of impacts and costs for this project, without compensation or benefit. Sp8-28 cont

13. THE PROPOSED PROJECT MAY RESULT IN EXPOSURE TO CHEMICALS FROM SEDIMENT BASINS

Sediment/sludge will contain materials found in the Sacramento River in a concentrated level. Chemicals that can be found in the Sacramento River that are on the Prop 65 list include: Sp8-29

a) Mercury (from mining operations - Yuba River)
b) Compounds washed into the river from farming operations
c) Compounds washed into the river from storm drains

As sludge dries this material may become airborne and be spread around the local area. Sludge will also become airborne dust as a result of it being loaded into transport vehicles.

14. THE PROJECT MAY RESULT IN ODOR AND INSECTS FROM SEDIMENT BASINS

The DEIR/DEIS presents no significant findings or analysis in relation to the odors or "off-gassing" that will result from the two (2) acres of sediment basins (Figure 2-6). These basins will be located less than 300 yards from single-family homes. In addition, the DEIR/DEIS fails to provide findings or analysis of the secondary effects from these sedimentation basins. For example, the basins may cause an increase in the insect population due to the two acres of standing water. FRWA fails to identify and provide analysis on potential impacts from the sedimentation basins. Sp8-30

15. THE PROPOSED PROJECT MAY CAUSE RODENT CONTROL PROBLEMS

The DEIR/DEIS presents no significant findings or analysis concerning rodent populations. Rodents have a significant presence in the levee areas and a disruption of their environment would impact the rodents and the residents who live nearby. The DEIR/DEIS fails to identify project impacts on rodent populations and their resulting impact on resident neighborhoods. Sp8-31

16. THE PROPOSED PROJECT MAY HAVE SIGNIFICANT VISUAL IMPACTS

The Project will have a significant impact on visual resources for residents and the many users of the adjacent levee bike trail. The DEIR/DEIS implies that the City of Sacramento Pocket neighborhood residents already have significant visual impacts due to the large water storage tank and the I-5 bridge structure over SR160. The proposed Project's visual effects, however, will have a far greater impact than existing structures, because the I-5 bridge and the water tower existed prior to the neighborhood build out and the project's impacts must be considered cumulatively. The DEIR/DEIS lacks adequate analysis on the visual impacts to both local residents and bike trail users. Sp8-32

FRWA states in Impact 16-2 that it "is committed to implementing a public process regarding the architectural design of the facility and addressing such issues as visual buffers and lighting standards. Overall, the visual impacts would be less than significant. No mitigation is necessary. (DEIR/DEIS at p. 16-19.) The DEIR/DEIS fails to provide the public assurances of this commitment. A mitigation measure is necessary to insure minimal visual intrusion at the proposed intake facility location. This mitigation should comply and be consistent with local plans and the City of Sacramento Planning Division, South Area team. Buffer vegetation planting, planned by an independent landscape architect should be completed before any proposed intake facility construction begins, to promote maximum growth as soon as possible.

17. THE PROPOSED PROJECT MAY HAVE IMPACTS ON THE LEVEE INTEGRITY & UNDERSEEPAGE

The DEIR/DEIS lacks information related to Sacramento Area Flood Control Agency (SAFCA) and any SAFCA review of this proposal. Flood control has been, and continues to be, a high priority for Sacramento and its neighborhoods as well. The only significant SAFCA related item we found in the DEIR/DEIS is a hand-written comment card from Mr. Butch Hodgkins, Executive Director of SAFCA, written on April 11, 2002 at the end of one of the public scoping meetings. Sp8-33

In his April 2002 comments, Mr. Hodgkins recommends that the issue of underseepage be "seriously considered," along with its flood risk. While underseepage is a well-known problem in the Sacramento area causing problems from flooded yards to algae-laden slippery sidewalks, the DEIR/DEIS lacks information regarding underseepage.

18. THE PROJECT MAY HAVE POTENTIAL IMPACTS ON LEVEE EROSION.

The Hydraulic Modeling Report and its accompanying Figures 3-12 indicate that the project will increase the potential for levee erosion from increased water velocity. (DEIR/DEIS at 2-Appendix D.) The report states on page 4: Sp8-34

> The higher velocities along the face of the proposed structure will likely produce new erosion and scour unless counter measures are provided. Soil boring information is not available at this time and we have assumed that the bed and bank materials are fine-grained sands and silts, which are highly susceptible to erosion.

Additionally, the report states "Localized increases in velocity (0.5ft/s to 0.7 ft/s) may increase the risk of lower bank erosion downstream of the proposed structure."

We are concerned that this hydraulics report is only able to rate the existing levee fortification as fair, as in the following statements also on page 4:

> The existing bank protection throughout this reach consists of cobbles installed by the Corps of Engineers in 1953. No further details about the design, such as layer thickness or type of toe trench, are known. Based upon our visual inspection of the above water portion of this reach, we would rate the overall condition of the existing armor layer as fair.

Being a neighborhood association of residents who live within yards of the Sacramento River levee, we are keenly aware that a breach anywhere generally means flooding for everybody (**please see attached map "Sacramento East Levee Failure in the Pocket Area" Attachment 5**). The DEIR/DEIS fails to adequately address the potential impacts on the South Pocket neighborhood from increased erosion and potential flooding. (**See Attachment 3**).

Sp8-34 cont

19. THE PROPOSED PROJECT MAY HAVE POTENTIALLY SIGNIFICANT IMPACTS ON THE SLURRY WALLS

The existing slurry wall in the levee is an additional point of concern. The slurry wall in the area, constructed in approximately 1992, goes thirty (30) feet deep. New regulations prefer a slurry wall depth of sixty (60) feet. With the increased velocity issue, further analysis needs to be conducted on this issue in this specific location. Further, SAFCA, as our flood control agency, needs to exercise its authority in this matter to ensure the safety of the Sacramento region. The DEIR/DEIS fails to provide information or analyze the project's potential impacts on the slurry walls.

Sp8-35

20. THE PROJECT MAY HAVE IMPACTS FROM PIPELINE BREAKAGE

The DEIR/DEIS fails to analyze impacts from potential pipeline breaks, and mitigations measures that can minimize or eliminate this possibility. Rough calculations indicate that a break in the 84-inch pipeline over 15 miles would hold approximately 22,800,000 gallons of water. That amount of water would flood 70 acres to a depth of one foot. The risk is actually greater than that just stated, because a broken pipeline would likely consist not only of water in the pipeline at the moment of the break, but also the

Sp8-36

continuing water being pumped into the damaged pipeline, until pumping is ceased. The DEIR/DEIS fails to include adequate information and analysis of this potential impact. These deficiencies must be addressed within the environmental document.

Sp8-36 cont

21. THE DEIR/DEIS FAILS TO IDENTIFY THE PROJECT'S SECURITY VULNERABILITY IMPACTS

The Project is vulnerable to vandals or terrorist attacks from physical disruption, bioterrorism/chemical contamination, and cyber attack. The Project proposes security fences and entry alarms on some doors (not specified). However, the exact scope of these measures is not specified clearly enough for total understanding and confidence that this will be a safe facility.

Recent legislation passed in Congress requires that drinking water utilities conduct security vulnerability assessments (P.L. 107-188). This is hereby requested.

The nation's largest water projects, as defined by the Bureau of Reclamation, tend to be heavily secured. However, smaller projects like the one proposed, tend to be less protected and, thus, are potentially more vulnerable to attack, whether by vandals or terrorists. Bioterrorism or chemical threats could deliver massive contamination by small amounts of microbiological agents or toxic chemical, and could endanger the public health of thousands. In preparation for such attack, FRWA should prepare proper emergency preparedness plans that address issues such as redundancy of operations, public notification, and coordination with law enforcement and emergency response officials.

Sp8-37

FRWA has failed to include information describing the Projects level of vulnerability, and how the Project will be secured, and monitored.

22. THE PROPOSED PROJECT'S LANDSCAPE PLAN REPRESENTS A SECURITY THREAT

The Project's landscape plan allows for a large area (adjacent to residences), to be concealed in a thick growth of trees and shrubs. This design is a potential threat because the area is easily accessed by street or bike trail, and illicit activity could occur and be concealed from passers-by. The DEIR/DEIS fails to address the security threats from the Project's landscape design.

Sp8-38

23. CONCLUSION AND RECOMMENDATIONS

A. City of Sacramento Design Review and Preservation Board Should Provide Advice on the Intake Facility Design

The DEIR/DEIS states:

"T]he City's main interests lie in the design and construction of FRWA project facilities." (DEIR/DEIS S-2).

"Facility design plans would be coordinated with Sacramento County prior to construction." (DEIR/DEIS 16-29)

The DEIR/DEIS fails to include adequate information and assurances regarding the facility's design plans. South Pocket area neighbors have been minimally consulted for purposes of public outreach, but the Design expertise of the City of Sacramento's "Design Review and Preservation Board" has not been consulted for their input. They should be formally involved and consulted. Sp8-39

B. FRWA Should Negotiate Publicly for the FRWP Project Intake Site Property with the City of Sacramento

The DEIR/DEIS states that "[t]his environmental documentation may be used to support a real estate transaction for the intake site." (DEIR/DEIS at p. 2-53.) There will be "Principles of Agreement" that seek to solidify terms under which potentially the property may change ownership from the City of Sacramento to FRWA.

FRWA should inform the public and allow for public participation on the "Principles of Agreement" document that will bind FRWA and the City to actions cited therein. Is it a legally binding document by itself? Are there signatories to this "Principles of Agreement" or is it a 'guiding document' only? Will it be a part of the terms of transfer of the city land (sale or otherwise) that the public may only have an opportunity to see when a vote is put to City of Sacramento City Council for the first time? Will the "Principles of Agreement" be a public document. We feel the public should be able to participate and be informed on this Project and all of the decision making processes, including the "Principles of Agreement". Sp8-40

These are our current recommendations to include in the "Principles of Agreement":

- FRWA will maintain and fund the maintenance of this intake site property's proposed landscaping, concurrent with FRWA operating of the intake facility.
- FRWA will underwrite the development cost of a state of the art sound wall between the Interstate Highway-5 and the South Pocket neighborhood, and between the Interstate Highway-5 and Meadowview neighborhoods.
- The intention to mitigate can be demonstrated now by FRWA underwriting the cost of planting some proposed large buffer trees immediately to allow significant height be achieved before any construction begins.

- The land will be leased on a 99-year renewable lease, with inspection rights, lapsing back to the city if certain conditions are not kept.
- Include the conditions of sale in "Principles of Agreement", or vice versa, list the "Principles of Agreement" items in the land transfer documents whatever they are.
- Mitigation Monitoring will be a contractual service of a neutral 3rd party, not a service of any principal party to the Water Forum Act, sponsors of the project, or the City of Sacramento, so as to avoid any perceived or real conflict of interest.
- Require that FRWA, as a "good neighbor" purchase an amount of Regional Sanitation's "Recycled Water" for whatever purpose FRWA see fit 1) local donation to "irrigation purposes" 2) supplement the CVP volume of water diverted.
- Require FRWA to build permanent public access ("ramps" or steps) to the levee at the end of several City of Sacramento South Pocket neighborhood streets.
- FRWA, or the City of Sacramento, or both, should publicly disclose existing agreements to date relative to the "proposed intake site" ownership and /or sale by the city to representatives of FRWA. Such disclosure would contribute to good faith "Public Outreach" efforts. Opportunity for "public review and comment" should be provided.
- FRWA will underwrite the development cost of the "Freeport Major Access Point" as detailed in the Sacramento River Parkway Plan. Sp8-40 cont

C. The DEIR/DEIS Should Be Recirculated

CEQA requires recirculation of a DEIR when significant new information is added to the document after notice and opportunity for public review was provided. (Pub. Resources Code, § 21092.1; Guidelines § 15088.5.)

"Significant new information" includes

1. Information showing a new, substantial environmental impact resulting either from the project or from a mitigation measure
2. Information showing a substantial increase in the severity of an environmental impact not mitigated to a level of insignificance

3. Information showing that a feasible alternative or mitigation measure that would clearly lessen the environmental impacts of a project, and the project proponent declines to adopt the mitigation measure

4. Instances where the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft EIR was essentially meaningless

The DEIR/DEIS must be recirculated, because the following significant new information must be added to the document, such as:

- Census tract 40.12 is the location of the intake facility site and a City of Sacramento neighborhood and was omitted.

- The use of sodium hypochlorite as the major chemical at the proposed intake site after the publication and release of their DEIR document

- A new intake facility site layout based on informal presentations to South Pocket Neighborhood Residents.

Sp8-41

The DEIR/DEIS is fundamentally inadequate and conclusory. As a result of the DEIR/DEIS's flaws, a meaningful public review and comment has been precluded. (Guidelines, § 15088.5 (a) (4).) The DEIR/DEIS's fundamental flaws include:

- A description of the proposed intake site, relative to the nearest residences is omitted. Textual and visual representations of this must be in an adequate (D)EIR.

- The DEIR is inconsistent. It states the intake facility will not run during reverse flow, and "contamination" of the water supply is no more than a public perception problem. It also claims the intake site must be a certain distance from possible contamination.

- Prior to publication of the DEIR, three other potential intake locations, identified in Figure 2-1 of the DEIR, were eliminated. Only alternative pipelines have been discussed or identified in the DEIR. No alternative intake facility locations are being advanced through the DEIR. Even in informal discussions, no alternative intake site locations were considered by FRWA. FRWA failed to provide an adequate description of alternatives to a project or to the location of the project. (CEQA Guidelines Section 15126.6 (a)).

- The DEIR fails in its discussion of chemicals at the proposed intake site. It omits identification of chemicals to be used, misrepresents "chloramines" and only in subsequent verbal discussion is sodium hypochlorite 12.5% named as

the chemical to be used at the intake facility. Citizens cannot comment on what is not clearly stated.

- The DEIR is misleading and negligent in not discussing in any chapter whether this project will improve or degrade the City of Sacramento Water supply, i.e. inconsistencies with the City of Sacramento General Plan.

- The City of Sacramento planned and budgeted an extension of the Levee bike trail to the City of Sacramento Freeway Shores / Bill Conlin Youth Sports Complex. This will begin and be completed probably before any FRWP construction. A 2- 3-year period of co-existing with possible construction at the proposed intake facility site is a significant impact, which the DEIR minimizes.

- Security Vulnerability Assessments Not Cited in DEIR/DEIS. Congress requires that drinking water utilities conduct such security vulnerability assessment.

- Private "Principles of Agreement" that seek to solidify terms under which potentially the property proposed for the intake site may change ownership from the City of Sacramento to FRWA should be made public in the EIR. This agreement may include design decisions and mitigations for which "public review and comment should be provided".

The South Pocket Homeowners' Association appreciates the opportunity to comment on this DEIR/DEIS and we anticipate that the Final EIR/EIS will contain significant and substantive responses to these comments. Please enter these comments in the permanent record for this Project. If ongoing negotiations or additional documents are developed different from that in the DEIR/DEIS, please notify us as we reserve the right to submit additional comments on this project again in the future.

Sincerely,

Richard G. Johnson
President, South Pocket Homeowners' Association

C: Illa Collin, FRWA Board, Sacramento County Board of Supervisors
Don Nottoli, FRWA Board, Sacramento County Board of Supervisors
Katy Foulkes, FRWA Board, East Bay Municipal Utility District
John Coleman, FRWA Board, East Bay Municipal Utility District
Bonnie Pannell, FRWA Board, City of Sacramento
Honorable Dianne Feinstein, U. S. Senate

Honorable Barbara Boxer, U. S. Senate
Honorable Robert T. Matsui, U .S. House of Representatives
Honorable Deborah Ortiz, California State Senate
Honorable Darrell Steinberg, California Assembly
Honorable Mayor Heather Fargo, City of Sacramento
Honorable City Council Members, City of Sacramento
Robert Thomas, City Manager, City of Sacramento
Betty Masuoka, Assistant City Manager, City of Sacramento
Thomas Lee, Deputy City Manager, City of Sacramento
Gary Reents, Director, Department of Utilities, City of Sacramento
Butch Hodgkins, Executive Director, SAFCA
Pete Ghelfi, Director of Engineering, SAFCA
Eric Mische, General Manager, FRWA
Rob Schroeder, Contract Specialist, U.S. Department of Interior, Bureau of Reclamation, Central California Area Office
Paul Omstead, SMUD Water & Water Resource Specialist
Dr. Richard Hazlett, Professor of Geology at Pomona College
Claudia Goss, Communications & Media Officer Sacramento Regional County Sanitation District

Copies of letter to above are without Attachments
RGL

Attachment 1 to SOUTH POCKET HOMEOWNERS ASSOCIATION RESPONSE LETTER TO FRWA DEIR 8/03

HASA 12.5% SODIUM HYPOCHLORITE SOLUTION
Material Safety Data Sheet MSDS No. 106

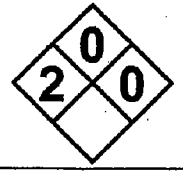
HASA

12.5% SODIUM HYPOCHLORITE SOLUTION

Material Safety Data Sheet

Emergency 24 Hour Telephone: CHEMTREC 800.424.9300

Corporate Headquarters: Hasa Inc.
23119 Drayton Street
Saugus, California 91350
Telephone • 661.259.5648
Fax • 661.259.1538



IDENTIFICATION OF PRODUCT	
Product Name:	HASA 12.5% Sodium Hypochlorite Solution
Common Chemical Names:	Hypochlorite solution sodium salt, sodium hypochlorite
Chemical Names of Ingredients [>1.0% by weight]:	Sodium hypochlorite
Chemical Family:	Inorganic halogen compound
CAS Registry Number:	7681-52-9
Empirical Formula:	NaOCl
Molecular Weight:	74.45

PHYSICAL AND CHEMICAL PROPERTIES			
Vapor Pressure:	12.1 mm Hg at 20°C [12.5% solution]	Flash Point:	Not Applicable.
Weight/Gallon:	10.0 lbs. (4.54 kg.)	pH:	11.2 – 11.4
Density [liquid]:	1.20 at 20°C (68°F)	Odor:	Slight Bleach
Bulk Density:	Not Applicable.	Boiling Point:	Decomposes
Melting Point:	Not Applicable.	Freezing Point:	-20° Fahrenheit
Physical State:	Liquid Solution	Color:	Straw Yellow
Solubility in Water:	Complete	Stability:	Stable

PHYSICAL HAZARDS	
Potential for Fire:	None. Nonflammable and combustible liquid.
Potential for Explosion:	None. Nonflammable and combustible liquid.
Reactivity:	Violent reactions with amines, ammonium aldehyde, ammonium carbonate, aziridine, methanol, phenylacetonitrile, ammonium nitrate, ammonium oxylate, ammonium phosphate, cellulose, ethylene imine. Do not mix acids, aqua ammonia, or other organic or inorganic chemicals with this product.

HEALTH HAZARDS	
Signs and Symptoms of Exposure:	Eyes and skin irritation. Chemical burns to broken skin.
Medical Conditions Aggravated by Exposure:	No data available.
Oral [ingestion] LD_{50}:	No data available.
Dermal [skin absorption] LD_{50}:	No data available.
Inhalation [breathing] LC_{50}:	No data available.
Eye Irritation:	Irritating. May cause eye damage.
Skin Irritation:	Mild irritation. Not considered to be a skin sensitizer.
OSHA PEL:	None established.
ACGIH TLV/TWA:	None established.

POTENTIAL ROUTE [S] OF ENTRY	
Inhalation [Breathing]:	Unlikely to occur. Vapor may cause irritation to upper respiratory tract.
Dermal [Skin]:	Contact with broken skin may cause burning, blistering, and tissue destruction if not washed off immediately.
Eyes:	Corrosive to eyes.
Ingestion:	Not anticipated. May cause severe chemical burns to esophagus and to stomach lining.

CARCINOGENIC [CANCER POTENTIAL] INFORMATION	
National Toxicological Program [NTP] ***Sixth Annual Report on Carcinogens:***	**Not listed.**
International Agency for Research on Cancer [IARC] Monographs**, V. 1-83, Supps. 1-8:**	**Not listed.**
Listed by Federal OSHA as Carcinogens:	**Not listed.**

Safe Drinking Water and Toxic Enforcement Act of 1986 **[Proposition 65, California only]:**

Small quantities – less than 100 ppm (parts per million) – of impurities, including bromates, may be found in all chlorinating products, including this product. Bromates are derived from bromides, which are present in sodium chloride (table salt) from which chlorine is manufactured. Additional small quantities of bromates may be generated during the disinfection process. Bromates are known by the State of California to cause cancer when administered by the oral (drinking or ingesting) route. Read and follow label directions and use care when handling or using this product. The US Environmental Protection Agency has established a maximum contaminant level (MCL) for bromates in drinking water at 10 ppb (parts per billion). Application of this product in accordance with label directions at use dilution will not exceed this level.

This warning is provided pursuant to Proposition 65, the Safe Drinking Water and Toxic Enforcement act of 1986, Chapter 6.6 of the California Health and Safety Code, which requires the Governor of California to publish a list of chemicals "known to the state to cause cancer or reproductive toxicity." This list is compiled in accordance with the procedures established under the proposition, and can be obtained on the internet from California's Office of Environmental Health Hazard Assessment at http://www.oehha.ca.gov. There are over 700 chemical substances on this list.

HASA 12.5% SODIUM HYPOCHLORITE SOLUTION
Material Safety Data Sheet MSDS No. 106

GENERAL PRECAUTIONS FOR SAFE USE AND HANDLING
Open containers carefully. Sodium hypochlorite solutions are packaged with vented closures. Do not use containers which are leaking or show evidence of having leaked. Mix only with water. Do not mix with other chemicals. Use clean, dry utensils when mixing. Do not discharge this product or mixtures of this product into lakes, streams, ponds, bays, estuaries, or the ocean. Sodium hypochlorite is toxic to aquatic organisms at very low levels.

PERSONAL PROTECTION AND HYGIENE
Wear goggles or face shield and rubber gloves when handling. Remove and wash contaminated clothing before reuse. Wash hands after handling.

CLEAN-UP OF SPILLS
Store this product in a cool, dry area, away from sunlight and heat to avoid deterioration. In case of spill, flood area where spill has occurred with large quantities of water. With permission from local authorities, diluted product may be flushed to a sanitary sewer. Product may also be absorbed with sand or diatomaceous earth. Absorbed products must be disposed of in accordance with applicable Federal, State, and/or local regulations. Contact HASA, Inc. for guidance.

FIRST AID	
Eye Contact:	Flush with water. Remove contact lenses [if applicable]. Hold eyelids open. Continue flushing with water for 15 minutes. Get prompt medical attention.
Skin Contact:	Wash affected area with water for 15 minutes. Get medical attention.
Ingestion [swallowing]:	Drink large quantities of milk or gelatin solutions. If these are not available drink large quantities of water. DO NOT induce vomiting. DO NOT give vinegar or other acids. Get prompt medical attention.

FEDERAL/STATE LISTS/REGISTRATION/S/REPORTING REQUIREMENTS	
CERCLA Hazardous Substance [Section 1010 [4], P.L. 96-510]:	**RQ=100 lbs [80 gallons for 12.5% solution]**
Extremely Hazardous Substance [40 CFR 355, Appendix A]:	**Not listed.**
Pesticide Product 7 U.S.C. 136 et seq.:	**Registered as a pesticide product by Federal EPA.**
Toxic Substance under TSCA:	**Not reported.**
Pesticide Product [various State Laws]:	**Registered as pesticide product in states where marked.**

MATERIAL CLASSIFICATION	
OSHA Hazard Communication Standard, Department of Labor, Occupational Safety and Health Division, 29 CFR 1910.1200:	**Irritant**

Hazardous Materials Transportation Regulations, Department of Transportation (Federal) 49 CFR 172.101	
Proper Shipping Description [1 gallon or less]:	Consumer Commodity, ORM-D
Proper Shipping Description [greater than 1 gallon]:	Hypochlorite Solutions, 8, UN1791, P.G. III

National Fire Protection Association NFPA 704 [1990]:	2-0-0
BOCA National Fire Prevention Code/National Building Code [1999 editions]:	Irritant
Standard Fire Prevention Code/Standard Building Code [1997 editions]:	Irritant
Uniform Fire Code/Uniform Building Code [1997 editions]:	Irritant
Uniform Fire Code Standards 79-3, Uniform Fire Code, V. II [1997 edition]:	2-0-0

RETURNABLE CONTAINERS

Returnable (deposit) containers must be resealed and the contents drained therefrom prior to return to the distributor or manufacturer for credit. Do not offer leaking or damaged containers for transportation.Call HASA, Inc. or your distributor for instructions.

Please Note: The information contained herein, while not guaranteed, was prepared by competent technical personnel and is true and accurate to the best of our knowledge and belief. NO WARRANTY OR GUARANTEE, expressed or implied, is made regarding the product performance, product stability, or as to any other condition of use, handling, transportation, and storage. Customer use, handling, transportation, and storage may involve additional safety and/or performance considerations. Our technical personnel will be happy to respond to questions regarding safe handling, storage, transportation and use procedures. The safe handling, storage, transportation and use procedures remain the sole responsibility of the customer. No suggestions for handling, storage, transportation or use are intended as or to be construed as recommendations which may infringe on any existing patents or violate any Federal, State, and/or local law and/or regulation, ordinance, standard, etc.. This Material Safety Data Sheet has been prepared by HASA, Inc. staff from test reports and other information available in the public domain.

Cleansing Solution A - EDTA

MATERIAL SAFETY DATA SHEET

Common Name: Buffered Ethylenediamine - Tetraacetic Acid Solution (EDTA), IP-2176

Date Revised: 4/2/01

Manufacturer:
Pulpdent Corporation
80 Oakland St.
Watertown, MA 02471

Phone: 617-926-6666/800-343-4342
Fax: 617-926-6262

Hazardous Ingredients/Identity: None found

Physical and Chemical Characteristics:
Boiling Point: ca 101°C Melting Point: N/A Specific Gravity (H_2O=1): 1.08 Vapor Density (Air=1): Lower than air Vapor Pressure (mm Hg): ca 760mm Hg @ 98°C Solubility in Water: Excellent Reactivity in Water: None Appearance and Odor: Clear liquid, odorless

Fire and Explosion Data:
Flash Point: Nonflammable Method Used: N/A Flammable Limits in Air % by Volume: N/A LEL Lower: UEL Upper:
Auto-Ignition Temperature: N/A Extinguisher Media: N/A Special Fire Fighting Procedures: N/A Unusual Fire and Explosion Hazards: None

Physical Hazards (Reactivity Data):
Stability: Stable Conditions to Avoid: N/A
Incompatibility (Materials to Avoid): Acaline metals (sodium, potassium, magnesium), hexyoxides, strong alkalis, and all materials incompatible with water
Hazardous Decomposition Products: N/A
Hazardous Polymerization:
May Occur ______
Will Not Occur ______ X ______
Conditions to Avoid

HEALTH	FLAMMABILITY	REACTIVITY	CONTACT
0	0	0	0

Health Hazards:
Acute: None Chronic: None Signs and Symptoms of Exposure: None Known Medical Conditions Generally Aggravated by Exposure: None Known
Chemical listed as Carcinogen or Potential Carcinogen:
National Toxicology Program Yes ____ No ____
IARC Monographs Yes ____ No ____
OSHA Yes ____ No ____

Emergency and First Aid Procedures:
Routes of Entry:
Inhalation: No perceived danger Eyes: Wash with copious amounts of water Skin: Wash with water Ingestion: Serve large amounts of fluids (milk or water). Contact physician

Special Precautions and Spill/Leak Procedures:
Precautions to be Taken in Handling and Storage: Avoid contact with skin, mucous membranes and eyes Other precautions: None
Steps to be Taken in Case Material is Released or Spilled: Wash spills to sewage Waste disposal Methods: Dilute and dispose in sewer

Special Protection Information/Control Measures:
Respiratory Protection: Not required Ventilation: Not required Local Exhaust: Not required
Mechanical: Special: Other: Protective Gloves: Plastic protective gloves recommended if prolonged exposure is likely
Eye Protection: Goggles recommended if splashing of liquid is possible Other Protective Clothing or Equipment: No special requirements
Work/Hygienic Practices: Routine

Disclaimers:
Some of the information presented and conclusions drawn herein are from sources other than direct test data on the product itself. The information in this MSDS was obtained from sources which we believe are reliable. However, the information is provided without any warranty, expressed or implied, regarding its correctness. The conditions or method of handling, storage, use and disposal of the product are beyond our control and may be beyond our knowledge. For this and other reasons, we do not assume responsibility and expressly disclaim liability for loss, damage, or expense arising out of or in any way connected with the handling, storage, use or disposal of the product. The MSDS was prepared and is to be used only for this product. If the product is used as a component in another product or used in a way other than recommended by Scientific Pharmaceuticals, this MSDS information may not be applicable.

Cleansing Solution B - Sodium Hypochlorite

MATERIAL SAFETY DATA SHEET

Date revised: 4/2/01

Manufacturer's Name: Clorox Company

Hazardous Ingredients
Identity: Sodium Hypochlorite Cas No: 7681-52-9 Hazard Rating (NFPA 704) Health: Moderate Fire: 0 Reactivity: Moderate

Physical and Chemical Characteristics
Boiling Point: Approx. 101° C Specific Gravity: 1.09 Vapor Pressure (mm Hg): 760 mm Hg at 10 Vapor Density (Air=1): Approx. 0.45
Solubility in Water: Fully soluble Reactivity in Water: None Appearance and Odor: Clear liquid; slight chlorine odor Melting Point: N/A

Fire and Explosion Data
Flash Point: N/A Method Used: N/A Extinguisher Media: N/A Special Fire Fighting Procedures: None
Unusual Fire and Explosion Hazards: May explode when exposed to extreme heat. Toxic fumes may form upon exposure to acids or heat. Exothermic reactions may occur on contact with oxidizable materials

Physical Hazards (Reactivity Data)
Conditions to Avoid: Temperatures above 80°F, when stored over prolonged periods of time Materials to Avoid: N/A
Hazardous Decomposition Products: N/A Hazardous Polymerization: Will not occur Conditions to Avoid: N/A

Health Hazards
Acute: Skin irritation Chronic: Low possibility of skin sensitization upon low exposure Medical Conditions aggravated by Exposure: Previous skin sensitization
Chemical Listed as Carcinogen or Potential Carcinogen OSHA: No National Toxicology Program: No I.A.R.C.: No
Emergency and First Aid Procedures: Wash with warm water and soap

HEALTH	FLAMMABILITY	REACTIVITY	CONTACT
1	1	2	1

Routes of Entry
Inhalation: No hazard Eyes: Wash with water Skin: Wash with water Ingestion: Contact physician; no immediate danger unless large amounts are consumed

Special Precautions and Spill/Leak Procedures
Precautions to be Taken: Avoid elevated temperatures Other Precautions: N/A
Steps to be Taken in Case Material is Released or Spilled: Wipe up with paper towels wash hands if skin contact occurs

Special Protection Information/Control Measures
Respiratory Protection: None Protective Gloves: Not required Eye Protection: Not required when used as directed Work/Hygienic Practices: Routine dental office practices

Disclaimers
Some of the information presented and conclusions drawn herein are from sources other than direct test data on the product itself. The information in this MSDS was obtained from sources which we believe are reliable. However, the information is provided without any warranty, expressed or implied, regarding its correctness. The conditions or method of handling, storage, use and disposal of the product are beyond our control and may be beyond our knowledge. For this and other reasons, we do not assume responsibility and expressly disclaim liability for loss, damage, or expense arising out of or in any way connected with the handling, storage, use or disposal of the product. The MSDS was prepared and is to be used only for this product. If the product is used as a component in another product or used in a way other than recommended by Scientific Pharmaceuticals, this MSDS information may not be applicable.

ROYDENT
1910 W. Hamlin Rd.
Rochester Hills, MI 48309
Phone: 240-652-1500/800-992-7767
Fax: 240-652-2303/888-763-3368

Material Safety Data Sheet

Revision Issued: 7/23/2002 Supercedes: 5/02/2000 First Issued: 6/17/87

Section I - Chemical Product And Company Identification

Product Name: Sodium Hypochlorite

CAS Number: 7681-52-9 HBCC MSDS No. CC17000

HILL BROTHERS Chemical Co.
1675 NORTHMAIN STREET • ORANGE, CALIFORNIA 92867-3400
(714) 998-8800 • FAX: (714) 998-8310
http://hillbrothers.com

1675 No. Main Street, Orange, California 92867
Telephone No: 714-998-8800 | Chemtrec: 800-424-9300

Section II - Composition/Information On Ingredients

			Exposure Limits (TWAs) in Air		
Chemical Name	CAS Number	%	ACGIH TLV	OSHA PEL	STEL
Sodium Hypochlorite	7681-52-9	5-15	N/A	N/A	N/A

Section III - Hazard Identification

Routes of Exposure: Sodium hypochlorite may affect the body either through ingestion, inhalation, or contact with the eyes and/or skin.

Summary of Acute Health Hazards

Ingestion: May cause irritation of the membranes of the mouth and throat, stomach pain and possible ulceration.

Inhalation: May cause irritation to the mucous membranes of the respiratory tract.

Skin: May cause moderate skin irritation and reddening of the skin.

Eyes: May cause severe irritation.

Carcinogenicity Lists: No **NTP:** No **IARC Monograph:** No **OSHA Regulated:** No

Summary of Chronic Health Hazards: Irritating effects increase with strength of solution and time of exposure.

Medical Conditions Generally Aggravated by Exposure: N/A

Section IV - First Aid Measures

Ingestion: Do not give any liquid to an unconscious person. Drink large quantities of gelatin solution or milk. If these are not available, drink large quantities of water. Do NOT give vinegar, baking soda or acidic antidotes. GET MEDICAL ATTENTION IMMEDIATELY.

Inhalation: Remove the victim to fresh air at once.

Skin: Wash with soap and water, flush with plenty of water.

Eyes: Flush with plenty of water for 15 minutes, lifting the lower and upper lids occasionally. GET MEDICAL ATTENTION IMMEDIATELY. Contact lenses should not be worn when working with this chemical.

Section V - Fire Fighting Measures

Flash Point: Nonflammable **Autoignition Temperature:** Nonflammable

Lower Explosive Limit: Nonflammable **Upper Explosive Limit:** Nonflammable

Unusual Fire and Explosion Hazards: Heat and acid contamination will produce irritating and toxic fumes. May decompose, generating irritating chlorine gas.

Extinguishing Media: N/A

Special Firefighting Procedures: N/A

Section VI - Accidental Release Measures

Spills may need to be reported to the National Response Center (800/424-8802) DOT Reportable Quantity (RQ) is 100 pounds Ventilate the area of the spill or leak. For large spills, evacuate the hazard area of unprotected personnel. Wear appropriate protective clothing. Dike and contain. Neutralize with sodium sulfite, bisulfite or thiosulfite. Remove with vacuum trucks or pump to storage vessels. Soak up residue with an absorbent such as clay, sand or other suitable material; place in non-leaking containers for proper disposal. Flush area with water to remove trace residue; dispose of flush solutions as above. For small spills, take up with an absorbent material and place in non-leaking containers; seal tightly for proper disposal.

Section VII - Handling and Storage

Store in vented, closed, clean non-corrosive containers in a cool, dry location away from direct sunlight and not adjacent to chemicals which may react with the bleach if spillage occurs. If closed containers become heated, the containers should be vented to release decomposition products (mainly oxygen under normal decomposition). Do not mix or contaminate with ammonia, hydrocarbons, acids, alcohols or ethers.

Section VIII - Exposure Controls/Personal Protection

Respiratory Protection: Always use only NIOSH/MSHA-approved respirators with acid type canisters or in the case of a fire use self-contained breathing apparatus.

Ventilation: No special ventilation is required unless bleach is exposed to decomposition conditions, i.e. heat or acidic conditions.

Protective Clothing: Avoid contact with the eyes. Wear chemical goggles and/or face shield if there is the likelihood of contact with the eyes. Avoid prolonged or repeated contact with the skin. Wear chemical-resistant gloves and other clothing as required to minimize contact.

Other Protective Clothing or Equipment: Safety showers and eyewash fountains should be available in storage and handling areas.

Work/Hygienic Practices: All employees who handle sodium hypochlorite should wash their hands before eating, smoking, or using the toilet facilities.

Section IX - Physical and Chemical Properties

Physical State: Liquid **pH:** 12

Melting Point/Range: N/A **Boiling Point/Range:** 48-76°C (120-170°F) for 15% (Decomposes)

Appearance/Color/Odor: Green to Yellow watery liquid with a pungent chlorine odor

Solubility in Water: 100% **Vapor Pressure(mmHg):** 16-17.5

Specific Gravity(Water=1): 1.07-1.26 **Molecular Weight:** N/A

Vapor Density(Air=1): 1 **% Volatiles (by volume):** Variable-Water plus products of Decomposition

How to detect this compound : N/A

Section X - Stability and Reactivity

Stability: Unstable **Hazardous Polymerization:** Will Not Occur

Conditions to Avoid: Stability decreases with concentration, heat, light exposure, decrease in pH and contamination with heavy metals, such as nickel, cobalt, copper and iron.

Materials to Avoid: Strong acids, strong oxidizers, heavy metals(which act as catalysts), reducing agents, ammonia, ether, and many organic and inorganic chemicals such as paint, kerosene, paint thinners, shellac, etc.

Hazardous Decomposition Products: Chlorine, hydrochloric acid, hypochlorous acid (HOCL). Composition depends upon temperature and decrease in pH. Additional decomposition products which depend upon pH, temperature and time are sodium chloride, sodium chlorate and oxygen.

Section XI - Toxicological Information

Toxicity Data: By ingestion, Grade 1: oral rat LD_{50}=8.91 g/kg IDLH Value: Data not availabe

Section XII - Ecological Information

N/A

Section XIII - Disposal Considerations

Can be neutralized with weak reducing agents such as sodium sulfite, bisulfite, or thiosulfite (DO NOT USE SULFATES OR BISULFATES). Dispose of in accordance with all applicable local, county, state and federal regulations.

Section XIV - Transport Information

DOT Proper Shipping Name: Hypochlorite Solution
DOT Hazard Class/ I.D. No.: 8, UN1791, III

Section XV - Regulatory Information

Reportable Quantity: 100 Pounds (45.4 Kilograms)
NFPA Rating: Health - 2; Fire - 0; Reactivity - 1
0=Insignificant 1=Slight 2=Moderate 3=High 4=Extreme
Carcinogenicity Lists: No **NTP:** No **IARC Monograph:** No **OSHA Regulated:** No
NSF Standard 60 Maximum Use 210 mg/L

Section XVI - Other Information

Hazardous Ingredients: Sodium hypochlorite is manufactured only in solution form. Industrial grade sodium hypochlorite contains from 10 - 15% by weight NaOCL (10 - 17.8% available chlorine) with about 0.50-1.00% excess NaOH for stability control.
Synonyms/Common Names: Liquid Bleach
Chemical Family/Type: Halogen Compound
Sections changed since last revision: XV

IMPORTANT! Read this MSDS before use or disposal of this product. Pass along the information to employees and any other persons who could be exposed to the product to be sure that they are aware of the information before use or other exposure. This MSDS has been prepared according to the OSHA Hazard Communication Standard [29 CFR 1910.1200]. The MSDS information is based on sources believed to be reliable. However, since data, safety standards, and government regulations are subject to change and the conditions of handling and use, or misuse are beyond our control, **Hill Brothers Chemical Company** makes no warranty, either expressed or implied, with respect to the completeness or continuing accuracy of the information contained herein and disclaims all liability for reliance thereon. Also, additional information may be necessary or helpful for specific conditions and circumstances of use. It is the user's responsibility to determine the suitability of this product and to evaluate risks prior to use, and then to exercise appropriate precautions for protection of employees and others.

Attachment 2

1969 Foundation Engineering Report

Attachment to

South Pocket Homeowners Association

Response Letter to FRWA DEIR August 2003

FOUNDATION ENGINEERING REPORT
MEADOWVIEW WASTE WATER
TREATMENT PLANT
SECONDARY TREATMENT FACILITIES
Sacramento, California
L & A No. 69-420

0807.03/
03.00/
LOW69

FOUNDATION ENGINEERING REPORT
MEADOWVIEW WASTE WATER
TREATMENT PLANT
SECONDARY TREATMENT FACILITIES
Sacramento, California
L & A No. 69-420

Prepared
December 1969

LOWRY & associates
SOIL & FOUNDATION ENGINEERS
PHYSICAL TESTING & INSPECTION

FOUNDATION ENGINEERING REPORT
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I. INTRODUCTION

An investigation has been completed at the site of the proposed Secondary Treatment Facilities to be added to the existing Meadowview Waste Water Treatment Plant located westerly from Freeport Boulevard and southerly from Meadowview Road in the City of Sacramento, California. Purpose of this work was to determine the soil conditions at the site with respect to the proposed construction.

This Report presents the results of the investigation, including descriptions of the soil conditions throughout the site and recommendations regarding location of the facilities, design of foundations and walls and anticipated construction problems.

Appended are descriptions of the proposed facilities and an explanation of the scope of investigation.

II. CONCLUSIONS

A. Soil Conditions

The investigation revealed the presence of two distinct soil conditions on the site. An agricultural soil map of the Sacramento area indicates the surface soils on the westerly portion of the site to be Sacramento Silty Clay Loam, while the easterly soil is Alamo (Adobe) Clay. The line of intersection or contact line between these two soil types was determined to pass directly through the proposed building area. The upper soils westerly from the contact line are predominately loose interbedded silty sands and soft silty clays which are low strength, potentially compressible materials. The soils easterly from the contact line are predominately stiff silty clays with occasional thin zones of medium-dense to dense sands. These materials have relatively high potential bearing capacity.

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The contact line has been approximately established by means of numerous borings and is designated on the Boring Location Plan, Plate No. 1, as a heavy dashed red line.

It is indicated that uniformly competent soils are present throughout the entire site below depths of approximately 25 to 30 feet beneath existing ground surface. More detailed descriptions of the soil conditions are contained on the Boring Logs, Plates No. 2 through 6.

B. Ground Water Table

The ground water table existed at depths of approximately 12 to 13 feet below existing ground surface at the time of field exploration. In general, the water table was observed in the Borings drilled westerly from the contact line immediately upon penetration to those depths, while borings accomplished easterly from the contact line were initially dry within the upper 17 to 20 feet. In those Borings, water slowly entered each Boring, with an elapsed period of several hours to overnight being required for the ground water to stabilize at the 12 to 13 foot depth.

The water table is known to vary with the stage of the adjacent Sacramento River. At the time of field exploration, the River stage was approximately +5 feet, City of Sacramento Datum. That stage is considered a normal relatively low river stage for the late Fall months. Available information (see Appendix) indicates that the ground water table has not risen to the ground surface during two relatively recent flood stages in the Sacramento River; however, it is considered possible that the ground water does rise to within one or two feet of the ground surface under those severe conditions.

C. Location of Facilities

On the basis of the information derived from this investigation, it was concluded that construction of the facilities in the locations originally planned would be extremely difficult and expensive to achieve if bearing capacity and settlement problems were to be avoided. This information was verbally transmitted to the concerned parties and it was determined that the facilities would be moved to the new locations indicated on Plate No. 1. Additional field exploration proved out the competency of the soils at the revised locations.

All future structures should be located easterly from the designated contact line, if possible.

III. RECOMMENDATIONS

A. Foundation Design

Recommendations for foundation design are predicated on the assumption that the structures will be located as shown on a 1" = 30' preliminary layout plan by Dewante and Stowell, drawn on November 11, 1969.

1) Biological Filter

The walls of the proposed Biological Filter should be supported on a continuous foundation based at or below elevation +9 feet, City of Sacramento Datum. This foundation should be designed for a maximum allowable soil pressure of 3000 pounds per square foot, total applied load.

It is our understanding that the center pier of the Biological Filter will extend at least eight feet below ground surface existing at the time of field exploration. The foundation supporting that pier should be designed using a maximum allowable soil pressure of 4000 pounds per square foot for total applied load.

2) Filter Pump Structure

Foundations for the Filter Pump Structure should be designed in accordance with the following information:

Foundations Based At or Below Elevation	Maximum Allowable Soil Pressure - Total Applied Load (psf)
+10.0 feet	1500
+ 8.0 feet	3000
+ 6.0 feet	5000

3) Effluent Pump Structure, Final Clarifier and Future Final Clarifier

Foundations Based At or Below Elevation	Maximum Allowable Soil Pressure - Total Applied Load (psf)
+11.0 feet	2000
+ 7.0 feet	5000

4) Future Aeration Basin and Future Blower Building

It is anticipated that the foundations for these structures may be designed in accordance with Paragraph 2) above; however, this firm should be provided additional design information when available to verify the allowable foundation depths and pressures.

5) Other Structures

Foundation design recommendations regarding other structures which may be planned within the site in the future can be made by this firm when needed, as the structural information is made known.

The completed structures should undergo negligible total and differential settlement if constructed in accordance with the above recommendations, provided that foundations have a minimum width of 12 inches.

B. Site Preparation

The areas to be occupied by those structures sustaining uniform water and/or filter media loads should be excavated to a depth of at least 18 inches below existing ground surface. On some portions of the site, excavations accomplished to that depth will expose plastic clays which could dry and undergo shrinkage cracking if allowed to lose natural moisture. Natural moisture content should therefore be maintained in the subgrade soils until the concrete is placed.

A six inch blanket of free-draining graded gravel should be provided beneath the concrete floor slabs of these structures. If additional fill is needed between the subgrade at the 18 inch depth and the undersurface of the slab, it is recommended that gravel be utilized. The gravel should be placed in thin lifts and firmly compacted with suitable vibratory equipment.

All soils below the 18 inch depth throughout the portion of the site easterly from the designated contact line are capable of safely supporting uniform loading of 1200 pounds per square foot. If uniform loads will exceed that pressure, the excavations should be deepened. This firm should be notified to provide depths of excavation for higher uniform loads.

C. Underground Wall and Floor Design

Walls of structures extending below the surrounding ground surface should be capable of resisting lateral pressures from both soil and a ground water table. For design purposes, a ground water table as high as the surrounding ground surface should be assumed.

Walls could be subjected to lateral soil and hydrostatic pressures equal to an equivalent fluid pressure of 90 pounds per square foot per foot of retained soil.

Floor slabs should be designed to resist buoyancy forces resulting from a water table at the ground surface.

In some cases lateral wall pressures and buoyancy forces will be opposed or diminished by interior hydrostatic pressures from water or filter media. Naturally, design should be undertaken assuming the most severe conditions anticipated during the life of the structure.

D. Anticipated Construction Problems

If the proposed facilities are constructed at the locations shown on the November 11, 1969, Preliminary Layout Plan referred to above, construction problems with regard to excavation side stability and ground water should be far less serious than would be encountered if construction is pursued westerly from the designated contact line. It is anticipated that nearly vertical excavation sides will remain stable during a normal construction period with only minimal bracing provided that excavation below the ground water table is not undertaken. The Contractor should be made responsible for providing safe excavation sides. Dewatering of excavations easterly from the contact line can probably be accomplished using sump pumps rather than overall dewatering systems such as deep wells or well points.

LOWRY & associates

Thomas S. Wallace
Registered C. E. No. 13,522

TSW:jlb

Attachment 3

Hazlett Geology Professor Letter

Attachment to

South Pocket Homeowners Association

Response Letter to FRWA DEIR August 2003

POMONA COLLEGE

Program in Environmental Analysis

To whom it may concern, 10 December, 2003

Mr. Jack Lawson, a resident of southwestern Sacramento, has asked me to review the 1969 Foundation Engineering Report for the Meadowview Waste Water Treatment Plant and comment upon the current draft E.I.R./E.I.S. for the proposed Freeport Regional Water Project. Let me begin by noting that I am a personal friend of Mr. Lawson whose residence is potentially impacted by this construction project, and am an Associate Professor in the Geology Department of Pomona College in Claremont, California, as well as the Coordinator of the Pomona Program in Environmental Analysis. I do not hold Registered Geologist status with the State Board of Registration (though the same may be said of most earth science faculty in the State at present). I am a volcanologist and igneous petrologist by training, and have co-authored the popular undergraduate textbook "Environmental Geology" with two geologist colleagues, D.D. Trent (Citrus College) and Bernard Pipkin (University of Southern California). I am neither a seismologist nor an engineering geologist, though I have strong background in structural geology and can read geological engineering reports with good comprehension. I must also point out that I have not conducted direct, detailed site investigations, though I am familiar with the *locus in quo* owing to past visits with Mr. Lawson.

Having established my limited credentials and connection with this project, I do feel comfortable nonetheless in presenting the following observations:

a) The 1969 field work of Lowry and Associates field work reveals that two soil types underlie the proposed construction site. The southern Alamo Clay plainly appears to provide a stronger, impermeable foundation relative to the northern laminated sandy silt and clay bed. The presence of shallow (< 4-m deep) groundwater in the latter bed is a potential concern for liquefaction, settling, and river bank collapse that will require the utmost care in engineering to address, since liquefaction events are known to take place from water tables as deeply buried as ten meters. This concern might be regarded as trivial given the apparently successful engineering and virtually non-existent seismic damage record of Sacramento within living memory. But I think that this attitude would be risky. It is well-established that general collapse of the ground begins along river and stream banks at seismic intensities as low as VII--and sand and silt volcanoes may erupt with general settling and collapse of heavy structures with poor foundations at Intensity VIII (e.g.—Iacopi, 1978). Intensity ranges reported for the unmodified Richer magnitude 6.6 San FernandoValley Earthquake of 1971 are extensive enough to suggest that VII Intensity shaking could indeed impact the southwestern Sacramento region from an epicenter on the Calaveras or Hayward faults, both of which are capable of generating earthquakes of this strength or greater, and both of which have been historically active.

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Consider, also, the impacts of the 18 April 1906 earthquake, whose Richter magnitude estimates range from the mid-7's to 8.3, with an epicenter near Pt. Reyes. Reports that most sleepers were awakened by shaking in Red Bluff, well to north of the epicenter, indicate Intensity V disturbed that remote locale; while in Willows, which is 50-km farther from the epicenter than southwestern Sacramento one witness , A.W. Sehorn reported "The motion increased until the weights in the window-frames rattled continuously; trees swayed back and forth as in a hurricane for about 30 seconds...The clock was stopt [*sic*], and the bed felt as if some one were pulling it. Chimneys were not injured..." (Lawson, 1908).This is a classic description of a Seismic Intensity VII situation, a formal definition of which it would be well to review in terms of the present project (Iacopi, 1978, p. 35): "People find it difficult to stand. Persons driving cars notice shaking. Trees and bushes shake moderately to strongly. Waves form on ponds, lakes, and streams. Water is muddied. Gravel and sand stream banks cave in. Large church bells ring. Suspended objects quiver. Damage is negligible to buildings of good design and construction; slight to moderate in well-built ordinary buildings; considerable in poorly built or badly designed buildings, adobe houses, old walls (especially where laid up without mortar), spires, etc. Plaster and some stucco fall. Many windows and some furniture break. Cornices fall from towers and high buildings. Bricks and stones are dislodged. Heavy furniture overturns. Concrete construction channels are considerably damaged."

While it is true that map locations roughly perpendicular to the San Andreas Fault with respect to the 1906 epicenter (e.g.—Sacramento) suffered less than locations aligned closer to the fault at equivalent distances from the epicenter, this is no assurance that such strong intensities might not register in the Greater Sacramento area from future shocks. Of utmost concern is the Calaveras Fault, only about 100 km to the southwest. The Calaveras is an active major strand of the San Andreas system.

Hence, given these concerns, it appears to me important that *engineers publicly make their case* that the proposed structure has "good design and construction" in order to build neighborhood trust. This is especially important with regard to foundation.

(b) Please note, however, that I am skeptical that such "good design" can be guaranteed for this site. For example, scaling construction from models to real life to withstand moderate to strong seismic intensities has proven a failure at significant cost to lives and private property with respect to California's freeway overpasses, double-decker highway construction and parking structures. And while retrofitting has been done to rectify design problems revealed in recent earthquakes, the earlier structures themselves had been designed according to state-of-the-art seismic considerations. The situation is especially problematic with regard to building on soft, water saturated soils. (Consider the failures of modern design in the recent Kobe and Taiwan earthquakes). In other words, we cannot know that many of our "best-designed" structures are sound for future earthquakes *until tested by the real thing*. How much less "tested," in fact, are water intake structures than overpasses and parking structures?

c) Mr. Lawson relates that he has been assured that the proposed structure will in fact "strengthen" the levee on which it is to be built. I am unsure about what "strengthen" means in this context, but I recommend that this, too, be publicly explained by the design engineers. One of the essential considerations is not the integrity of the building foundation, but rather the strength of the contact between the structure and the surrounding, unmodified levee banks. As any design engineer knows, the point of greatest weakness in a structure is generally along its internal and external boundaries- that is, the edges of individual building components and the border of the building itself. On a raised earth embankment with shallow saturated groundwater conditions (which in any case would tend to amplify seismic shaking because of trapped internal wave reflection), the movement of a rigid structure on the one hand, relative to a weaker levee embankment on the other, is apt to induce cracking, piping, and even bank collapse in ways that no one can anticipate. I am similarly concerned about the potential placement of the structure in facilitating potential undermining and bank erosion in the event of a flood stage event. (It is worth noting that the term "500 year flood" is a statistical designation. It is possible for two 500-year floods to take place within 500 years of one another, or even within the same season). Here, too, the contact between building facilities and levee might conceivably cause trouble.

d) Knowing that the water intake structure must be placed somewhere, the above concerns might be credibly dismissed as something with which we have to live. Ultimately, this is the case after all. The water intake structure is clearly needed by the people of Sacramento. But it is also important to note that many residents are potentially prone to flooding from any potential failure in the embankment adjacent to the proposed structure, should the worst case scenario unfold. It is unconscionable not to make this a priority consideration.

If the current site is to be developed, it appears to me that it is wisest to locate it on the Alamo Clay with careful attention given to the integrity not only of the intake station itself, but of the surrounding levee as described above. A strictly rigorous (if not proper) employment of the precautionary principle, however, indicates that it would be better-- and worth a small percentage of additional cost--to locate such a facility in an area in which adjoining population and private property would not be imperiled by a disaster that, however improbable, is nonetheless a real possibility; that is placing it in a location abutting *permanent* wetland or zoned agricultural area.

I return to the beginning of my letter to refer you to my qualifications. I am merely an outside observer doing a favor for a friend. I have enough confidence in my training and experience, nevertheless, to share my views on this controversy as opinion written freely and without payment. I hope that my statement may help focus attention on a few possible technical concerns and promote a level of public discourse that at least breaks down the citizen distrust raised by what appears to be a rather preemptory decision-making process.

Sincerely,

Richard W. Hazlett

Richard W. Hazlett
Associate Professor Geology & Program Coordinator, Pomona College

References cited:

Iacopi, R., 1978, Earthquake Country: How, Why, and Where Earthquakes Strike in California, Lane Books, Menlo Park

Lawson, A, 1908, The California Earthquake of April 18, 1906: Report of the State Earthquake Investigation Commission, Carnegie Institute, Washington D.C., Volume 1

From: Goss. Claudia (PWA)
Sent: Monday, November 03, 2003 9:27 AM
To: 'tedwoodward@msn.com'
Subject: Responses to your inquiries

Hello Mr. Woodward:

Thank you for your inquiries via our Web site. I have reprinted your questions, below, with answers below each one. Please let me know if there is anything further that I can assist you with.

Claudia Goss
Communications & Media Officer
Sacramento Regional County Sanitation District
10545 Armstrong Avenue, Suite 101
Mather, CA 95655
(916) 876-6058
fax - (916) 876-6158
pager - (916) 499-0688
gossc@saccounty.net

-----Original Message-----
From: Ted Woodward [mailto:tedwoodward@msn.com]
Sent: Thursday, October 30, 2003 11:27 AM
To: questions@srcsd.com
Subject: Outflow

Hi,

I understand from your website that

> our treatment plant adds chlorine, a powerful disinfectant, to kill any harmful organisms remaining in the wastewater. A second chemical - sulfur dioxide - neutralizes the chlorine. The wastewater, now safe for the environment, travels through a two-mile "outfall" to the Sacramento River, near the town of Freeport, California.

Does this mean that the outflow is "potable"? "Suitable for irrigation"?

Wastewater can be treated to various levels, and our discharge to the river is consistent with environmental needs in the river. However, additional treatment would be required to make the water suitable for irrigation or direct human consumption (potable). At the treatment plant, we do take a small portion of the wastewater and treat it to a higher level called tertiary treatment which makes it suitable for non-potable, irrigation purposes. This water is piped to the Laguna West area of Elk Grove for irrigation uses at local parks, school fields, and landscape medians.

Attachment 4 South Pocket Homeowners Association Response Letter to FRWA DEIR August 2003

Why is there any outflow, if all waste water can be recycled for irrigation purposes? Is it too expensive to recycle it all?

A major factor that limits our recycling effort is the cost for the infrastructure. Recycled water requires a completely separate system of pipes from the plant to the end user plus advanced treatment facilities. SRCSD's recycled water treatment plant currently produces up to 5 million gallons per day (mgd) out of the approximately 160 mgd of wastewater it discharges to the river each day. The District is planning to update its Recycled Water Master Plan to consider other opportunities to expand its recycled water program.

Is this a goal to have no outflow in the future, just products--biosolids, Methane gas, and "disinfected water"?

We do not have plans to eliminate our discharge to the river. Actually the water we send to the river has some benefits through augmentation of the flows in the river. The District strives to be a good environmental steward, which includes biosolids recycling, and methane recycling, water recycling, and supporting the needs for water in the river.

I have heard that there is a tour where the tour guide drinks a glass of treated water so I would think it must be " potable". Is that correct?

No, that is not correct. I did see on television once where a staff person from a sanitation agency in Southern California drank some extensively treated wastewater, but unfortunately I don't have the details about that.

The Sacramento River water is suitable for irrigation without any further treatment. Farmers throughout the Sacramento Valley use this water for irrigating their crops. Additional treatment is required before Sacramento River water is suitable for human consumption. For example, the City of Sacramento takes water from the Sacramento River and sends it through a treatment plant before it is distributed to homes and businesses.

It is difficult to make a general statement on whether our discharge is better quality than the water in the Sacramento River because there are many variables to consider. There are hundreds of different constituents in both waters including salts, solid particles, nutrients, metals, and organic compounds. Some of the constituents are higher in the river than in the discharge and vice versa. Overall, it can be concluded that the quality of the water in the discharge is compatible with the quality and uses of the river water.

Attachment 5

Sacramento East Levee Failure in the Pocket Area

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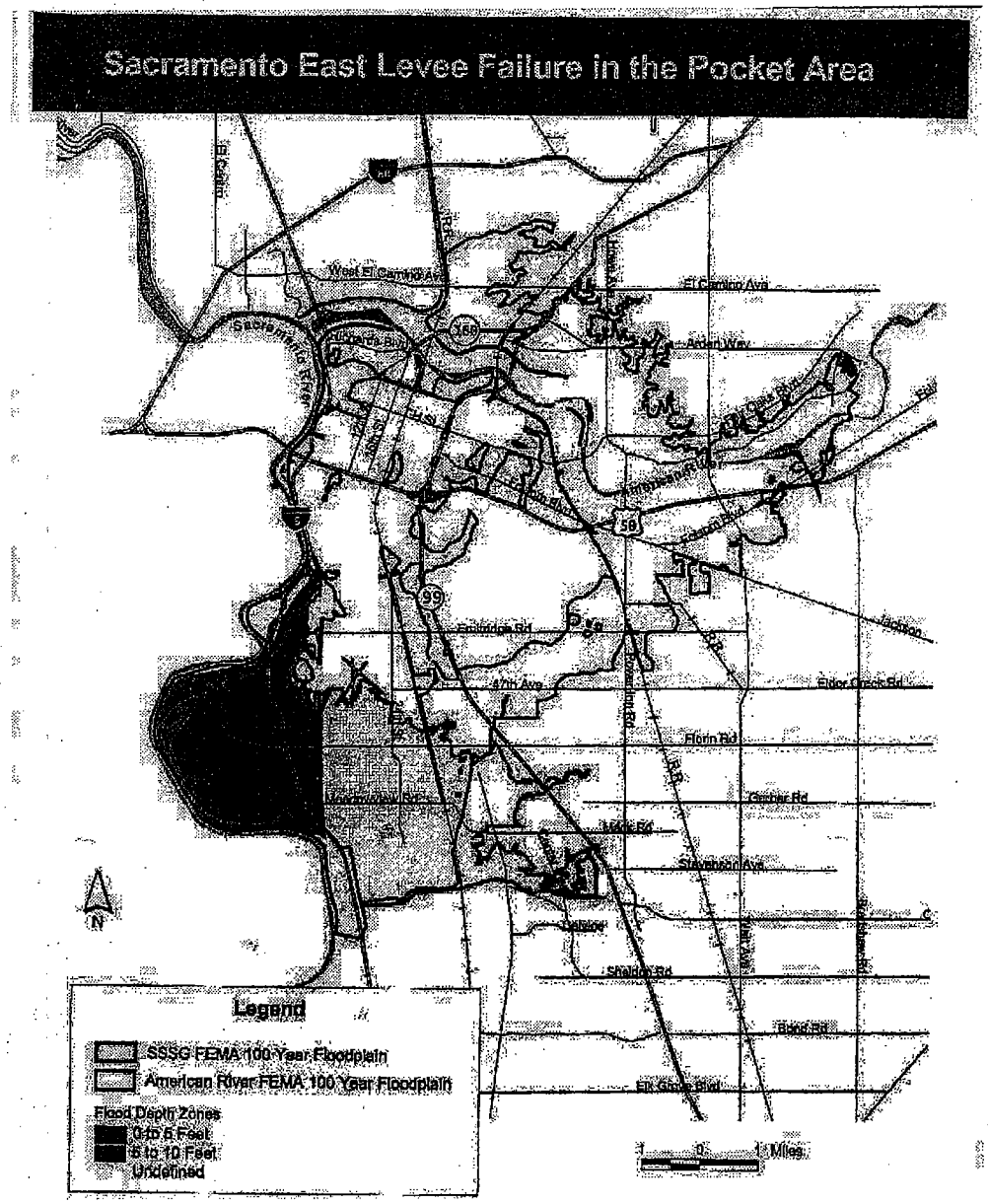
Attachment to

South Pocket Homeowners Association

Response Letter to FRWA DEIR August 2003



SACRAMENTO RIVER PARKWAY PLAN

Produced By:
City of Sacramento
Neighborhoods, Planning, and Development Services Department

Draft Released October 1993
Plan Adopted October 1997

SACRAMENTO RIVER

PARKWAY PLAN

Produced By:

City of Sacramento
Department of Neighborhoods, Planning and Development Services

October 21, 1997

Adopted by City Council Resolution 97-591
on the date of October 21, 1997

Response to Comments of the South Pocket Homeowners' Association (Letter Sp08)

Sp08-1. FRWA identified the Carmichael Water District pump and water treatment plant facility as a local, reasonably similar facility close to a residential neighborhood and immediately adjacent to single-family houses. This facility includes water pumps, compressors, air surge tanks, electrical transformer(s), and chemical storage facilities.

Sp08-2. See the master response to Public Outreach Process.

Sp08-3. See the master response to Intake Facility Issues.

Sp08-4. See the master response to Public Outreach Process.

Sp08-5. Figure 2-1 in the final EIR/EIS shows the general location of the proposed intake facility in relation to residences.

Sp08-6. Figure 2-1 provides a layout of the relative positions and sizes of the different components of the project that are related to the intake facility and more description of these components has been added to the revised project description in Chapter 2.

Sp08-7. Figure 2-1 provides a layout of the relative positions and sizes of the different components of the project that are related to the intake facility and more description of these components has been added to the revised project description in Chapter 2.

Sp08-8. During the scoping process for this project, FRWA presented several different intake locations and pipeline alignments. In response to comments received from the public and other sources during the scoping process, the project description presented in the draft EIR/EIS was developed. The project description being presented by FRWA and Reclamation in the draft EIR/EIS is the only project description presented to the public for formal review and comment under CEQA and NEPA. It is accurate to state that FRWA has presented modifications to this project description at public meetings as a result of comments received from the public. However, these were not presented as changes to the project description in the draft EIR/EIS for formal consideration by the public. The changes were presented as possible ways that FRWA and Reclamation could modify the project to address the concerns raised by the public and further minimize potential impacts.

Sp08-9. Figure 2-1 provides a layout of the relative positions and sizes of the different components of the project that are related to the intake facility and more description of these components has been added to the revised project description in Chapter 2.

Sp08-10. See the master response to Environmental Justice Issues.

Sp08-11. See the master response to Environmental Justice Issues.

Sp08-12. See the master response to Environmental Justice Issues.

Sp08-13. See the master response to Environmental Justice Issues.

Sp08-14. See the master response to Intake Facility Issues.

Sp08-15. See the master response to Intake Facility Issues.

Sp08-16. Given the geographic location of the proposed intake site and its distance from known geologic faults, substantial seismic activity is unlikely. The potential for liquefaction, which is the result of saturated soil and simultaneous seismic activity, is even less likely. However, the intake facility and all related components will be designed to meet relevant geotechnical and seismic safety standards. The intake structure itself will be constructed on a series of deeply driven piles capable of withstanding potential seismic activity. The other related facilities, including the surge tanks, air compressors, and chemical storage facility, are not substantial in size or weight and will be constructed to meet seismic safety standards. While variations in soil type and quality have been identified at the site in previous studies, these soil types are common throughout the Central Valley and can adequately support the proposed project, assuming standard engineering practices are employed.

Sp08-17. Chapters 3 and 4 of the draft EIR/EIS fully disclose the potential impacts of the FRWP on hydrology and water quality. This includes the sources of surface water available to and used by the City of Sacramento. Overall, the FRWP was found to have relatively minor environmental consequences. Additionally, the City of Sacramento has more senior water rights than the FRWA member agencies, thereby further minimizing any potential impact that the FRWP could possibly have on the City of Sacramento's water supply. The Water Forum Agreement further solidifies protection of the City's water supply.

Sp08-18. See the master response to Intake Facility Issues.

Sp08-19. Impact 6-2 has been modified to reflect the potential impact on the Bill Conlin/Freeport Shores recreation complex. Please see response L23-1 associated with comments provided by the City of Sacramento Department of Parks and Recreation. Additionally, because views of the intake facility would be obstructed from most locations along SR 160, the impact is considered less than significant.

Sp08-20. A detailed description of the change in views of the intake facility site that will occur is given in Chapter 16 of the Draft EIR/EIS. In addition, see the response to Intake Site Selection Process major issue in Chapter 3 of this document for more information.

Sp08-21. See the master response to Intake Facility Issues.

Sp08-22. See the master response to Intake Facility Issues.

Sp08-23. See the master response to Intake Facility Issues.

Sp08-24. See the master response to Intake Facility Issues.

Sp08-25. Potential impacts on species of special concern, including burrowing owls and Swainson's hawks, are fully addressed in Chapter 8, "Wildlife," of the draft EIR/EIS. Appropriate mitigation measures are identified where needed. As described in Chapter 8, reconnaissance-level surveys were conducted for purposes of preparing the draft EIR/EIS. Additional surveys, as required by state and federal resource agencies, will be conducted prior to construction. This applies to all project components, including the intake facility.

Sp08-26. See response to Sp8-25

Sp08-27. It is appropriate for a project proponent to develop reasonable criteria to guide development of a project and ensure that the project meets its intended purpose and need. With regard to water quality at the intake site, FRWA's technical team set a target criterion of finding a site where treated wastewater would reach the site on no more than 20% of the occasions when reverse flow occurs. This would allow the FRWA member agencies to operate the intake facility in a manner that would still meet their purpose and need while not breaching their duty to protect the public's health or be forbidden by regulatory agencies such as the Department of Health Services. Computer modeling revealed that this distance is at least 3,500 feet upstream. Therefore, the 3,500 feet of river closest to and upstream of the SRCSD outfall was excluded from further analysis. Furthermore, the published data referred to in the comment letter do not necessarily reflect conditions during a low-flow, reverse-flow event, which is the type of event that could carry waste discharges upstream and is of most concern to FRWA. Despite the fact that the water ultimately will be treated, the FRWA member agencies have a long history of securing, using, and protecting their high-quality sources of water. It is their intent to continue this practice, consistent with state and federal law and the applicable polices of their agencies (Volume 2, Appendix B, page 5-3 of the draft EIR/EIS).

Sp08-28. See the master response to Intake Facility Issues.

Sp08-29. See the master response to Intake Facility Issues.

Sp08-30. See the master response to Intake Facility Issues.

Sp08-31. See the master response to Intake Facility Issues.

Sp08-32. See the master response to Intake Facility Issues.

Sp08-33. See the master response to Intake Facility Issues.

Sp08-34. See the master response to Intake Facility Issues.

Sp08-35. The pipeline will be designed and constructed according to industry standards to meet all applicable codes and regulations. Furthermore, the pipeline will be buried and operated at a relatively low pressure. The likelihood of a catastrophic failure is extremely remote and is sufficiently addressed through conservative design measures. With regard to water being continually pumped into a damaged pipeline, the intake pumps will be equipped with control devices to cease operation if there is a sudden loss of discharge pressure or sudden increase in flow.

Sp08-36. See the master response to Intake Facility Issues.

Sp08-37. See the master response to Intake Facility Issues.

Sp08-38. See the master response to Intake Facility Issues.

Sp08-39. See the master response to Intake Facility Issues.

Sp08-40. All aspects of the Principles of Agreement that need to be disclosed in the draft EIR/EIS have been included.

Sp08-41. Recirculation of the draft EIR/EIS is not required. The State CEQA Guidelines (Section 15088.5) clearly define when recirculation of a draft EIR is necessary.

According to the guidelines, a lead agency is required to recirculate an EIR "when significant new information is added to the EIR after public notice of the availability of the draft EIR for public review…." As noted in the guidelines, new information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement.

Examples of "significant new information" requiring recirculation include disclosure that:

- A *new* significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- A *substantial increase in the severity* of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure *considerably different* from others previously analyzed would *clearly lessen the environmental impacts* of the project but the *project's proponents decline to adopt it*; and
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

While several minor revisions have been incorporated into the project since publication of the draft EIR/EIS, these minor changes are generally in response to comments received on the draft EIR/EIS and do not create any *new* significant environmental effects. Similarly, no information has been identified that would indicate that there would be a *substantial increase in the severity* of an environmental impact already disclosed. In fact, additional mitigation measures have been identified that would decrease previously identified significant environmental effects.

The draft EIR/EIS examined more than 100 project alternatives and numerous variations on many alternatives. No new *feasible* alternatives or mitigation measures that would *clearly lessen the environmental impacts* of the project have been identified during the public review process. While several minor variations of the project have been proposed that would make the project more consistent with public desires, they would not clearly lessen the environmental impact of the project as proposed. In addition, FRWA has identified additional mitigation measures that it proposes to adopt to reduce previously identified significant impacts to less-than-significant levels.

Finally, the draft EIR/EIS contains substantial information, and the conclusions regarding environmental effects of the proposed project and alternatives are fully supported by the information contained in the draft EIR/EIS.

Letter Sp9

RECEIVED
AUG 22 2003

Pianess Inc.
Alta Valley
Sacramento

Mr. Perry's

Corporate Offices
GNP Holding Company
7820 Alta Valley Way
Sacramento, CA 95823
916-423-3050 Telephone
916-689-7886 Fax

Siritop Corp.
Stockton Blvd.
Sacramento

PERRY'S

Kurt Kroner
Freeport Regional Water Project
1510 J St #140
Sacto., CA 95814

Aug 20, 2003

Dear Mr. Kroner:

I enjoyed peaking with you this afternoon and discussing the pipe routing for the project. As a business person in the Mack Road area, and having been active with the Mack Road Business Group, I am in favor of routing pipe under the Cosumnes River Extension and not disrupting the Mack Rd. business corridor. Sp9-1

Sincerely

George Poiris

Response to Comments of the GNP Holding Company (Letter Sp09)

Sp09-1. FRWA and Reclamation recognize the support for the preferred alternative that utilizes the Cosumnes River Boulevard alignment.

CLAY WEST HOMEOWNERS ASSOCIATION

RECEIVED
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Letter Sp10

December 8, 2003

Kurt Kroner
Freeport Regional Water Authority
1510 J Street, #140
Sacramento, CA 95814

December 1, 2003

Dear Mr. Kroner,
We are the Clay West Homeowners Association. Our properties lie within the proposed pumping plant and pipeline construction area of the Freeport Regional Water Project. This project will cut through the only access to our properties. As residents of the area affected by construction, we would like our comments known. We oppose this project on the basis that it is environmentally destructive, it destroys our roads, disturbs the peacefulness of the country, endangers our wellbeing, and we believe that a better alternative exists. Sp10-1

People come to the country for peace and quiet, and to get away from the city. In the country, noise carries over great distances. A constant noise such as that of a pumping plant pollutes the quiet of the countryside. It is not fair to force city noise pollution on us, just so EBMUD can sell water to San Joaquin County, while offering us no benefit.

According to EBMUD representatives, the proposed pumping station will be an artwork, and just as quiet as a refrigerator. As a demonstration, our homeowners' association representative went to the pumping station in Orinda where he experienced the noise level of that particular pumping station. That station however has an adjacent freeway, which masks the real noise level, and we still do not know what the proposed plant will look like. A fair demonstration of noise would rather demonstrate a pumping plant, with its electrical generators operating, in a quiet country setting like ours. Sp10-2 As an added attraction, the pumping plant will need security lights, another intrusion into our habitat. Any building will detract from the natural view, and we worry that this eyesore will hurt our property values. Sp10-3

From the beginning, representatives told us the pumps would operate three or four days in a typical year, more often in case of drought, and on those rare instances when maintenance on the main pipelines is needed. It would be foolish for EBMUD to spend half a billion dollars for a pumping plant and pipeline to lay idle. Realistically, the plant will support the water contracts EBMUD already sold to San Joaquin County, and will run much more often than we are being told. It is our contention that a year-round operation will realistically result. Sp10-4

Heavy trenching machines and pipe, as well as filling and paving materials must be temporarily stored and delivered all along the pipeline route during this project. Equipment must be shuttled from site to site and labor shuttled in and out. Our fragile country roads, which were never built to withstand this abuse, will be heavily damaged. No provision for Sp10-5

reinforcement of the road network has been addressed. Local residents must deal with potholes and washouts after the heavy trucks have gone. EBMUD's customers do not rely on these roads to get them to work and school, only local residents suffer the aftermath. Sp10-5 cont

This project also potentially endangers our wellbeing by trenching through our neighborhood, disrupting the only access route to our homes. Should we require emergency service, vehicles trying to reach our properties may fail to reach us in time.
The soil here is mostly decomposed granite, very slippery and unstable when wet. It is why the name of the road we live on is named Clay Station Road. Construction will likely bog down with the third rain of the season. We witness construction equipment stuck in the mud every winter. Unfinished construction in December could remain so until May. If our road is obstructed when flooding begins, we could be prevented from returning home, or from sending our children to school on some days, because of construction. Those of us returning from work or school will be encumbered with obstacles or detours during construction. Sacrifice of our wellbeing is a high price for us to pay for EBMUD's water contracts with San Joaquin County. Sp10-6

Rather than benefit us at all, the Freeport Project will instead cause traffic problems, deteriorating country road grids, dust, denial of access to home and property, property endangerment and an end to the peace and beauty of our neighborhood. This project will also harm the environment by disrupting subsoil, causing erosion, destroying vernal ponds and harming other habitats. SMUD, our utility company, opposes this plan, and anticipates deterioration of the quality of water for users of Rancho Seco Park when the plant is operating. Sp10-7

Not only is there no local benefit for us, but also this project diverts water that would otherwise help refill the California Aquifer. Denying help to recharge the California Aquifer is a much larger concern than EBMUD's San Joaquin County dealings. Sp10-8

A final significant point of concern for our neighbors is the fact that in this multi-year project, in the planning stage since before 1998, there appears to be deliberate attempts to manipulate information. Alternative Six remained undisclosed to us until the September 9, 2003 meeting. This Alternative, the enhancement of Pardee reservoir, would increase water storage capacity as it replenishes ground water. It also would also increase recreational area, and augment local revenues. Alternative Six is constructive, rather than destructive. We believe Alternative Six is a better choice, and we urge EBMUD to pursue Alternative Six. Sp10-9

Sincerely,
Naomi Burns
Naomi Burns, President
Clay West Homeowners Association

Jim and Rhonda Bergum
12354 Clay Station Road

Georg and Naomi Kuhnke
12360 Clay Station Road

Jeff and Naomi Burns
12362 Clay Station Road

Ray and Mary Ellen Harrell
12366 Clay Station Road

Hani and Ruth Hassouneh
12370 Clay Station Road

Ramiro and Erica Gallegos
12372 Clay Station Road

Robert and Susanne Neely
12376 Clay Station Road

Randy Mayberry and Lori Thompson
12382 Clay Station Road

Farrell and Joanne Reis
12386 Clay Station Road

Brett and Cathy Durfey
12390 Clay Station Road

Tim and Cindy Reinarts
12394 Clay Station Road

Response to Comments of the Clay West Homeowners Association (Letter Sp10)

Sp10-1. This general comment is covered in more detail by subsequent comments and, therefore, more detailed responses are provided below.

Sp10-2. Since publication of the draft EIR/EIS, FRWA has modified the design of the canal pumping plant to incorporate noise control measures so that noise generated by the facility at the nearest existing sensitive receptor (e.g., residence) will not exceed 5 dBa above existing background noise. Furthermore, the purposes of the project are fully described in Chapter 1 under "Purpose and Need" (page 1-3). The purposes are to provide water to SCWA and EBMUD. San Joaquin County is not part of the FRWP and there are currently no plans for use of the unused capacity of the FRWP facilities other than the small quantities described in Chapter 2 of this final EIR/EIS. These facilities may provide additional regional benefits in the future by enabling regional water supply solutions. However, no such plans have been identified at this time, and any such future plan will be required to provide a new source of water (EBMUD's CVP contract does not allow for diversion of water in normal and wet years, when excess capacity would generally be available) and will undergo appropriate separate environmental review.

Sp10-3. As described in the draft EIR/EIS under mitigation measure 16-1, several measures will be implemented during project design and construction to reduce visual intrusion, including those posed by new structures and security lighting. Buildings will be designed in a manner consistent with the structures that already exist in the area and lighting will be kept to a minimum and directed away from neighboring residences and structures. There will be no exterior lighting at night, aside from security lighting that would only be activated by motion detectors. The building will be located behind a berm, thus only the roof of the building would be visible to neighbors.

Sp10-4. As described in Chapter 1 of the draft EIR/EIS, EBMUD only requires water from the FRWP during periods of drought. On average this would be approximately 3 out of every 10 years. During these periods, the canal pumping plant would operate periodically for several months during the year. During nondrought years, the canal pumping plant would only operate for purposes of maintenance and very infrequently for scheduled major maintenance at Pardee Dam and Reservoir. As described above in response Sp10-2, San Joaquin County is not part of the FRWP.

Sp10-5. 5–7. The draft EIR/EIS has appropriately evaluated potential impacts on resources within the project and service areas for the project alternatives as required by CEQA and NEPA. The concerns raised in the comment have been considered during project development and are addressed in the draft EIR/EIS. CEQA requires, and NEPA strongly encourages, the incorporation of appropriate measures to avoid or reduce significant impacts into the description of a proposed project, where feasible, as a means to ensure implementation of the measures and to reduce unnecessary environmental analysis. FRWA and Reclamation are committed to minimizing short-term disruption effects during construction. By incorporating these measures into the basic description of the project, FRWA and Reclamation

have provided a firm commitment to address or to avoid these potential effects. Chapter 2 of the draft EIR/EIS presents an extensive list of environmental commitments that have been incorporated into the project alternatives and that will be implemented along with the project. These commitments are industry standards and are typically implemented on projects of this type. These commitments include a traffic control plan to avoid significant construction-related effects on roadways during pipeline construction. Because final project design has not been completed, many of the site-specific details associated with the traffic control plan have not yet been developed. However, implementation of standard construction traffic control methods would ensure that no significant impacts would result. Generally, the traffic control plan would address issues such as hours of operation, lane closures, safety, and access.

Sp10-6. Other construction-related environmental commitments described in Chapter 2 include the following:

- general construction measures,
- erosion and sediment control plan,
- storm water pollution prevention plan,
- dust suppression plan,
- fire control plan,
- Phase I and II hazardous materials studies,
- hazardous materials management plan,
- channel and levee restoration plan,
- hydrologic simulation modeling and scour analysis,
- agricultural land restoration plan,
- spoils disposal plan,
- environmental training,
- access point/staging area plan,
- trench safety plan,
- private property acquisition an access,
- noise compliance, and
- project planning, coordination, and communication plan.

Sp10-7. Once an alternative is selected and implemented, and as the final design progresses, site-specific details will be developed for each of these commitments. FRWA and Reclamation will coordinate closely in the development of these details. Additional meetings will be held with affected groups and individuals to ensure ample opportunity for concerns to be addressed and for solutions to be developed for site-specific issues. For construction within their areas of jurisdictions, each city and county will have a substantial role in determining the scope and contents of the plans and programs listed above and agreement on appropriate actions will be reached with each city and county. More specifically, roads will be repaired to existing conditions after construction is complete. Access will be ensured by keeping at least one lane open at all times and using a flagger to direct traffic. Emergency agencies such as police and fire departments will be notified of construction sites as the project progresses, so that there should be no disruption of emergency services due to construction activities. Flaggers would direct traffic so as to provide the highest priority to emergency vehicles. Construction traffic would primarily consist of workers; large equipment would stay on the construction site overnight and would not be shuttled back and forth.

Sp10-8. Impacts on hydrology and water supply, including cumulative impacts, are fully discussed in Chapter 3 of the draft EIR/EIS. Additional cumulative impact

analysis is included in Chapter 19 of the draft EIR/EIS. The draft EIR/EIS fully discloses the potential environmental effects of using CVP surface water to meet the purpose and need of the project. As the results of the analysis indicate, the amount of water diverted by FRWA would result in very little change to the hydrology of the overall system. Recharge of the California aquifer relies on numerous sources of water, with the Sacramento River being just one of them. There is no basis to expect that the FRWP will result in a measurable change in aquifer recharge.

Sp10-9. Alternative 6, and more specifically the Enlarged Pardee Reservoir component, was most recently identified during the FRWP scoping process and evaluated through the alternatives screening process. The alternatives screening process is presented in the Alternatives Screening Report in Volume 2, Appendix B, of the draft EIR/EIS. The Enlarged Pardee Reservoir component of the FRWP was formally presented to the public with the publication of the draft EIR/EIS on August 8, 2003. FRWA did not identify Alternative 6 as the preferred alternative in the draft EIR/EIS for environmental, technical, jurisdictional, and cost factors.

Letter Sp11

Kroner, Kurt

From: VickeyLScott@aol.com
Sent: Friday, December 12, 2003 6:47 PM
To: k.kroner@frwa.com
Cc: lhammond@cityofsacramento.org; rwaters@cityofsacramento.org; ssheedy@cityofsacramento.org; bpannell@cityofsacramento.org; djones@cityofsacramento.org; scohn@cityofsacramento.org; jyee@cityofsacramento.org; rtretheway@cityofsacramento.org
Subject: COMMENTS TO DRAFT EIR, FREEPORT REGIONAL WATER AUTHORITY

December 13, 2003

Kurt Kroner
Freeport Regional Water Authority

By e-mail to k.kroner@frwa.com

RE: COMMENTS TO DEIR FREEPORT REGIONAL WATER AUTHORITY

Dear Mr. Kroner:

I wish to address some concerns pertaining to the above-mentioned proposed project and the option of going down Cosumnes River Blvd.

1. This past year, the federal government approved funding for improvements to our creek, Union House Creek. The improvements did not take into consideration another large pipeline going down Cosumnes River Blvd. and could put us at further risk of flooding. Union House Creek is attached to the storm drains for at least 1500 homes, if the creek backflows, or is going to over flow, it comes onto our streets and into our homes. In 94/95, after the two lanes of roadway and a huge sewer interceptor were placed in this corridor, many homes in our area had over 6 feet of water in them. The City was sued for this negligence. Has SAFCA been consulted on this project? This project may make our improvements inadequate and put us at further risk of flooding. Sp11-1

2. Has the Regional Sewer District approved a pipeline, going through the buffer land that must be maintained for flood purposes, of the sewer plant? Is there any room to place EBMUD water pipeline thru this corridor, from Franklin to Center Parkway? Sp11-2

3. Cosumnes River Blvd. between Franklin Blvd and Center Parkway becomes very narrow around Essen Way, has anyone checked to see if there is enough room for the pipeline, and, is it OK to place it next to a sewer interceptor that is large enough to drive a semi-truck through? The pipeline cannot impede on the creek in any way or it endangers thousands of homes with potential flooding. Sp11-3

4. There is also a concern of being able to obtain the federal funding for light rail on top of a sewer interceptor and a large water main. This, according to a light rail engineer at a meeting I attended last year. Sp11-4

For these reasons, Valley Center Neighborhood Association opposes the placement of this water line down Cosumnes River Blvd.

I would like my concerns placed as an attachment to the DEIR.

Thank you in advance for your consideration.

Vickey Scott

Valley Center Neighborhood Assn

5880 Hollyhurst Way

Sacramento CA 95823

916-422-8888

VickeyLScott@aol.com

Letter Sp11

Kroner, Kurt

From: VickeyLScott@aol.com
Sent: Friday, December 12, 2003 6:47 PM
To: k.kroner@frwa.com
Cc: lhammond@cityofsacramento.org; rwaters@cityofsacramento.org; ssheedy@cityofsacramento.org; bpannell@cityofsacramento.org; djones@cityofsacramento.org; scohn@cityofsacramento.org; jyee@cityofsacramento.org; rtretheway@cityofsacramento.org
Subject: COMMENTS TO DRAFT EIR, FREEPORT REGIONAL WATER AUTHORITY

December 13, 2003

Kurt Kroner
Freeport Regional Water Authority

By e-mail to k.kroner@frwa.com

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3. Cosumnes River Blvd. between Franklin Blvd and Center Parkway becomes very narrow around Essen Way, has anyone checked to see if there is enough room for the pipeline, and, is it OK to place it next to a sewer interceptor that is large enough to drive a semi-truck through? The pipeline cannot impede on the creek in any way or it endangers thousands of homes with potential flooding. Sp11-3

4. There is also a concern of being able to obtain the federal funding for light rail on top of a sewer interceptor and a large water main. This, according to a light rail engineer at a meeting I attended last year. Sp11-4

For these reasons, Valley Center Neighborhood Association opposes the placement of this water line down Cosumnes River Blvd.

I would like my concerns placed as an attachment to the DEIR.

Thank you in advance for your consideration.

Vickey Scott

Valley Center Neighborhood Assn

5880 Hollyhurst Way

Sacramento CA 95823

916-422-8888

VickeyLScott@aol.com

Response to Comments of Vickey Scott (Letter Sp11)

Sp11-1. FRWA is actively coordinating the pipeline location within the existing and proposed Cosumnes River Boulevard corridor projects including Phase 2 of the South Sacramento Corridor Light Rail project, widening of Cosumnes River Boulevard, widening of Union House Creek by the Sacramento Area Flood Control Agency (SAFCA), Sacramento Regional County Sanitation District (SRCSD) sewer trunks, a City of Sacramento water transmission pipeline, and other utilities. Recently, the location of the new pipeline in the Cosumnes River Boulevard extension was coordinated with the SRCSD Lower Northwest Interceptor and the City's proposed new road section. That coordination is ongoing. Additionally, the location of the pipeline relative to the proposed light rail and SAFCA projects is actively being coordinated. Currently, the SAFCA and light rail projects are not completely defined, and FRWA is actively participating in coordination efforts with the various project teams. These efforts are expected to continue throughout the implementation process for all of the projects in that portion of the corridor. FRWA's goal is to work with these other agencies and project teams to cooperatively use the existing corridor to everyone's mutual benefit while minimizing impacts on the public and the surrounding neighborhoods. The FRWP will not increase the risk of flooding. The new levee constructed for the project will be at least as strong as the existing levee. The engineering design will be reviewed and approved by the State Reclamation Board.

Sp11-2. As described above in response Sp11-1, a great deal of coordination is underway with agencies having jurisdiction and/or projects within the FRWP area, including the SRCSD. Preliminary coordination and design work indicate that the preferred alignment will accommodate the pipeline, including the Cosumnes River Boulevard corridor between Franklin Boulevard and Center Parkway.

Sp11-3. See response Sp11-1 above.

Sp11-4. During coordination with Regional Transit regarding Phase 2 of the South Sacramento Corridor Light Rail project, feasible preliminary design solutions have been identified for many of the issues posed by having multiple projects in the same corridor. Additionally, there has been no indication that the presence of the FRWP would compromise federal funding for Phase 2 of the South Sacramento Corridor Light Rail project.

Sp11-5. Opposition to the preferred alignment, and in particular the Cosumnes River Boulevard corridor, is noted.

Letter Sp12

Kroner, Kurt

From: Walt Seifert [bikesaba@pacbell.net]
Sent: Monday, December 15, 2003 12:26 PM
To: k.kroner@frwa.com
Subject: Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Freeport Project

Kurt Kroner,
Freeport Regional Water Authority
1510 J Street #140, Sacramento, CA 95814

Dear Mr. Kroner:

Thank you for the opportunity to comment on the Draft EIR/EIS for the project.

Chapter 12 Transportation does not address all the impacts to bikeways. By the time of construction of the water intake, there will be a Class I bike trail on the Sacramento River levee top connecting to the south. This bikeway will be impacted by the water intake construction. Sp12-1

We recommend that a detour around the project site be provided during construction. In addition, as additional mitigation for the air quality and transportation impacts of the project, we recommend the major public access, called for in the Sacramento River Parkway Plan, be provided as part of the project. Sp12-2

The construction of the cross county pipeline will cause disruption to motor vehicle and bicycle traffic on a number of streets. In addition, the project will create significant air quality impacts. As additional mitigation for these transportation and air quality impacts, we urge construction of the pipeline be considered as an opportunity to improve existing bikeways, and, perhaps, create new bike trails on the surface above the pipeline. Sp12-3

The Sacramento Area Bicycle Advocates is a nonprofit corporation with more than 700 members. We represent bicyclists. Our aim is more and safer trips by bike. We're working for a future in which bicycling for everyday transportation is common because it is safe, convenient and desirable. Bicycling is the healthiest, cleanest, cheapest, quietest, most energy efficient and least congesting form of transportation.

Walt Seifert
Executive Director
Sacramento Area Bicycle Advocates (SABA)
(916) 444-6600
saba@sacbike.org
www.sacbike.org

1

Response to Comments of Sacramento Area Bicycle Advocates (Letter Sp12)

Sp12-1. The potential impact on the levee-top bicycle trail adjacent to the intake facility is fully described in Chapter 6, "Recreation," (page 6-18). The analysis includes the City's proposal to extend this trail across Freeport Boulevard to the Bill Conlin Sports Complex. As described in the analysis, detour routes will be provided during the construction period, and full bicycle/recreation access will be restored following the construction period.

Sp12-2. The air quality mitigation described in Chapter 13 of the draft EIR/EIS is adequate for purposes of NEPA and CEQA, and no additional mitigation is required. However, opportunities to include major public access at the intake facility, as called for in the Sacramento River Parkway Plan, is dependent on the outcome of the design competition for the intake site. FRWA is open to working with the City of Sacramento and the community to determine the appropriateness of public access/recreational components within the intake site area.

Sp12-3. As described above in response Sp12-2, air quality mitigation described in Chapter 13 of the draft EIR/EIS is adequate for purposes of NEPA and CEQA, and no additional mitigation is required. Additionally, the pipeline generally follows public rights-of-way that, in many cases, include bicycle lanes. Furthermore, as described in Chapter 2 under Environmental Commitments, General Construction Measures, FRWA is committed to coordinate with other planned improvements. FRWA is committed to participate in various community improvements, including bicycle trails, to the extent that there is a connection to the FRWP and impacts caused by the project. FRWA will continue to coordinate with local jurisdictions to identify these opportunities.

North Laguna Creek Neighborhood Association
P.O. Box 233375
Sacramento, California 95823-3127

December 15, 2003

Kurt Kroner
Freeport Regional Water Authority
1510 J Street, #140
Sacramento, CA 95814
(916) 326-5480
k.kroner@frwa.com

Mr. Kroner,

The concerns and comments generated by this community are because of the direct impacts that the Freeport Regional Water Authority's proposed project will generate within and around to our Association's boundaries.

Location:

This association's service area are located in south Sacramento county within the City of Sacramento and adjacent to the unincorporated portions of the County of Sacramento (East & West) and the City of Elk Grove (South). The NLCNA is generally bounded by North: Cosumnes River Boulevard; South: Sheldon Road/ City of Sacramento line; West: Franklin Boulevard; East: Highway 99.

Scheduling Coordination:

Of high concern for our community is the coordination and timing of all pre-construction and construction phasing. The use of the Cosumnes River Boulevard corridor, and its major cross collectors and arterials offers unique problems. The north and south traffic flows on Franklin Boulevard, Center Parkway and Bruceville Road will be significantly impaired. The most critical of these is Bruceville Road for our residents and the commuters which transit our boundaries on a daily basis.

For Educational institutions these transit routes are a *critical access point* for Cosumnes River College, Valley High School and key safe access to schools within our mandated attendance boundary which are east of highway 99 include Monterey Trails High School and Edward Harris Middle School (both opening August of 2004).

Elementary school car access and pedestrian traffic will be impacted also by newly routed excess traffic using neighborhood streets and collectors to circumvent traffic slow downs and traffic jams caused by the construction. Those schools will include at a minimum: Barbara Comstock Morse Elementary, Irene B. West Elementary, Anna Kirchgater Elementary, and Prairie Elementary School. Many of our elementary and middle schools are year-round with a minimum average of over 800 and 1200 students respectively.

Hospital, clinic, fire station and emergency room services are located north of Cosumnes River Boulevard. Those ER's, clinics and medical services are located along the **Bruceville health care corridor** those facilities include: Methodist Hospital, Kaiser Hospital & Clinics & Pharmacies, Timberlake Clinics & Pharmacy, Bruceville Terrace Convalescent Hospital, Sierra Vista Mental Health Clinic and Hospital, Russell Manor Senior Housing.

Anticipated growth as reported in the Sacramento Bee Metro 12/13/03, the city of Elk Grove is building in excess of 3000 new homes per year. The city of Elk Grove has a newly planned community that includes another 7000 plus homes to the south of us along Bruceville Road. Bruceville Road. Much of the traffic using Bruceville Road does not have any other viable alternative route to access the services and located to the north and eastward along transit routes which include Power Inn Road, Calvine Road and Highway 99.

The city of Sacramento's "south new growth area" is a primary area for new development of housing and commercial services. Bruceville Road is a major target for that growth within the city of Sacramento's boundaries. The Freeport Regional Authority's preferred alignment traverses nearly the entire width of this designated area. Fortunately most construction disruptions, with the exception of the Sacramento River intake pump station, will be limited in real terms to the Cosumnes River Boulevard continuing to the east and all of the direct cross traffic for the involved streets.

Requests and Recommendations:

1. Use of west of Interstate 5 prior to crossing under (tunneling under) to vacant Delta Shores vicinity to open trench to Cosumnes River Boulevard. | Sp13-1
2. Cosumnes Boulevard cross points recommend tunneling under (Franklin Boulevard & Center Parkway). | Sp13-2
3. Cosumnes Boulevard should permit open trench only if adequate room is left to allow the flow of two way traffic (simultaneous movement) between Franklin and Bruceville Road. | Sp13-3
4. Do not disrupt flood protection channels, detention basins and creeks. | Sp13-4
5. Timing to prevent school disruptions and traffic impacts (non-peak hours construction and summer session break construction should be utilized fully and as preferred planning options.) | Sp13-5
6. Staging area of construction trucks, loading, excavation and all other material and equipment should be kept off the public roadway. | Sp13-6
7. Routes for trucks & equipment must not include neighborhood feeder streets & collectors. | Sp13-7

8. Temporary Sound Wall should be constructed the entire length of the Cosumnes River Boulevard construction zone once any construction begins at or along the Boulevard to mitigate against noise of impacted traffic as well as construction noise. Sp13-8
9. No morning or evening construction during peak hours. Use CalTrans model of freeway construction which utilizes night and non-peak hours... for Cosumnes River Boulevard, Bruceville Road, Center Parkway and Franklin Boulevard. Sp13-9
10. Traffic study should be preformed during peak school use days and hours for the college, high schools and elementary schools. Sp13-10
11. Have a master coordinating of flagging traffic program through the major intersection. (Current projects have caused 23 minute delays in traffic crossing of Bruceville Road and Cosumnes River Boulevard. Sp13-11
12. Tunnel under highway 99 Sp13-12
13. Use East Stockton Boulevard to Rangeview Rd or Stevenson St. to move pipeline to Power Inn Road. Sp13-13
14. Build the non-direct impacts (no housing, no road traffic) first from both ends of the project. Sp13-14
15. Give advance notice of traffic disruptions and alternate route planning for area road users within Franklin Boulevard to Highway 99 from ValleyHi Drive south to Sheldon Road. Sp13-15
16. Build or improve existing bicycle marked lanes and pedestrian side walk access fully improved to cross highway 99 to Power Inn for students and cyclists. Sp13-16
17. Development of an effective traffic and noise mitigation program to reduce air quality threats from passenger vehicles and construction traffic emissions, dust, and noise. Sp13-17

Sincerely,

Pat Shelby
NLCNA President Elect

Monica Rothenbaum
NLCNA President

Response to Comments of North Laguna Creek Neighborhood Association (Letter Sp13)

Sp13-1. As described in the draft EIR/EIS for Alternatives 4 and 5 (pages 2-18 and 2-20, respectively), the pipeline would travel southeast along the west side of I-5, crossing under I-5 to the east side before reaching the intersection with the future extension of Cosumnes River Boulevard. From this intersection, the pipeline alignment follows the proposed future extension of Cosumnes River Boulevard between I-5 on the west and Franklin Boulevard on the east.

Sp13-2. A final decision on how the pipeline would cross Franklin Boulevard and Center Parkway will not be made until the final design stage. However, because of constraints at both sites, tunneling at these intersections is probable. Regardless of the methods used, the traffic control plan described in Chapter 2 under Environmental Commitments would ensure that traffic impacts during construction are minimized to the extent practicable.

Sp13-3. As described in Table 12-2 of the draft EIR/EIS (following page 12-20), it is anticipated that the existing two lanes of Cosumnes River Boulevard between Franklin and Bruceville Roads will remain open during construction regardless of construction methods. Furthermore, if some portion of the existing two lanes is needed for construction purposes, traffic control devices would be used to ensure that one lane in each direction is available.

Sp13-4. The disruption of flood protection channels, detention basins, and creeks will be avoided, minimized, and/or mitigated. It would be necessary for some flood control channels and/or creeks to be crossed by the pipeline. The type of crossing to be used (e.g., tunneling or open cut trench) depends on site-specific conditions and will be determined during the final design stage. Additionally, as described in Chapter 2 under Environmental Commitments, the erosion and sediment control plan and channel and levee restoration plan will be implemented to ensure that flood protection channels and creeks are restored to their preconstruction condition and that associated natural resources are protected during construction.

Sp13-5. As described in Chapter 2 under Environmental Commitments, the traffic control plan will be developed and implemented in coordination with local jurisdictions to reduce construction-related effects on the roadway system. This includes coordination with affected jurisdictions on construction hours of operation and lane closures. As described in the Master Response to Intake Site Selection Process, FRWA will establish a community ombudsman to ensure that community concerns are addressed during the final design and construction process.

Sp13-6. As described in Chapter 2 under Environmental Commitments, the traffic control plan will be developed and implemented in coordination with local jurisdictions to reduce construction-related effects on the roadway system. Staging activities and areas will be included in the plan. Additionally, an access point/staging area plan (Chapter 2 under Environmental Commitments) also will be developed to further address this issue.

Sp13-7. Construction traffic in residential neighborhoods will be minimized to the extent practicable. Pipeline alignments

generally follow major roadways and construction traffic will generally be kept on those major roadways.

Sp13-8. As described in Chapter 14, "Noise," of the draft EIR/EIS, there will be significant short-term increases in construction-related noise levels as a result of construction activities. Implementation of Mitigation Measure 14-1 (page 14-25) could minimize these impacts but not to a less-than-significant level. Mitigation Measure 14-1 includes the provision for public notice of proposed activities and noise shielding to the extent feasible. Possible noise shielding may include, but is not limited to, features such as movable noise barriers, noise-reducing "blankets," hay bale shield walls, and similar features.

Sp13-9. As described in Chapter 2 under Environmental Commitments, the traffic control plan will include actions such as limiting lane closures during peak commuting hours to the extent possible.

Sp13-10. Development of the traffic control plan will include coordination with affected school districts.

Sp13-11. Traffic control devices, including flagging, will be fully coordinated through preparation and implementation of the traffic control plan.

Sp13-12. The pipeline will be tunneled under SR 99.

Sp13-13. The exact routes for material hauling are not yet known, but the suggested roadways will be included for consideration of haul routes. Final decisions will be made during the final design phase in coordination with development of the traffic control plan.

Sp13-14. Construction of the pipeline will likely entail multiple headings (i.e., construction will take place in several locations simultaneously). The construction locations and sequence will be determined during the final design phase, and traffic/community considerations will be a part of the decision process.

Sp13-15. The traffic control plan will include actions such as coordination with the affected jurisdictions on construction hours of operation and lane closures and providing notification of road closures. There will be extensive public outreach regarding these and other matters during project construction.

Sp13-16. FRWA will restore all bicycle lanes and sidewalks damaged during project construction. FRWA is also committed to participate in various community improvements, including bicycle trails, to the extent that there is a connection to the FRWP and specific impacts caused by the project. FRWA will continue to coordinate with local jurisdictions to identify these opportunities.

Sp13-17. The numerous Environmental Commitments described in Chapter 2, including the traffic control plan and dust suppression plan, in combination with the noise mitigation described above under response Sp13-8, will provide a thorough and effective mitigation program for the issues raised in this comment. It should be noted that Mitigation Measure 14-1 for construction-related noise includes a noise disturbance coordinator who will be responsible for responding to complaints regarding construction noise. In addition, as described in the Master Response to Intake Site Selection Process,

FRWA will establish a community ombudsman to ensure that community concerns are addressed during the final design and construction process.

Letter Sp14 RECEIVED

JAN 15 2004

SIERRA CLUB Mother Lode Chapter

Northern California and Northern Sierra Nevada

December 17, 2003

Mr. Kurt Kroner
Freeport Regional Water Authority
1510 J Street, Suite 140
Sacramento, CA 95814

FOLLOW-UP Comments on DEIR/DEIS For The Freeport Regional Water Project

Dear Mr. Kroner,

On December 15, 2003, I submitted a letter containing the comments of the Sierra Club – Mother Lode Chapter comments on the Freeport Regional Water Project DEIS/DEIR. Upon reviewing documents this morning, I realized that there is need to revised and recirculate the DEIR/EIS to address issues raised in the comment letters of Sierra Club and others.

An issue of particular concern is the lack of discussion of the measures to finance this very expensive proposed project. In particular, the DEIR/EIS must disclose, describe, and quantify the amount of new urban development that would be needed to generate enough revenues from developer and ratepayer fees sufficient to pay for the project, analyzed separately as to SCWA's share of the cost, and as to EBMUD's cost share.

Sp14-1

My clients are apprehensive that the Freeport project, and other costly infrastructure projects (such as roadways and Regional Sanitation's Interceptor Master Plan) may have significant growth-inducing impacts arising from the necessity for local government to approve new development to generate developer fees and new ratepayer revenues to pay for the Freeport project. This EIR/EIS must contain detailed financial analysis to assist the decision-makers and public in determining how much and what type of new urban growth would be needed to generate revenues sufficient to pay for the project.

Another financial issue affecting the environment is whether the financing plan will generate revenues sufficient to implement the mitigation measures proposed by the DEIR/EIS. Detailed financing information must be in the DEIR/EIS so that the decision-makers and public can determine whether mitigation measures promised buy the EIR/EIS are feasible and will be implemented.

Sp14-2

1

Very Truly Yours,

JAMES P. PACHL, Attorney
on behalf of Sierra Club – Mother Lode Chapter

2

Responses to Comments of the Sierra Club, Mother Lode Chapter (Letter Sp14)

Sp14-1. The FRWP facilities are designed to meet the identified objectives of each FRWA member agency. These needs are described in Chapter 1 of the draft EIR/EIS. As noted on pages 1-3 and 1-4 of the draft EIR/EIS, the FRWP facilities are intended to support the acquisition and delivery of surface water to the Zone 40 area, consistent with the Sacramento Area Water Forum Agreement and County of Sacramento General Plan policies and projected development. The project is sized to deliver the projected surface water demands to serve the Zone 40 area at full buildout of the County's General Plan. The project financing is based on projected development consistent with the General Plan. No additional development would be required to finance the project.

As discussed in Chapter 20 of the draft EIR/EIS, the EBMUD service area is generally built out. New development generally will consist of densification within currently developed areas. The EBMUD-portion of the project would be financed by all EBMUD ratepayers.

As fully disclosed in Chapter 20 of the draft EIR/EIS, the FRWP is considered growth inducing under CEQA because, although the project is consistent with the Sacramento County General Plan, it would remove a potential obstacle to growth. The environmental effects of growth are discussed in Chapter 20

Sp14-1. Mitigation measures proposed as part of the draft EIR/EIS will not necessarily be funded by project-specific financing. FRWA and its member agencies have the ability to fund the implementation of mitigation measures separately from project financing. In addition, most of the mitigation measures proposed to be implemented are measures that will be required in the early stages of project construction and will not rely on long-term financing. Finally, FRWA is required to adopt a mitigation monitoring and reporting plan under CEQA, which will require the implementation and monitoring of mitigation measures included in the project.

Letter Sp 15

TO AID, ENCOURAGE AND PROMOTE EFFICIENCY AND ECONOMY IN THE ADMINISTRATION OF GOVERNMENT

Alameda County Taxpayers Association, Inc.
893-3341 1305 FRANKLIN STREET SUITE 408 OAKLAND, CALIFORNIA 94612

Incorporated
June 17, 1938

November 12, 2003

RECEIVED
DEC 01 2003

Mr.Kurt Kroner
Freeport Regional Water Authority
1510 J Street, #140
Sacramento CA 95814

Dear Mr. Kroner:

Alameda County Taxpayers Association believes that the Draft EIR/EIS for the Freeport Regional Water Project answers all environmental and other questions concerning Project impacts, and should be adopted.

Residents and businesses in the East Bay must be able to count on a reliable water supply, especially in times of drought. The Freeport Regional Water Project assures that supply. It protects customers in dry years and provides much needed system flexibility.

Sp 15-1

Sincerely,

Arthur B. Geen
Executive Vice President

**Responses to Alameda County Taxpayers Association, Inc.
(Letter Sp15)**

Sp15-1. The commentor's support for the project is noted.

Chapter 8

Responses to Comments from Individuals

Letter I1

Freeport Water Project

Need of Project
- Future development in Zone 40 (what are the areas already approved for development — I1-1
- Existing Ebay MUD demand
- What are the current water district areas and zones — I1-2

Pending or current agreements
- Compensation for use of water — I1-3
- Payment for construction — I1-4
- Water Rights fees or agreements — I1-5
- Does the City of Sacramento receive any compensation — I1-6

Intake Constraints (project eventually takes the majority of water Southwest) — I1-7
- Why the Freeport water facility
- What are the connection constraints — I1-8
- What were the factors in determining the alternatives — I1-9

Public Review and Comment
- Location of document availability
- Public participation schedule — I1-10

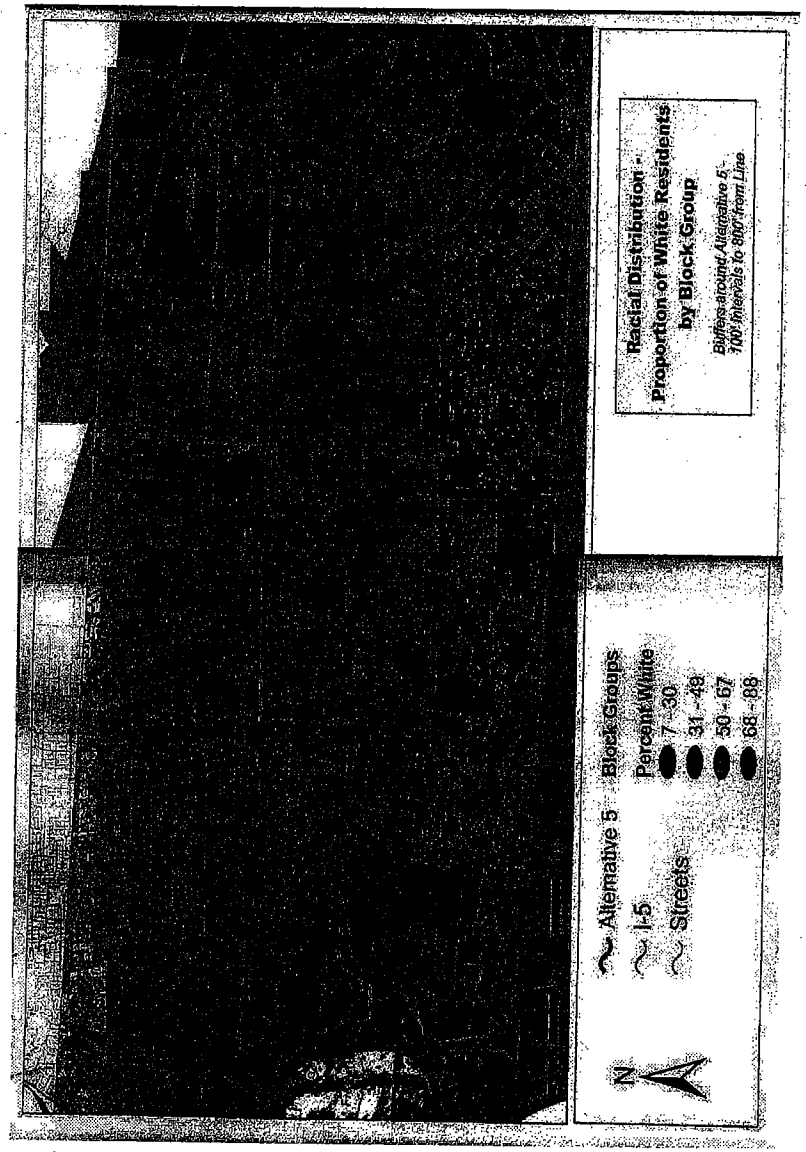
Length of Construction
- Number of working days
- Hours of operation — I1-11

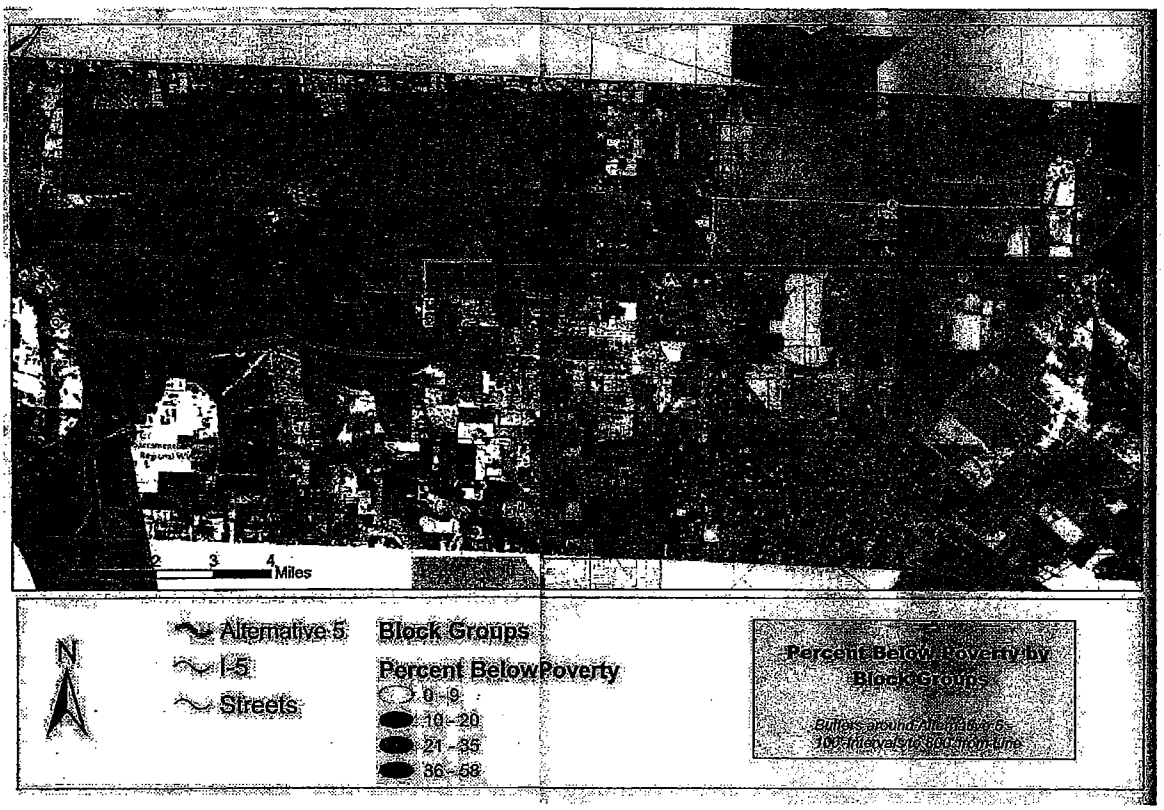
Environmental Justice

- Project appears to be disproportionately affect poor non white communities
- Federal Law states that you have to avoid, if possible, and disclose if not possible if you are going to have a disproportionate impact on minority or low income residents. So if you have 3 miles in a rural area and 3 miles in a urban area, there is a strong potential for disproportionate impact. — I1-12

Noise Levels
- Where are increases equal or greater than 5 DB?
- What are the noise level predictions for areas during construction
- What are the noise level predictions for areas during operation — I1-13
  - How will we mitigate for these noise levels

Project effects on property values
- Studies have shown that property values are affected by changes in noise levels and views.
  - How will we mitigate for these changes in property values — I1-14




2
3
4
Miles
N
Alternative 5
I-5
Streets
Block Groups
Percent Below Poverty
0 - 9
10 - 20
21 - 35
36 - 58
Percent Below Poverty by Block Group
Buffers around Alternative 5 at 0, 100 intervals up to 500 from Line

Responses to Comments of Keith Herron (Letter I01)

I01-1. Chapter 1 of the draft EIR/EIS describes the purpose and need for the FRWP and the water demands of the FRWA member agencies. Future development in the Zone 40 area is controlled by Sacramento County's 1993 approved General Plan.

I01-2. The FRWA member agencies' service area boundaries are shown in Figure 1-1 in the draft EIR/EIS.

I01-3. Payment for water is consistent with the terms for each water contract. Both EBMUD and SCWA have CVP water contracts, and payment for use is made to Reclamation. Additional contracts that may be obtained by SCWA would dictate payments associated with that water use.

I01-4. FRWA and its member agencies will be responsible for all construction-related costs.

I01-5. See response I01-3.

I01-6. The City of Sacramento will be compensated by FRWA for property purchased and other costs as appropriate.

I01-7. See the master response to Intake Facility Issues.

I01-8. The general intake and pipeline locations are determined in part by the location of the Zone 40 Surface Water Treatment Plant and the practicable location of the connection to the Folsom South Canal.

I01-9. See the master response to Intake Facility Issues and the Alternatives Screening Report (Volume 2, Appendix B of the draft EIR/EIS).

I01-10. See the master response to Public Outreach Process.

I01-11. The general timeline for construction of the various elements of the proposed project is described in Chapter 2 of the FEIR/EIS. Construction activities at most locations would persist for no more than several days to a few weeks; however, substantially longer construction periods are expected at major facility locations. Most construction activity would be limited to daytime hours, as consistent with local noise regulations (see the "Setting" section of Chapter 14, "Noise," of the FEIR/EIS for a description of local noise regulations). However, certain construction activities may require construction to occur over 24-hour periods for limited times, and nighttime construction may be desirable in some locations to minimize potential traffic or other issues. Please see Chapter 14, "Noise," of the FEIR/EIS for additional information.

I01-12. See the master response to Environmental Justice Issues.

I01-13. Existing noise levels in the City of Sacramento, in Sacramento County, at the intake site, and at Pardee Reservoir are described in Chapter 14, "Noise," of the draft EIR/EIS. Predicted noise levels during construction and operation are described in that chapter and are summarized in Tables 14-15 to 14-19. Noise levels at varying distances from the construction sites are shown in these tables. Therefore, areas with potential noise increases equal to or greater than 5 dB can be

determined from these tables. Mitigation measures to minimize noise impacts are also described in Chapter 14.

I01-14. See the master response to Intake Facility Issues.

Letter I2

THE FREEPORT REGIONAL WATER PROJECT

Comment Card

Please complete and submit this form to provide comment on the Draft Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the Freeport Regional Water Project. The Freeport Regional Water Authority will provide responses to comments in the Final EIR/EIS. Thank you for participating in this important public review process.

(Please Print)

Date: 9-11-03 Name: Allan Gilmore Title:

Telephone: 916 682 9582 Fax:

Organization: Retired E-Mail: AEGilmore@Juno.Com

Address: 7635 Bar Du Ln

City: Sacramento State: CA Zip: 95829

☒ Yes, I would like to be added to your mailing list to receive newsletters, information mailings, and meeting notices.

Comments: Gerber Road is going to be torn up between Elk Grove-Florin & Vineyard for water and sewer lines to the North Vineyard Station development. This work should be started in mid 2004. Is there any way the projects could be coordinated with this one to avoid the double disruption of Gerber Road. I2-1

The water to Sac. County should be made available to a larger area. Our groundwater is already dropping and we are pumping at over 100 Ft. I2-2

Please submit this form to a project representative by October 7, 2003, to ensure [illegible]
If mailing, please send to: Freeport Regional Water Authority, c/o [illegible]

FREEPORT REGIONAL WATER AUTHORITY

Responses to Comments of Allan Gilmore (Letter I02)

I02-1. As discussed in Chapter 2 of the draft EIR/EIS under "Environmental Commitments, Project Planning, Coordination, and Communication Plan," FRWA and Reclamation will coordinate with the appropriate city and county agencies during the planning, engineering, and design phases of the FRWP. This may lead to opportunities to combine work efforts and avoid situations in which a single roadway is torn up more than once within a reasonable timeframe.

I02-2. As currently planned and as analyzed in the draft EIR/EIS, the Sacramento County Water Agency portion of the FRWP water supply will be distributed to customers within the SCWA Zone 40 Service Area (see Figure 1-1 in the draft EIR/EIS). Currently there are no plans to expand this service area. However, introduction of this surface water supply will help groundwater conditions throughout the area.

Letter I3

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THE FREEPORT REGIONAL WATER PROJECT

Comment Card

[illegible] complete and submit this form to provide comment on the Draft Environmental Impact Report / [illegible] Impact Statement (EIR/EIS) for the Freeport Regional Water Project. The Freeport [illegible] Water Authority will provide responses to comments in the Final EIR/EIS. Thank you for [illegible] in this important public review process.

(Please Print)

Date: [illegible] Name: Ken McGhee Title: [illegible]

Telephone: [illegible] 391-1527 (W) [illegible]

[redacted]

Address: [illegible] Way [illegible] [redacted]

City: [illegible] State: [illegible] Zip: [illegible]

☒ Yes, I would like to be added to your mailing list to receive newsletters, information mailings, and meeting notices.

Comments: 1) I believe the draft EIR/EIS falls short in its treatment of ENVIRONMENTAL JUSTICE analysis, explanation and review. It is clearly an important issue in relation to this project. At least some community forums/workshops need to be held that focus solely on this broad topic. I am the EJ coordinator for CBDA (formerly CALFED) as well as a mediator facilitator for CCP. I offer to assist in any way!! I3-1

2) The public participation meetings are go[illegible] and necessary but the process for public and particularly the decision NOT to publicly answer questions, does NOT serve the [illegible] I3-2

Please submit this form to a project representative by October [illegible], 2003, [illegible]
If mailing, please send to: Freeport Regional Water Authority, [illegible]

the communities well [illegible]
Job of a skilled [illegible]
build it into the pro[illegible]

Responses to Comments of Ken McGhee (Letter I03)

I03-1. See the master response for Environmental Justice.

I03-2. See the master response for Public Outreach Process.

Letter I4

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SEP 19 2003

THE FREEPORT REGIONAL WATER PROJECT
Comment Card

Please complete and submit this form to provide comment on the Draft Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the Freeport Regional Water Project. The Freeport Regional Water Authority will provide responses to comments in the Final EIR/EIS. Thank you for participating in this important public review process.

(Please Print)

Date: Sept. 16 03 Name: George Waegell Title: Waegell Ranch
Telephone: 916-423-1779 Fax: Same
Organization: E-Mail: george@waegell.org
Address: 7700 Eagles Nest Road South
City: Sacramento State: Calif Zip: 95830

☒ Yes, I would like to be added to your mailing list to receive newsletters, information mailings, and meeting notices.

Comments: Waegell Ranch owns portion of Gerber Rd from County park east to Grantline Rd. The road lies through our ranch.

Will hill on east end of Gerber be cut lower to accommodate a future paved Gerber Rd? I4-2

Where do spoils go or do they not cause a problem? I4-3

How long is the work area as you build pipeline? I4-4

We have one 15" concrete line, two 10" plastic lines and two 2½" plastic pressure water lines crossing Gerber in our section.

We have a 1500'-2½" pressure line running along the north side of Gerber west from Eagles Nest Rd and a 1000" section of 15" concrete pipe running along the south side of Gerber west from Grantline Rd. I4-5

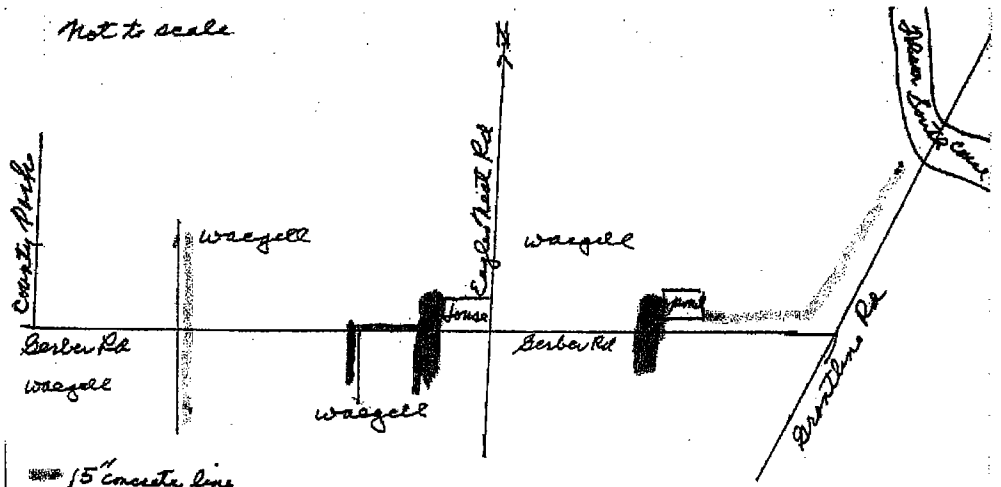
We have a 15" concrete line running north east along-parallel to Grantline Road from Gerber Road to Folsom South canal.

Our ranch depends on these roads and pipelines to function.

Please submit this form to a project representative by October 7, 2003, to ensure
If mailing, please send to: Freeport Regional Water Authority, c/o K

FREEPORT REGIONAL WATER AUTHORITY

Not to scale



15" concrete line
10" plastic line
2½" plastic pressure line

9 Our main concern is pipeline at Gerber and Grantline and structures in place at completion - acreage taken, building size, noise, odor, traffic etc.

FREEPORT REGIONAL WATER AUTHORITY

Freeport Regional Water Authority
c/o Kurt Kroner
1510 J Street, Suite 140
Sacramento, CA 95814

Postage Required $0.37

Freeport Regional Water Authority
c/o Kurt Kroner
1510 J Street, Suite 140
Sacramento, CA 95814

Response to Comments of George Waegell (Letter I04)

I04-1. FRWA is striving to construct as much of the FRWP within publicly owned land and/or rights-of-way as practicable. However, as described in Chapter 2 of the draft EIR/EIS under "Environmental Commitments, Private Property Acquisition and Access," FRWA will implement several measures, as appropriate, to construct and operate facilities within private property. The measures include, but are not limited to, acquiring temporary and/or permanent easements, maintaining reasonable access and use of private property during construction and maintenance activities, and notifying all residences prior to beginning construction.

I04-2. As discussed in Chapter 2 of the draft EIR/EIS under "Environmental Commitments, Project Planning, Coordination, and Communication Plan," FRWA and Reclamation will coordinate with the appropriate city and county agencies during the planning, engineering, and design phases of the FRWP. This process will allow FRWA and Reclamation to further coordinate with the Sacramento County Department of Transportation regarding the future extension of Gerber Road. To date, it is not planned to modify the grade east of the current terminus of Gerber Road to accommodate a future extension of that road.

I04-3. As described on pages 2-48 and 2-49 in Chapter 2 of the draft EIR/EIS under "Environmental Commitments, Spoils Disposal Plan," FRWA, in coordination with the construction contractor, will ensure that spoils materials from excavation activities during construction will be hauled to an appropriate off-site disposal location or used within the construction right-of-way, where feasible.

I04-4. The work area for constructing pipeline varies depending on conditions. As described on page 2-34 of the draft EIR/EIS, pipeline construction would proceed at an average rate of 100 feet per day along major roadways, 150 feet per day within other city and county streets, and up to 400 feet per day in construction areas outside roadways. As a result, the work area will vary accordingly, dependent on location and conditions. Furthermore, as described on page 2-50 of Chapter 2 under "Environmental Commitments, Trench Safety Plan," specific precautions will be taken during the pipeline construction process.

I04-5. FRWA and Reclamation acknowledge the presence of existing infrastructure/utilities and will work with private landowners and public agencies during the design process to identify reasonable design solutions consistent with the "Environmental Commitments" described in Chapter 2 of the draft EIR/EIS.

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SEP 17 2003

B. J. ELKIN
NEWCASTLE,CA

Letter I5

Kurt Kroner
Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Dear Mr. Kroner,

I would like to voice my extreme concerns re: expanding any territory controlled or maintained by East Bay MUD. Their environmental record is abysmal. I have seen the crews of EBMUD cutting down heritage oaks in the valley. These trees were not on their right-of-way and neither were they when the pipeline was created some 70+ years ago. I have also seen their crews discing and poisoning in burrowing owl habitats near Brentwood. I have also heard that there is an investigation at the Pardee facility about dumping used motor oil in the river. None of us living are responsible for the land grab of Gov. Pardee and his cronies, but I'd prefer that proper enviornmental procedures are followed before they are given anymore turf to maintain. Who is watching the store? I5-1

B. J. Elkin

Response to Comments of B.J. Elkin (Letter I05)

I05-1. The concerns about environmental practices are noted. Construction and long-term maintenance activities associated with the FRWP are fully disclosed in the draft EIR/EIS as are the required permits (page 2-53 of the draft EIR/EIS). In particular, several potential impacts to vegetation and wildlife are disclosed in Chapters 7 and 8, respectively. All potentially significant vegetation and wildlife impacts can be mitigated to a less-than-significant level. A mitigation monitoring and reporting plan will be prepared and adopted by FRWA, in conjunction with the final EIR/EIS, that will ensure full compliance with adopted mitigation measures.

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Letter I6
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OCT 0 1 2003

Sept 25, 2003

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OCT 0 6 2003

Mr. Kurt Kroner
Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Subject: Comments on Draft EIR on the Freeport Project
Also sent by email on Septermber 25, 2003 to k.kroner@frwa.com

Dear Mr. Kroner:

The following are my comments on the draft EIR:

Chapter 2 – Project Description – **Freeport Intake Facility**
Details of the project description are lacking for the Freeport Intake Facility. These details relate to the potential health impacts (in Chapter 15) due to the project scope including potential toxic air emissions from chemical usage and from on-site combustion sources used for pumping and compressors (the size of the engines and fuels used are not mentioned), and the size of each component of the facility. I6-1 I6-2

Chapter 14 – Noise
Details of the project components for the Freeport Intake Facility are not included (numbers and sizes of pumps and compressors), so it is impossible to make a determination on the noise impacts of the potential project. I6-3

Chapter 15 – Public Health and Safety

A site specific health risk assessment is needed to determine if emissions from the **Freeport Intake Facility** pose a health risk. Pump and compressor engines will most likely emit VOCs (including benzene) and polychlorinated dibenzo-*p*-dioxins and dibenzofurans (see http://www.epa.gov/nceawww1/pdfs/dioxin/part1/volume2/chap4.pdf), as well as other toxic combustion by-products. The addition of chemicals to the facility will cause the emission of those chemicals (depending on their vapor pressure) as well as by-product chemical emissions. The details of the fuels used, size and design of the pumps and compressors, and amounts and listing of chemicals used are not included in the description of the project. A lack of detail in the description and scope prevents a clear understanding of the potential toxic emissions to the community. Only a detailed site specific health risk assessment will help evaluate the potential health risks to the community. I6-4

Please let me know if you have any questions about my comments. I can be reached at hartcombus@hotmail.com.

John R. Hart, P.E.
Southshore (Riverlake) resident

Responses to Comments of John R. Hart (Letter I06)

I06-1. See the master response to Intake Facility Issues. The pump motors will be electric and will not result in any toxic air emissions.

I06-2. As described in Chapter 2, Project Description, of the Draft EIR/EIS the Freeport Intake Facility will cover approximately 7 acres. Figure 2-1 of the final EIR/EIS provides visual approximations of the facility components' dimensions.

I06-3. As noted on page 2-8 of the draft EIR, the pump station would include seven to nine vertical turbine pumps. The overall structure would be approximately 225 feet long and would accommodate a pump spacing of about 15 feet, assuming nine pumps. Noise impacts of facility operation are discussed on page 14-30 of the draft EIR, and are also discussed in the master response to the Intake Facility Issues in the Final EIR/EIS.

I06-4. As described in Chapter 2, Project Description of the draft EIR/EIS, the pumps at the intake facility are electric powered and therefore do not produce combustion by-products. Additionally, the intake facility does not include combustion-powered back-up generators.

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Letter I7

Kroner, Kurt

From: EJudy86221@aol.com
Sent: Saturday, September 27, 2003 1:55 PM
To: k.kroner@frwa.com
Subject: DEIR

My husband and I live in the Pocket near the proposed water treatment plant.
We are opposed to the project. We grew up in the S.L.P. area and remember the treatment plant on 35th Ave and the awful smell. I7-1

John and Judy Esola
Union House

10/6/2003

Responses to Comments of John and Judy Esola (Letter I07)

I07-1. See the master response to Intake Facility Issues.

Letter I8

Kroner, Kurt

From: Ledesma, Gina [Gina.Ledesma@LC.CA.GOV]
Sent: Monday, September 29, 2003 9:34 AM
To: 'k.kroner@frwa.com'
Cc: 'rwaters@cityofsacramento.org'; 'bpannell@cityofsacramento.org'
Subject: Water Division and Chemical Treatment Plant

September 29, 2003

Mr. Kurt Kroner
Freeport Regional Water Project
Draft ERI/EIS Comments
Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

The Honorable Mr. Kurt Kroner:

As residents of the South Pocket neighborhood, we **OPPOSE** the proposed Water Diversion and Chemical treatment plant scheduled to be built in our current neighborhood.

The proposed Water Division and Chemical treatment plant would add additional noise to the neighborhood. Our neighborhood is filled with traffic noise from Highway 5 and the Water Division and Chemical treatment plant would add to this. In addition, we are concerned with the following: I8-1

- Noise Equipment, including an electrical yard and air surge equipment I8-2
- Evaporating ponds creating foul odors and a mosquito problem I8-3
- A 4-story tall structure built on top of the levee I8-4
- Massive disruption to the neighborhood during the 2-3 year contraction. I8-5

We urge you to reconsider the proposed plan and not build the Water Division and Chemical treatment plant in our neighborhood.

We **OPPOSE** the proposed Water Division and Chemical treatment plant.

Sincerely,

Joel and Gina Ledesma
7606 River Ranch Way
Sacramento, CA 95831

Cc: Robbie Waters
Bonnie J. Pannell

10/6/2003

Responses to Comments of Joel and Gina Ledesma (Letter I08)

I08-1. See the master response to Intake Facility Issues.

I08-2. See the master response to Intake Facility Issues.

I08-3. See the master response to Intake Facility Issues.

I08-4. See the master response to Intake Facility Issues.

I08-5. See the master response to Intake Facility Issues.

Kroner, Kurt

From: michael chan [mjchan@fedex.com]
Sent: Tuesday, September 30, 2003 7:18 AM
To: k.kroner@frwa.com
Cc: rwaters@cityofsacramento.org
Subject: freeport water project

Letter I9

Mr. Kroner,

I am 2 year resident of the pocket area and i must state that i disaprove of the water project being built so closely to a highly residential area. The city residents do not benefit from this water project , they only receive **3 life years** of disruption. As residents, we understood once we bought our homes that we would be dealing with freeway noise but we do not have tolerate any more added noise that you are planning to bring. Has any of your team looked at building a 20ft barrier that would divide the freeway/pumps and the residents? This might be able to soften the noise that both the freeway and the pumps brings and it could possibly be a benefit to the residents. Please consider the fact that this only solves the noise factor and not other factors such as chemical leakage in the air or soil, rodent and mosquito problems, and home value.

I9-1

Michael Chan
7740 El Rito Way
Sacramento, CA 95831

10/6/2003

Response to comments of Michael Chan (Letter I09)

I09-1. See the master response to Intake Facility Issues.

Letter I10

Kroner, Kurt

From: Patricia Clark [PClark@cityofsacramento.org]
Sent: Thursday, October 02, 2003 1:26 PM
To: CharlesN4M@aol.com
Subject: Re: FRWA

RECEIVED
OCT 0 6 2003

Mr. and Mrs. Charles,
Thank you for your comments on this important issue in the council district. Councilman Waters reads all comments he receives on this topic and is concerned about this issue.
You may wish to send a copy of your email message to:
Kurt Kroner
Project Manager
Freeport Regional Water Authority
k.kroner@frwa.com

and also copy Sacramento City Councilmember Bonnie Pannell
bpannell@cityofsacramento.org

thank you,

Pat

Patricia A. Clark
District Director, Council #7
808-7338 W
264-7680 Fax
pclark@cityofsacramento.org

Comment noted

>>> <CharlesN4M@aol.com> 09/29/03 05:18PM >>>
Mr. Waters,
We are opposed to the FRWA water intake facility and pipeline next to the
South Pocket area. We would appreciate your support on this issue.
Thank you,
Nick and Michele Charles
7703 Rio Estrada Way

1

Responses to Comments of Nick and Michele Charles (Letter I10)

I10-1. The comment has been noted.

Letter I11

THE FREEPORT REGIONAL WATER PROJECT

Comment Card

Please complete and submit this form to provide comment on the Draft Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the Freeport Regional Water Project. The Freeport Regional Water Authority will provide responses to comments in the Final EIR/EIS. Thank you for participating in this important public review process.

(Please Print)

Date: 10/4/03 Name: MARION KANEMOTO Title: Retired School Nurse Clin. Audiologist.

Telephone: (916) 422-8252 Fax:

Organization: Retired E-Mail:

Address: 7602 River Ranch Way

City: Sacramento State: CA. Zip: 95831

☒ Yes, I would like to be added to your mailing list to receive newsletters, information mailings, and meeting notices.

Comments: Attended the Sept. 29, '03 meeting at Lisbon School. Am convinced that I do not want to see the Freeport Regional Water Project at that site.

I have lived at this location for 5 years & upgrade my retirement years. Even without the water project, the noise level has increased with the surrounding growth & more quality homes. Even with double pane glass windows the noise is very audible. Trying to have an outdoor event is truly no picnic. I know the effects on property values is also a concern. With the water project it would be a disaster. I11-1

This area is already too densely populated for such a plant. It will bring more risk to this bedroom community. I11-2

I hope our intellectual decision is respected. I11-3

Sincerely, Marion Kanemoto.

Please submit this form to a project representative by October 7, 2003, to attend
If mailing, please send to: Freeport Regional Water Authority, c/o

FREEPORT REGIONAL WATER AUTHORITY

Response to Comments of Marion Kanemoto (Letter I11)

I11-1. See the master response to Intake Facility Issues.

I11-2. See the master response to Intake Facility Issues.

I11-3. See the master response to Intake Facility Issues.

Letter I12

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THE FREEPORT REGIONAL WATER PROJECT
Comment Card

Please complete and submit this form to provide comment on the Draft Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the Freeport Regional Water Project. The Freeport Regional Water Authority will provide responses to comments in the Final EIR/EIS. Thank you for participating in this important public review process.

(Please Print)

Date: 29 Sept 03 Name: Mark Munguia Title:

Telephone: 916-422-4672 Fax:

Organization: E-Mail:

Address: 40 Shoreline Circle

City: Sacramento State: CA Zip: 95831

☐ Yes, I would like to be added to your mailing list to receive newsletters, information mailings, and meeting notices.

Comments: The draft report is deceptive and erroneous. The project is not located I12-1
in Freeport but on Sacramento City property. The neighborhoods affected (for the intake)
by the preferred site is within the city of Sacramento and not Freeport.
The location of the proposed intake will negatively affect the property values I12-2
in the Pocket and Greenhaven areas. How will you mitigate the lower I12-3
property values, increased noise from pumps, odors from stagnant ponds I12-4
and dangers from chemical usage? According to tonight's panel pipeline I12-5
construction would progress at 100 feet per day but your draft report
states a pace of 150' feet per day. Why has the progression slowed since -6
publication of the draft report?
Only residents from the East Bay and Sacramento County are benefiting I12-7
from this project. The project provides no value to the home...
in the Pocket and Greenhaven area. The project will cause major
disruption on our streets by trenching and shoring for a 7-0" diam... I12-8
pipe. What utilities have to be relocated and at who's expens... I12-9
install the pipeline below existing streets? The authori...
very poor job in presenting this project.

Please submit this form to a project representative by October 7, 2003, to en...
If mailing, please send to: Freeport Regional Water Authority, c/o...

FRWA should not impl...

FREEPORT
REGIONAL WATER AUTHORITY

Response to Comments of Mark Munguia (Letter I12)

I12-1. See the master response to Intake Facility Issues.

I12-2. See the master response to Intake Facility Issues.

I12-3. See the master response to Intake Facility Issues.

I12-4. See the master response to Intake Facility Issues.

I12-5. See the master response to Intake Facility Issues.

I12-6. Construction would proceed at an average rate of 100 feet per day along major roadways, 150 feet per day within other city and county streets, and up to 400 feet per day in construction areas outside roadways (page 2-34).

I12-7. See master response to Intake Facility Issues.

I12-8. See the master response to Intake Facility Issues.

I12-9. The power lines that would be either raised or relocated are listed on pages 2-32 and 2-33 of Chapter 2, "Project Description." Also in Chapter 2 is noted the requirement of compliance with California Public Utilities Commission General Orders, which guide utilities in development, construction, maintenance, and operation of utility facilities (page 2-56).

Engineers were not at
the effect of
levee? I13-12

THE FREEPORT REGIONAL WATER PROJECT

Comment Card

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Please complete and submit this form to provide comment on the Draft Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the Freeport Regional Water Project. The Freeport Regional Water Authority will provide responses to comments in the Final EIR/EIS. Thank you for participating in this important public review process.

(Please Print)

Date: 10-7-2003 Name: FLORENCE ARNOLDY Title: Ms. HOMEOWNER
Telephone: 916-428-7117 Fax:
Organization: E-Mail:
Address: 4 RIVER GARDEN COURT
City: SACRAMENTO State: CA Zip: 95831

☒ Yes, I would like to be added to your mailing list to receive newsletters, information mailings, and meeting notices.

Comments: I attended the meeting on Sept 29, 2003 regarding the
Freeport Regional Water Project. I am a homeowner in the Pocket
area not too far from the proposed project. My concerns as a
homeowner are: 1) property values; 2) level of noise and dis- I13-1
ruption of our quiet residential neighborhood; 3) Will there I13-2
be a problem with odors? 4) Will we have mosquitos breeding I13-3
in the ponds? 5) How much chemicals will be stored on the I13-4
premises? 6) will there be proper fencing to keep curious I13-5
children + both wild animals + pets from entering th I13-6
area? 7) Will the use of the river by boaters + fis
be disrupted? 8) What will the completed construc I13-7
look like? 9) Will it blend with the neighborhood? 10) I13-8
are you putting this next to a residential area of establi I13-9
homes? It would appear to me that it would be I13-10
disruptive to build it in an undeveloped area
are we sending more water to the East B. ? W
need the water during a drought
Please submit this form to a project representative by October 7, 2003
If mailing, please send to: Freeport Regional Water Authority, c/o I13-11
Maybe it is time to st
homes + let land re
vineyards. There are
produce for human
of the people that li

FREEPORT

Response to comments of Florence Arnoldy (Letter I13)

I13-1. See the master response to Intake Facility Issues.

I13-2. See the master response to Intake Facility Issues.

I13-3. See the master response to Intake Facility Issues.

I13-4. See the master response to Intake Facility Issues.

I13-5. See the master response to Intake Facility Issues.

I13-6. See the master response to Intake Facility Issues.

I13-7. Alternatives 2-5 will have no significant impacts on water-related recreation. For discussion of less-than-significant impacts on recreation and the significant impacts of Alternative 6 on the Upper Mokelumne River, please see Chapter 6, "Recreation."

I13-8. Please see Chapter 16, "Visual Resources," for a discussion of this issue.

I13-9. See the master response to Intake Facility Issues.

I13-10. See the master response to Intake Facility Issues.

I13-11. The need for this project is described in Chapter 1 "Purpose of and Need for the Freeport Regional Water Project" in the Draft EIR/EIS. Additionally, Chapters 3 and 4 of the draft EIR/EIS fully disclose the potential impacts of the FRWP on hydrology and water quality. This includes the sources of surface water available to and used by the City of Sacramento. Overall, the FRWP was found to have relatively minor environmental consequences. Additionally, the City of Sacramento has more senior water rights than the FRWA member agencies, thereby further minimizing any potential impact that the FRWP could possibly have on the City of Sacramento's water supply. The Water Forum Agreement further solidifies protection of the City's water supply.

I13-12. See the master response to Intake Facility Issues.

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Letter I14

Swiridoff CONSTRUCTION COMPANY
Mailing: P.O. Box 22455, Sacramento, CA 95822 • www.swiridoff.com
Phone: (916) 395-3364 • Fax: (916) 395-3382
Lic. No. 317839

Monday, October 27, 2003

Dear Mr. Kurt Kroner,

I am a resident and homeowner in the Pocket area and therefore am very much opposed to this project. This project is for the county and therefore let it be built on county property not city. I14-1

We in this area have for quite some time been trying to get some help in building a noise wall/barrier, as the one that is in place now, is not sufficient after all the growth in Elk Grove.

I have seen our property value depreciate because of the noise situation from the freeway, and I do not want to see anything else depreciate our property even more. At the time my wife and I built I had a choice to build wherever we wanted, but we built here, because at the time it was a nice quiet neighborhood, close to town and close to the river. None of us could foresee the Elk Grove boom nor the proposal for the water intake structure now on the table. My wife and I stand to lose a considerable amount of money in the value of our home, as it is one of the largest in the neighborhood. I14-2

We do no want a four-story structure with storage buildings that are housing chemicals, nor do we want the dust and noise nor the odor from the sediment basins this close to a residential neighborhood. I believe it is not only unsafe, unhealthy, noisy and in general not suited for residential, and I also believe that any logical thinking person must be in agreement. Noise and dust in such close proximity to any residential area where children would be exposed to this and also tempted to climb fences and explore, as children do, is just irresponsible planning. I14-3 I14-4

I understand that there are other options/areas where this structure could be built, and I think that it would be better for this neighborhood if another site were chosen. I14-5

Also will there be any kind of monetary consideration given for our loss, there should be, as none of us in this area were ever told about this and I know it has been on someone's drawing board for quite some time. I14-6

Sincerely,

Rudy Swiridoff

Swiridoff Construction Co.

Response to Comments of Rudy Swiridoff (Letter I14)

I14-1. The commentor's objection to the project is noted.

I14-2. See the master response to Intake Facility Issues.

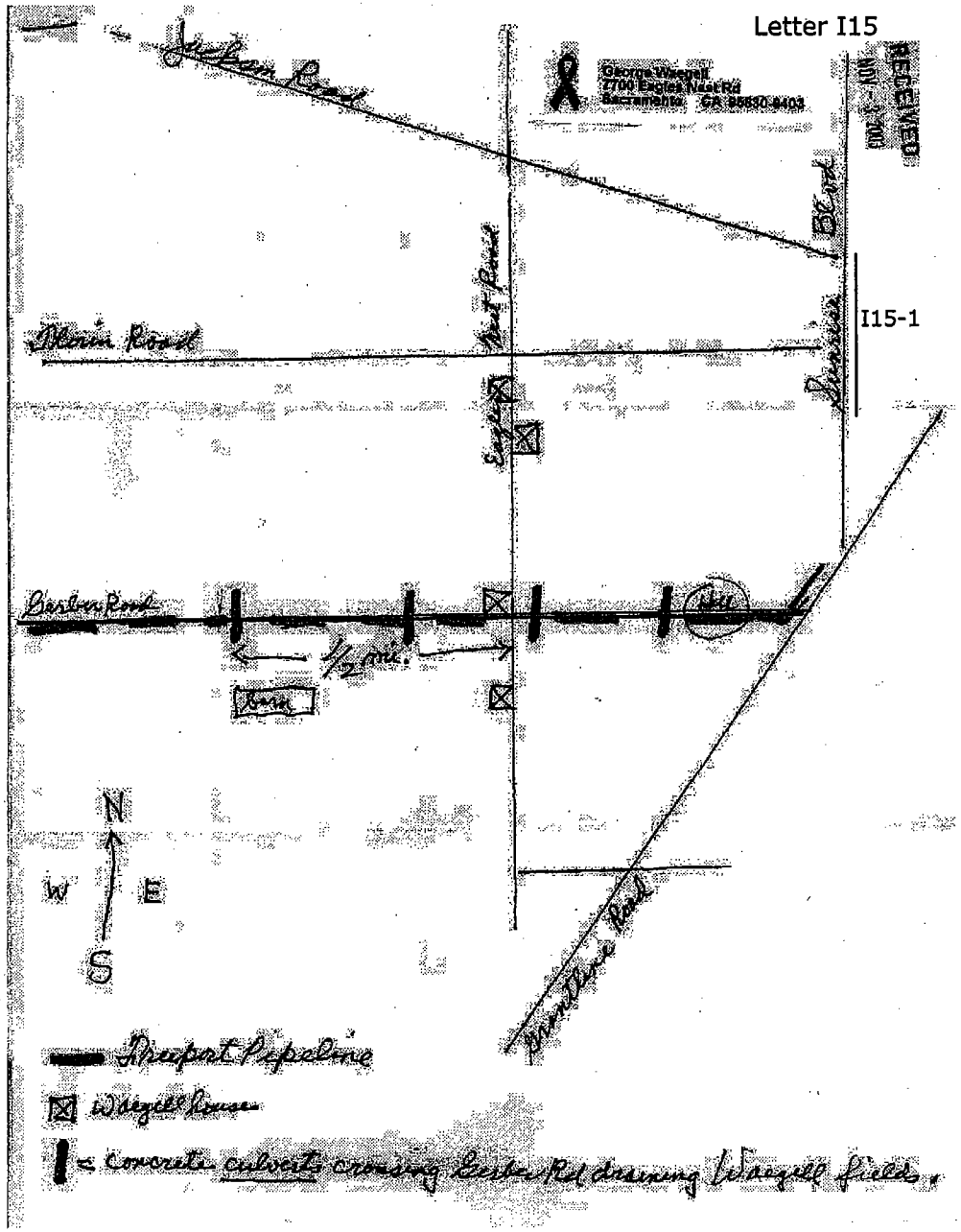
I14-3. The draft EIR/EIS fully disclosed the impacts associated with noise, air quality, and health and safety (in Chapters 13, 14, and 15 of the draft EIR/EIS). Please also see the responses to Intake Facility Siting major issues in Chapter 3 of this document.

I14-4. See response to comment I14-3.

I14-5. See the master response to Intake Facility Issues.

I14-6. See the master response to Intake Facility Issues.

Letter I15



I15-1

Responses to Comments of George Waegell (Letter I15)

I15-1. FRWA appreciates the location of your various facilities in the project area. As described in Chapter 2 of the draft EIR/EIS under Environmental Commitments (pages 2-44 through 2-51), and in responses to comment I04, FRWA will coordinate with local agencies and private-property owners regarding specific design and construction details prior to implementation.

Letter I16

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Jack S. Lawson
7754 El Rito Way
Sacramento, CA 95831
916 427-7824
jacks@inreach.com

November 1, 2003

Kurt Kroner
Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Dear Mr. Kroner:

I am writing to provide resident commentary on the Draft Environmental Impact Report (DEIR) regarding the proposed construction of a water intake structure and related facilities along the Sacramento River by the Freeport Regional Water Authority (FRWA).

Of the intake sites examined by FRWA, the one most favored from an engineering standpoint, and already on unused public property, is the property just south of El Rito Way in the Sacramento Pocket Area. Unfortunately, it is also the only considered site located in an urban area. As such, the construction of and subsequent operation of the facility poses a number of potential environmental and financial threats to its Pocket Area neighbors, notably noise, dust, displaced vermin, exposure to electromagnetic fields, chemical exposure, ugly visual impact, and a resultant drop in home values.

The most satisfactory solution to this issue from my perspective as an El Rito Way homeowner, would be to construct the facility at another location. I16-1

However, it is my perception that all FRWA officers and related political figures are absolutely galvanized in their determination to construct the facility at the Pocket Area site. The level of their unwillingness to consider other sites leads me to conclude that there are probably underlying political factors involved that have not been made public. I16-2

This being the case, I would like to request formally that the following reasonable conditions be met in constructing and operating the facility if it is to be built at the Pocket site.

1. During construction, work audible in the adjacent residential area be limited to the hours of 8 a.m. to 5 p.m. weekdays. Additionally, every effort should be made to minimize the impact of noise, vibration, and dust in the residential area. Residents should be given a contact person with the Project to whom they could voice any concerns or complaints. I16-3

2. After completion, the facility should meet the following criteria:

   a. Its operation should not be at all audible from Pocket Area residences. I16-4

   b. None of its structures should be at all visible from residences. I16-5

   c. Associated structures should be located at such a distance as to have no impact on residences in terms of exposure to chemicals, measurable electromagnetic fields, dust, or other pollutants and health hazards. I16-6

   d. FRWA should be obliged to provide adequate security at the facility to prevent vandals and graffiti "artists" from creating an eyesore or terrorists from attacking a major water source. I16-7

FRWA should formally agree to the aforementioned conditions in a written, legally enforceable document. Additionally, FRWA should be prepared to compensate neighbors who suffer a diminished quality of life and/or a decline in property value that can be reasonably determined to have been caused by the construction of or operation of the facility. I16-8 I16-9

If the above conditions are met completely with major modifications to the plan proposed in the DEIR, I feel that it may be possible to construct the facility at the Pocket location without creating a gross impact. However, please do not view this as an endorsement of the site on my part. Constructing major projects like this one far from residences is still the best option.

I would like to add, however, that I am aware that there is a great deal of momentum in place to construct the intake structure in the Pocket area and have it operating on schedule. One would hope that the decision makers feel a sense of responsibility for and accountability to their constituents in the Pocket Area and that they will acknowledge that there is wisdom in working toward a solution that would have minimal construction-era and zero post-construction impact on residents. To not do so would be unethical and would, ironically, fuel resident resistance that would likely delay the project, increase costs, and be an embarrassment to the officials involved.

Thank you for considering my input. Your cooperation would be most appreciated.

Sincerely,

Jack S. Lawson

Response to Comments of Jack Lawson (Letter I16)

I16-1. See the master response to Intake Facility Issues.

I16-2. See the master response to Intake Facility Issues.

I16-3. See the master response to Intake Facility Issues. Note that per the environmental commitments and mitigation measures identified in the draft EIR/EIS, construction hours will be limited and dust and noise suppression measures will be implemented.

I16-4. See the master response to Intake Facility Issues.

I16-5. See the master response to Intake Facility Issues.

I16-6. See the master response to Intake Facility Issues.

I16-7. See the master response to Intake Facility Issues.

I16-8. The CEQA Findings and NEPA Record of Decision to be adopted at the time the project is approved and the EIR is certified and the EIS is approved, in combination with the Principles of Agreement being prepared by FRWA and the City of Sacramento, are all legally enforceable. FRWA is also required to adopt a mitigation monitoring and reporting plan to ensure that mitigation measures are implemented. See also the master response to Intake Facility Issues.

I16-9. See the master response to Intake Facility Issues.

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Letter I17

Susan Dona
7721 El Douro Drive
Sacramento, CA 95831

November 24, 2003

Mr. Kurt Kroner
Freeport Regional Water Authority
1510 J Street, # 140
Sacramento, CA 95814

Dear Mr. Kroner:

Thank you for the opportunity to comment on the Freeport Regional Water Project Draft Environmental Impact Report (DEIR). While I recognize California must plan for our projected population growth, as a neighbor of the proposed intake facility site, I have considerable concerns regarding the project, including:

1. The Freeport Regional Water Project is not in the Town of Freeport; it is in the established residential Pocket Area within the City of Sacramento. The preferred location for the intake facility was once a water treatment plant. At that time, the surrounding land-use was agricultural - it is now residential. A facility of this magnitude and level of impact is no longer appropriate for this location. I17-1 I17-2
2. When the 1993 Sacramento County General Plan was adopted and updated in 1999, it was clear there was an inadequate water supply for the Laguna, Elk Grove and Vineyard areas. Since Sacramento County made the decision to open these areas for development in spite of the lack of water supply, the intake facility should be located in the County. I17-3
3. Although the DEIR states alternatives were thoroughly analyzed, Alternatives 2 through 6 all considered the same site for the intake facility. During the September 29, 2003 public meeting at Lisbon Elementary School, Joint Powers Authority (JPA) representative Gregg Ellis stated that two alternative sites for the pumping facility were not "adequately analyzed". Mr. Ellis' statement indicates the DEIR was not thoroughly conducted, and the JPA was looking for an easy solution, not an acceptable one. I17-4
4. Under Executive Summary (ES) Areas of Controversy, ES-12, the DEIR identifies "disruption in urban areas during construction of the project, particularly under Alternative 2 and 3". Since all alternatives identify the same urban location for the intake facility, Alternatives 4 and 5 should be included in Areas of Controversy. I17-5
5. Under Growth-Related Effects, ES-17, the document states that growth impacts effects were identified in the Sacramento County General Plan and mitigation measures were proposed to lessen their magnitude. However, the document does not address the fact that significant features of the project, and the resulting impacts, are in the City of Sacramento. I17-6

6. Sacramento County Water Agency Service Area section, ES-17-18, state that "there is no loss of public recreation uses". However, the analysis doesn't address the impacts to the City of Sacramento. I17-7
   a. The DEIR does not address the Bill Conlin Youth Sports Complex, including baseball diamonds and soccer fields, located directly across Freeport Boulevard from the proposed intake facility. During construction, those using the Sports Complex will be negatively impacted by noise, dust, vibration, and traffic and reduced access. During operation, hazardous materials storage at the intake facility site will threaten the health and safety of children using and accessing the Sports Complex.
   b. The Sacramento River levee in the Pocket Area is currently used for walking, jogging, biking, riding and fishing. It is a significant asset to the neighborhood's quality of life and the health of its residents. Locating an intake facility on the levee would greatly diminish the quality of life for those living in and visiting the Pocket Area. I17-8

This project will result in significant impacts to the City of Sacramento during construction and operation that are not fully considered in the DEIR. The JPA claims it conducted a thorough DEIR, yet it does not fully analyze alternatives that would result in fewer impacts, and proposes imposing these "costs" upon an area that will realize none of the benefits.

Thank you for considering and documenting these concerns in your final EIR/EIS.

Sincerely,

Susan Dona

Susan Dona

Response to Comments of Susan Dona (Letter I17)

I17-1. See the master response to Intake Facility Issues.

I17-2. See the master response to Intake Facility Issues.

I17-3. See the master response to Intake Facility Issues for a detailed description of why the intake facility will be located in the City of Sacramento.

I17-4. See the master response to Intake Facility Issues. Regarding statements made at the public meeting on September 29, 2003, the statements were intended to convey the following information. Numerous alternatives were considered during the alternatives screening process as described in the Alternatives Screening Report (Volume 2, Appendix B of the draft EIR/EIS). Additionally, four specific intake sites were considered during the FRWP development phase as described in Appendix A of this final EIR/EIS. While FRWA had developed sufficient information to determine a reasonable range of alternatives for the draft EIR/EIS, including the information necessary to determine an appropriate location for the intake site, the draft EIR/EIS did not include a full analysis of all four intake sites because three of them were not carried forward into the draft EIR/EIS. Therefore, statements made at the September 29, 2003 public meeting simply meant that a full analysis of all four intake sites was not included in the draft EIR/EIS because three of the four potential intake sites were not elements of the alternatives being analyzed.

I17-5. The comment is accurate in stating that the location and construction of the intake facility have been areas of controversy.

I17-6. Growth-related effects associated with the FRWP are limited to the Zone 40 service area in Sacramento County. No growth-related effects will occur in the City of Sacramento as a result of the FRWP. However, construction- and operation-related impacts that could occur in the City of Sacramento are addressed in numerous chapters in the draft EIR/EIS including Chapters 3 through 17.

I17-7. Impact 6-2 has been modified to reflect the potential impact on the Bill Conlin/Freeport Shores recreation complex. Please see response L23-1 associated with comments provided by the City of Sacramento Department of Parks and Recreation. Additionally, because views of the intake facility would be obstructed from most locations along SR 160, the impact is considered less than significant.

I17-8. See the master response to Intake Facility Issues for concerns regarding recreation and local benefits.

Letter I18

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November 28, 2003

Kurt Kroner
Freeport Regional Water Authority
1510 J Street, #140
Sacramento, CA 95814

Dear Mr. Kroner and members of the Freeport Regional Water Authority,

I am writing to you to comment on the Freeport Regional Water Project Draft Environmental Impact Report/Environmental Impact Statement.

I am quite concerned about the project for the following reasons:

- Lack of communication and only communicating with the Pocket Community after the location has been decided and after the initial EIR/EIS was drafted. I18-1
- The environmental impact report lacks to investigate quality of life, noise, and safety issues after the pumps and structures have been built. The focus of the current report is all on impact of construction. The report lacks details as to how the buildings will be built and insulated to minimize noise from the pumps and other structures that might disperse noise. I18-2
- At a public meeting, your organization stated that they are willing to continue to examine alternatives for the piping routes of this project, yet they wish not to with the pump intake portion of the project. Why not examine the environmental impact and impact on communities for all four sites they are considering and display it to the public. Your report lacks the information to support the proposed site as the ideal site. The pros and cons of the other alternative sites are not properly disclosed. Doesn't it make sense that this will lead to a better informed decision of the Board that has to vote? I18-3
- The Freeport Water Project state at meetings that they are taking into consideration the community and weighing benefits and risks. If that is the truly the case, common sense only dictates that it is ridiculous to build a structure of such near an established neighborhood in which some of the structures and machinery will only be 225 feet away from a person's backyard. Further, they talk about "worst case" scenarios. This neighborhood has many families with small children and a park less than 0.25 miles away. What happens if the chemicals they may use is part of an accident? What if some chemicals are released in the air during their use? They have failed to address this in their impact report. I18-4

Denis Ishisaka
7783 Sleepy River Way
Sacramento, CA 95831

 November 28, 2003

I feel that these projects are important as they provide much needed water to parts of Sacramento County and the East Bay. However, I disagree with the building of a pump intake structure near an established community. Your organization has other options. This project benefits many in Sacramento County and the East Bay, but it does not benefit the South Pocket Community. For the safety and quality of life of this beautiful community, I ask the Project to look at alternatives or address the many concerns and provide detail as to how some of the issues are to be addressed.

Please feel free to contact me if you have any questions regarding the above. Thank you for this opportunity to provide comments to you.

Sincerely,

Denis Ishisaka

Responses to Comments of Denis Ishisaka (Letter I18)

I18-1. See the master response to Public Outreach Process.

I18-2. The draft EIR fully disclosed the impacts associated with operations of the project in Chapters 3–21. Please also see the master responses to Intake Facility Issues.

I18-3. See the master response to Intake Facility Issues.

I18-4. See the master response to Intake Facility Issues.

Letter I19

Betty Lou and Howard Payne

6 Eastwind Court
Sacramento, Ca.
95831-4624
(916)-392-3652

RECEIVED
DEC 0 9 2003

December 6, 2003

Freeport Regional Water Project
1510 J street, Suite 140
Sacramento, Ca. 95814

Comments On Public Informational Meeting/ Environmental Document

Chemicals- My principal concern wth the project's original map was that the chemical storage was located close to the residences along the north boundary line. You have since moved this storage southerly to provide several hundred feet of clearance, which is excellent. I19-1

Vibration- You probably are aware that the silty soils along the river are soft, and that buildings in Old Sacramento move both vertically and horizontally with changes in the river elevation. The soil at this site may behave similarly, and the housing north of your site may generally have have small cracks. A thorough pre-construction crack survey would be a good precaution. I19-2

A vibratory sheet pile hammer probably would not create noticeable impacts in the housing. Cast-in-drilled-hole foundation piling would be worth considering, though sinking the casing would require some driving impact. Earthwork compaction may be noticeable, and you may want to use sheepsfoot rollers instead of vibratory rollers.

Noise- Waterworks are very quiet places! Probably the most irritating noise would be the whine of the pump motors and the building ventilating fans, in the night, and you can shield that. I19-3

Architecture- Old wharves and packing sheds are common along the river, and you probably are following that style. I19-4

Your meeting was very well done, and we wish you the best with your project.

Yours sincerely,

H L Payne

H.L. Payne
CE 8949

Response to Comments of H. L. Payne (Letter I19)

I19-1. The commentor's support for the project design is noted.

I19-2. See the master response to Intake Facility Issues. Further geotechnical studies will be conducted and appropriate foundation designs will be developed based on standard modern engineering practices.

I19-3. See the master response to Intake Facility Issues.

I19-4. The architectural style mentioned in the comment letter was considered in the visual analysis in the draft EIR/EIS (Chapter 16).

I19-5. The commentor's support for the project is noted.

Letter I20

Jeff Wedge
7629 River Ranch Way
Sacramento, CA 95831

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Date: December 7, 2003

To: Mr. Kurt Kroner

Subj: PROPOSED WATER PROJECT

Dear Mr. Kroner,

There are occasionally instances when people allow "big business" objectives to materialize at the expense of "the people's agenda, and for a reasonable, safe, and secure existence.

The proposed Freeport Water Diversion Project is one such example.

Mr. Kroner—I am adamantly and rigorously opposed to this proposal—and join a long list of Sacramento residents who are outraged at the thought of such a "heavy industrial" plant being constructed adjacent to a beautiful and quiet neighborhood such as that located in the South Pocket area. I feel strong about this because a) I live here, and b) its wrong. I20-1

I cannot fathom the thought that people who need this water could possibly benefit (at the expense of those in the Pocket) from a project that causes so very much harm. And yes—the project will be harmful, and ugly, and noisy, imposing, a security threat, disruptive, and a neighborhood home resale threat, and all of the other distasteful descriptors that have surfaced about this proposal. I20-2

New home construction continues in the East Bay and Sacramento County—and while that may be fine—I cannot sit by and allow this project to be thrust into my backyard and cause MY loss at other's gain!! Why here? Why not in Yolo County on undeveloped land? Or anywhere else other than ON THE FENCE LINE.of people who up until this proposal enjoyed the serenity of one of Sacramento's nicer neighborhoods. I20-3

I urge you to reassess the proposal and look at more appropriate sites. Do not allow the "big business" agenda to unfold at the expense of those undeserving.

"For of those to whom much is given, much is required. And when at some future date the high court of history sits in judgment on each of us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage... Second, were we truly men of judgment... Third, were we truly men of integrity... Finally, were we truly men of dedication?"

John F. Kennedy
Speech to the Massachusetts State Legislature (January 9, 1961)

Regards,

Jeff Wedge
South Pocket Homeowner

7629 River Ranch Way Sacramento, CA 95831 (916) 812-5500

Responses to Comments of Jeff Wedge (Letter I20)

I20-1. See the master response to Intake Facility Issues.

I20-2. See the master response to Intake Facility Issues.

I20-3. See the master response to Intake Facility Issues.

Letter I21

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DEC 09 2003

FRED AND VI KIRTLAN
33333 South River Road
Clarksburg, CA 95612

December 8, 2003

Mr. Kurt Kroner
Freeport Regional Water Authority
1510 J Street, #140
Sacramento, CA 95814

Dear Mr. Kroner:

Re: Freeport Regional Water Project Draft EIR/EIS

We have lived and farmed near the town of Freeport for over sixty years. The source of irrigation water for our farm (located just south of the Freeport Bridge) is the Sacramento River. Therefore, we are concerned about the probable adverse impacts the Freeport Project would have on the Sacramento River and the Delta Region.

We believe that the Preferred Alternative (5) proposed in the Freeport Regional Water Project (FRWP) Draft EIR/EIS is flawed. One of the main goals of the FRWP is to provide the East Bay Municipal Utility District (EBMUD) with an emergency supply of water during critical drought periods. It is reasonable to believe that the entire Northern California region, including the state and federal water storage systems, would be affected by the same drought periods. Relatively large diversions of water during these critical times would, in our opinion, negatively impact all of the other Sacramento system water users (urban, agricultural, recreational and environmental). I21-1

The information issued by the Freeport Regional Water Authority points out that one of the benefits of the plan is based on an "agreement that provides guidelines for securing reliable water supplies for planned development in the Sacramento metropolitan area to the year 2030 while protecting the region's highly valued rivers." We believe that the Sacramento River/Delta Region deserves as much protection as has been afforded the river systems upstream from Freeport. It is clear to us that the Freeport location was chosen to protect the American River system and the Sacramento River (upstream). We believe that alternatives (2) through (5) would negatively impact the Sacramento River region downstream from the proposed Freeport Project. I21-2

We believe that Alternative (6) is preferable. California must develop new water, not deplete existing supplies. Alternative (6) would accomplish this by increasing water storage capacity at Pardee Reservoir. EBMUD would have their emergency supply and not be competing with other water users at a critical time, as would be the case with Alternative (5). Using this alternative would allow Sacramento County to divert their water allotment in a more orderly manner, and at times when water was more plentiful in the Sacramento River supply system, thus diminishing the negative impacts on the Sacramento River/Delta Region. I21-3

We appreciate the opportunity to present our viewpoints and encourage you to consider them.

Sincerely,

Fred Kirtlan
Violet Kirtlan

Fred and VI Kirtlan

Response to Comments of Fred and Vi Kirtlan (Letter I21)

I21-1. Chapter 3 of the draft EIR/EIS analyzes the hydrologic effects of the FRWP on California's overall water supply system, including the Northern California region. All water year types are considered, including periods of drought. All water user impacts are found to be less than significant.

I21-2. It is accurate that the intake location analyzed in the draft EIR/EIS is the result of long-term discussions and technical analyses (the full range of alternatives considered is documented in Volume 2, Appendix B of the draft EIR/EIS), some of which focused on protection of the lower American River. The analysis of impacts included in the draft EIR/EIS fully analyzed and disclosed potential impacts on all portions of the water supply system, including the Sacramento–San Joaquin Delta. Impacts on the Delta associated with the FRWP were found to be less than significant.

I21-3. As fully disclosed in the draft EIR/EIS, Alternative 6 would not substantially reduce impacts on the environment compared to Alternatives 2–5. Furthermore, implementation of Alternative 6 would not alter the timing of SCWA diversions at the proposed FRWP intake facility.

Letter I22

RECEIVED
DEC 10 2003

December 9, 2003

FRWA, Draft EIR/EIS Comments
1510 J Street # 140
Sacramento CA 95814
Attnetion: Kurt Kroner

Dear Mr Kroner:

I am coming to the table a bit late on this issue but I would like to voice my concern regarding the site being considered for the FRWA water project.

I am a resident and homeowner in the Pocket. **I do not wish to see this project in our neighborhood.** This is a quiet community. A project of this magnitude will devalue our properties, cause considerable inconvenience during construction, add additional traffic to an already small area, and more importantly challenge the environment (noise, air pollution, toxic chemicals, flora & fauna and so on). I22-1

My main concern is the levee. Our levee system is always at risk. During the winter and spring months great care is taken to be sure that there are no breaks or boils occurring. What happens when you have pile drivers driving over 400 piles into the ground? I know that the levee will be reinforced where the construction is taking place but what about upstream, downstream and across stream???? Our levee system is very fragile. I can't imagine how this can't help but put the surrounding levee at risk. What happens if the levee gives way at some point near the project? Who is responsible? I22-2

Please take this project to an area that is more suitable for a project of this size. Leave our neighborhood alone. I22-3

Sincerely,
Pamela Herlihy
1219 Spruce Tree Circle
Sacramento CA 95831

Response to Comments of Pamela Herlihy (Letter I22)

I22-1. See the master response to Intake Facility Issues.

I22-2. See the master response to Intake Facility Issues. The differentiation between the alternatives mentioned in this comment is the degree to which the alternatives use public rights-of-way. As noted in this comment, all of the alternatives share the intake location and certain pipeline segments.

I22-3. See the master response to Intake Facility Issues.

Letter I23

RECEIVED
DEC 11 2003

LINDA TUTOR
1219 Spruce Tree Circle
Sacramento, CA 95831

December 10, 2003

Mr. Kurt Kroner
Environmental Manager
Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Dear Mr. Kroner:

Please include my letter with the comments you receive regarding the Freeport Regional Water Project.

I attended last week's community meeting regarding the project. I have lived in the Pocket area since 1997, and this was the first I had heard of the proposal. The meeting was a real eye-opener for me. It was clear that residents of the affected community who spoke at the meeting came well prepared and brought up a variety of issues which, cumulatively, made clear to me that the location of this project must be reevaluated. Some of the issues raised were: I23-1

- The concerns of damage to fragile levees that construction may cause
- Construction noise
- Air pollution from construction equipment
- Possible negative affects to residents' property values
- Pest control problems from disturbing undeveloped land
- The vulnerability of a potential terrorist target

I lived for five years at 7699 El Rito Way. The noise from the freeway was such that I could not enjoy time in my back yard, or even watch TV with my windows open. I can only imagine how much more noise the residents adjacent to the proposed site would have to endure, especially during the construction phase. I23-2

I am also concerned about the access road to and from the property currently owned by the City of Sacramento. Freeport Boulevard is a two-lane highway that carries traffic to and from the many small towns in the Delta. The town of Freeport would be especially impacted from all the trucks entering and leaving the site. I23-3

I do believe that it is important to conserve our precious groundwater. Clearly, Sacramento County will continue to be developed, even though schools, transportation, and other infrastructure are not in place to meet future needs. However I would propose that there must be an alternate site for this project that would not carry the potential of such negative effects on an established residential neighborhood. I23-4

For these reasons, I oppose building the Freeport Regional Water Project at the current proposed site.

Sincerely,

Linda Tutor

cc: Mayor Heather Fargo
Councilman Robbie Waters

Responses to Comments of Linda Tutor (Letter I23)

I23-1. See the master response to Intake Facility Issues.

I23-2. See the master response to Intake Facility Issues.

I23-3. See the master response to Intake Facility Issues.

I23-4. See the master response to Intake Facility Issues.

Letter I24

RECEIVED

DEC 15 2003

ROBERT C. LORBEER
7751 EL RITO WAY ~ SACRAMENTO, CA 95831-5411
Home Phone (916) 428-6204 ~ Email LORBEER-R@PRODIGY.NET

December 10, 2003

Mr. Kurt Kroner
Freeport Regional Water Project
Draft EIR/EIS Comments
Freeport Regional Water Authority
1510 J Street #140
Sacramento CA 95814-0000

Re: COMMENTS FOR FRWA'S DRAFT ENVIRONMENTAL IMPACT REPORT FREEPORT REGIONAL WATER PROJECT
State Clearinghouse No. 2002032132

Dear Mr. Kroner:

My home backs up to the open area adjacent to the water tower where the Draft Environmental Impact Report (DEIR) proposes to place this industrial water intake facility. I have strong objections to an industrial complex of this scope being placed adjacent to family homes in my neighborhood, or in any other neighborhood for that matter. The proposed water intake facility is unprecedented in size and scope, and for that reason alone it should not be placed adjacent to family residences. I24-1

GENERAL COMMENTS:

I also have strong objections to the failure of FRWA to communicate the size and scope and nature of this project to the people who will most be impacted by the project, the residences along El Rito Way and El Moro Way in the Sacramento Pocket area. Until September 4, 2003, almost 30 days after the DEIR had been released, there was no general public knowledge of the nature and scope of this project. Despite this fact that this project has been on the books for at least 10 years, and despite the fact that both FRWA and the City of Sacramento have known that the preferred site for this industrial project was adjacent to homes on El Rito Way and El Moro Way, FRWA and the City of Sacramento failed to notify residents of the scope and nature of the project. And prior to the release of the DEIR when FRWA staff had informational meetings with a select, limited number pocket area residents, FRWA failed to disclose the full scope and nature of the project; Pocket area residents walked away from those initial meetings believing I24-2 I24-3

that FRWA was proposing to place a "sump pump" in Freeport. Further more, FRWA did not begin public information meetings with the general public until there were only 30 days left to respond to the DEIR. The failure of FRWA to provide detailed information about the preferred site, and the failure of FRWA to provided detailed information about the enormous scope and nature of this unprecedented project, plus the continuing changing of the information in the various public meetings, require that the DEIR be re-drafted and re-circulated so that all people who are effected will have an opportunity to comment on the project in a knowledgeable and timely manner. I24-4

The DEIR fails to meet the requirements and standards required by both State and Federal Law, and as such, the DEIR is deficient and must be re-drafted to meet the requirements of both State and Federal Law, and then re-circulated for comments by the public. I24-5

Every time I attend a public meeting FRWA has new and different plans as to the nature and scope of this industrial project. Therefore, what one learns at one FRWA public meeting is entirely different then what one hears at the next FRWA public meeting. In many instances what FRWA says at one public meeting contradicts what FRWA says at another public meeting. Since the first public meeting on September 4, FRWA has entirely revised the project, and the information being distributed by FRWA staff today is entirely different than what is published in the DEIR. Therefore, one can not knowledgably comment about the DEIR because of the contradictor information provided by FRWA. I know that information provided to residences of the Sacramento Pocket and Meadowview areas is different than information that FRWA has provided to Delta Area and Contra Costa County area citizens. I24-6

The failure of FRWA to:

1) Communicate the full nature and scope of this project to the public;
2) Create a DEIR that meets the requirements of State and Federal Law; and
3) Provide the same information to every public entity

requires that FRWA redrafted and re-circulated the DEIR.

Without a re-draft and re-circulation of the DEIR, no one can make knowledgeable comments about the DEIR as no one has full and complete knowledge of exactly what is in the DEIR. I24-7

SPECIFIC COMMENTS:

1. Failure of the DEIR to take into consideration the impact of this industrial complex on people in the immediate vicinity of the "preferred site":

There is nothing in the DEIR that specifically addresses the issues of the proximity of this project to a well-developed community, that is immediately adjacent to the "preferred site". This community includes many young children. Since the size and scope of this water intake industrial plant is unprecedented, there is no water intake facility like the proposed one anywhere in the Western United States, what will be the impact of this facility on the families whose homes are immediately adjacent to the project? For instance, I24-7 cont

A. How many birth defects will be directly attributable to this project during, I24-8
   i. The extended 3 to 4 year construction period with the attendant noise, dust, known cancer causing particles, and other things that are directly associated with construction; and
   ii. The ongoing operation of the industrial plant 24 hours a day, 365 days a year, with the attendant noise, dust, and other things that are directly associated with operations of an industrial plant?

B. How many illnesses will the families in the vicinity of the "preferred site" experience during: I24-9
   i. The extended 3 to 4 year construction period with the attendant noise, dust, known cancer causing particles, and other things that are directly associated with construction; and
   ii. The ongoing operation of the industrial plant 24 hours a day, 365 days a year, with the attendant noise, dust, and other things that are directly associated with operations of an industrial plant?

C. How many people in the immediate vicinity of the "preferred site" for this industrial plant presently have health problems that will be severely impacted during: I24-10
   i. The extended 3 to 4 year construction period with the attendant noise, dust, known cancer causing particles, and other things that are directly associated with construction; and
   ii. The ongoing operation of the industrial plant 24 hours a day, 365 days a year, with the attendant noise, dust, and other things that are directly associated with operations of an industrial plant?

D. How many businesses that are operated out of the homes in the immediate vicinity to the "preferred site" will be severely disrupted by: I24-11
   i. The extended 3 to 4 year construction period with the attendant noise, dust, known cancer causing particles, and other things that are directly associated with construction; and

   ii. The ongoing operation of the industrial plant 24 hours a day, 365 days a year, with the attendant noise, dust, and other things that are directly associated with operations of an industrial plant? I24-11 cont

E. Most of the homes in the immediate vicinity to the "preferred site" have shake shingle roofs. What additional fire hazards and thus risks to the families will be directly attributable to this industrial plant during: I24-12
   i. The extended 3 to 4 year construction period with the attendant noise, dust, known cancer causing particles, and other things that are directly associated with construction; and
   ii. The ongoing operation of the industrial plant 24 hours a day, 365 days a year, with the attendant noise, dust, and other things that are directly associated with operations of an industrial plant?

F. For the families in the immediate vicinity of the "preferred site", their home is their single greatest asset, and single greatest investment. The equity build up in these homes are projected to be used for children's college education, retirement, etc. Housing values in our neighborhood have declined since the release of the DEIR. This decline has been during the same time period when housing values throughout the Sacramento region have continued to increase. Our neighborhood is the only area in the entire Sacramento region that has shown a decline in home values since the release of the DEIR. What further impact will this industrial plant have on the home values in the vicinity of the "preferred site" during I24-13
   i. The extended 3 to 4 year construction period with the attendant noise, dust, known cancer causing particles, and other things that are directly associated with construction;
   ii. The ongoing operation of the industrial plant 24 hours a day, 365 days a year, with the attendant noise, dust, and other things that are directly associated with operations of an industrial plant; and
   iii. The period of time from the release of the DEIR until the extended construction period begins?

G. What impact will this project have on family pets during: I24-14
   i. The extended 3 to 4 year construction period with the attendant noise, dust, known cancer causing particles, and other things that are directly associated with construction; and
   ii. The ongoing operation of the industrial plant 24 hours a day, 365 days a year, with the attendant noise, dust, and other things that are directly associated with operations of an industrial plant?

H. The pocket area that is adjacent to this "preferred site" for this industrial complex is a predominately minority community. This Water Intake facility was originally slated for the American River. A series of law suits resulted and the plans for this facility was moved away from the gaited community along the American River, to be placed in a minority community along the Sacramento River. This harkens back to "Strawberry Manor", and the financial destructiveness of that mistake on minority/poor communities. If FRWA is not aware of Strawberry Manor, certainly the politicians who hopefully oversee this project are well aware of it. The financial impact and devastation to the residence in the Pocket are not dissimilar to the residents of Strawberry Manor. I24-15

2. Objection to Proposed Placement of the intake facility

2A. Unprecedented Project Size For Any Residential Neighborhood

The Freeport Regional Water Authority (FRWA) FRWP intake facility is proposed to be built next to the South Pocket neighborhood in Sacramento California, specifically adjacent to the residents on El Rito Way and El Moro. Due to its size and location, City of Sacramento Pocket neighborhood residents will experience the longest period of construction and operational impacts of any of the communities impacted by the project. When completed the intake structure will rise 40 feet above the levee immediately adjacent to the bike path. It will house nine 2,000 horsepower pumps. (A pump size that is almost 10 times the size of City of Sacramento pump facilities) An industrial facility of this magnitude should not be built as proposed next to any neighborhood.

In fact, staff of FRWA have not been able to provide an example of a similarly sized intake structure next to a residential neighborhood in the Western United States. A recent public outreach effort by FRWA to take a few Pocket area residents to visit two Nevada sites was informative but the Nevada sites substantially different than the proposed facility. I24-16

Other intake facilities in the Sacramento area would be dwarfed by the proposed facility. And nothing approaching this size has ever been placed near a residential community. Even the City of Sacramento's planned intake structure in North Natomas will be located in an agricultural area with no nearby residents to impact. We believe that South Pocket

residents should be given equal consideration with other residents in the region and the state.

- Due to the size of the intake facility, the construction period impact on the Pocket will be great.
- Due to the size of the intake facility the operational impacts on the Pocket may be great.
- Due to its size we are sure some impacts on the Pocket are unpredictable and not simply " not significant " as the FRWP DEIR claims. I24-17
- Due to its size and location, City of Sacramento Pocket neighborhood residents will experience the longest period of construction and operational impacts of any of the communities impacted by the project.

3. MISCOMMUNICATION regarding intake facility

3A.DEIR Description of Intake Facility Location Misleading

The DEIR repeatedly describes the preferred intake facility location, as being *"near the community of Freeport,"* or *"6,500 feet upstream of the Freeport Bridge."*
These statements are patently misleading to the casual or even careful reader of the document. The truth is that the proposed location is within the city limits of the City of Sacramento. The town of Freeport is not in the City of Sacramento; Freeport is located in the unincorporated area of Sacramento County. This is a basic geographic and jurisdictional fact. I24-18

A much more relevant and important description of the proposed intake location would be "200 feet downstream of the South Pocket neighborhood" or "immediately adjacent to the family homes on El Rito and El Moro Way". Proximity to the nearest population center should be the primary descriptive reference. The failure to include this type of a description is further indicator that FRWA and the DEIR do not take into consideration the environmental impacts on people.

An opportunity to make this proximity to residences clear was missed in the design of Figures 2-4 and 2-6. Figure 2-4 is labeled as the "Freeport Intake Facility Site Plan," and Figure 2-6 is labeled "Freeport Intake Facility On-Site Settling Basins". Neither figure provides any frame of reference for the reader as to where the facility is in relation to the nearest landmark or residence. Indeed, there is no map scale on either map. Figure 2-4 I24-19

and 2-6 depict a property that can be deduced to be immediately adjacent to South Pocket residences- but the DEIR does not explicitly depict existing residences. I24-19 cont

The DEIR writers provide no evidence as to why their description relative to the Freeport Bridge is so crucial and no evidence as to why a description relative to the nearest neighborhood is omitted. It is a critical omission, which casts doubt on the quality of the DEIR, indeed it casts doubt on the intentions of FRWA, as it appears clear that FRWA did not want residents of the South Pocket neighborhood to know the nature and scope of the project, or that FRWA was planning on building this industrial plant immediately adjacent to family residences. I24-20

The only logical conclusion that can be reached is that this choice of misleading verbiage avoids discussion of impact on our neighborhood by the proposed intake facility. (This was also the chosen tactic of FRWA representatives at South Pocket Homeowners Association sponsored meetings.) Failing any justification, I believe that the DEIR is grossly deficient in its description of the project location. This error must be corrected and emphasized to a degree that makes the truth plain to the casual reader in a re-draft and re-circulation of another DEIR.

3B. No Pictures/Illustrations of Associated Structures

Page 2-7 states there are "features" associated with the intake facility, meaning an "electrical switchyard, chemical storage and injection facility, surge tanks and air compressors". The DEIR, unfortunately, does not provide any pictures, photographs, illustrations or other depictions of what any of these associated structures would look like. Nor does the DEIR provide technical information about the construction of these structures. Because no information is provided on these separate three (3) structures, the DEIR is inadequate and deficient in this regard. I24-21

At various public meetings, FRWA has shown and talked about at least 3 if not 5 different layouts for the proposed water intake structures. The only people that are fully aware of the various structural settings are FRWA staff as they are the only ones who have attended all of the various meetings throughout Northern California. I24-22

No other group or governmental agency is fully aware of all of the variously proposed structural layouts, and thus no one individual nor any governmental agency can adequately comment about the DEIR as no one has the compete information. Thus the DEIR is defective and must be re-drafted and re-circulated.

3C. Public Outreach based on Poor Intake Site Description Equals Poor Public Outreach

Chapter 22 of the DEIR begins with a claim to "significant" public involvement and making "substantial efforts to solicit public input" and "publishing fact sheets." This claim by FRWA is false and misleading. "Public outreach efforts" were meaningless and without value to our neighborhood because the intake site location was never clearly identified until four members of the public learned it just prior to the publication of this FRWA DEIR. I24-23

None of these efforts included a clear visual map presentation of the proposed intake facility relative to residences of the South Pocket area. Granted, printed materials were distributed at public meetings. These materials never identified the proposed intake site or the industrial buildings being within just a few feet of single-family residences in the South Pocket neighborhood. In fact some of the maps in the DEIR do not show the family residences at all. It is my belief that this FRWA deception was intentional to not only deceive the residents but also to deceive politicians and other members of the public as to the proximity of this industrial project to family residences. I24-24

Even recent year 2003 printed public outreach materials continue this deception. The triple folded blue mailer entitled, "The Freeport Regional Water Project, A Regional Resource," mailed on or about August 20, 2003, in the second paragraph states, I24-25

> *"The proposed Freeport Project would draw water from the Sacramento River near the small town of Freeport."*

The FRWA DEIR (2003) cites their own Notice of Intent (2002) as public outreach. It lists environmental factors potentially affected by the proposed project. "Population and housing" was not included, indicating a position that the public would be unaffected and perhaps need not be informed about project impacts. I24-26

Also recently in 2003, FRWA began charging the public $180 to receive a hard copy of the FRWA DEIR. While a public agency can legally recover "reasonable" printing costs under CEQA section 15045; yet, the overall practical effect of the $180 charge is to discourage public review and comment altogether. I24-27

4. CEQA INFRACTIONS

4A. Inadequate Intake Location Analysis

CEQA Mandates Consideration of Alternatives

The California Environmental Quality Act (CEQA) Section 15126.6 (a) states, in "Alternatives to the Proposed Project":

> *An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.... The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives."* (Emphasis added)

Figure 2-1 of the DEIR identified four (4) possible pipeline alignments and one intake location. The casual reader might conclude that appropriate alternatives have been identified when, in fact, only alternative pipelines have been discussed or identified in the DEIR. No alternative intake locations are being advanced through the DEIR. I24-28

Page 2-5 of the DEIR states, "Four sites were investigated for construction of the intake facility." However, the entire minimal description of the investigation is contained in the remainder of that second paragraph on page 2-5. The three other potential intake locations, identified in Figure 2-1 of the DEIR, were eliminated prior to publication of the DEIR. They are represented on Figure 2-1 as purple ellipses. These three alternative intake locations are located in a primarily agricultural setting and do not have the same residential impact that the proposed intake site certainly does. The proposed intake site appears to be the only one with significant impact on a dense residential area. The DEIR provides no analysis or comparison of impacts on residents and homes of the three eliminated sites and the proposed intake site. I24-29

Residences of my community have repeatedly requested from FRWA an analysis of why they selected the Pocket residential neighborhood as the "preferred site" rather than one of the other sites. FRWA has been unable to provide that information, and it is my believe that they have not been able to provide that information because they did not

research any of the other sites. My suspicions were confirmed when FRWA finally handed out a 17 page document to our community in late November entitled "FRWP Intake Structure Siting Summary". That document states as follows:

1) On page 8, under the heading, Recent Milestones (sic), it states, "In 2000, a document titled *Principles of Agreement between City of Sacramento, County of Sacramento and EBMUD* (emphasis in the FRWA document) specified the city-owned site (in the Pocket area) as the diversion location for the joint project that was then under consideration."

2) On page 9, under the heading, Recent Milestones (sic), it states, "In January 2001, the City of Sacramento, County of Sacramento, Reclamation (sic), and EBMUD signed a Memorandum of Agreement stating that the city, county, and EBMUD shall jointly work to construct a diversion structure near the city owned property approximately 1 mile north of the Town of Freeport", i.e. in the Pocket area.

3) On page 9, under the heading, Recent Milestones (sic), it states, "In February 2002, a ceremony was held adjacent to the city-owned site to announce the formation of the Joint Powers Authority (the FRWA) between EBMUD and the SCWA.... The meeting was attended by numerous elected officials from EBMUD, Sacramento County, and the City of Sacramento".

4) On page 9, under the heading, Recent Planning Efforts, it states, "As part of preparing the 2003 Draft EIR/EIS, FRWA prepared the *Alternatives Screening Report for the Freeport Regional Water Project* (emphasis in the FRWA document) and conducted numerous technical evaluations. **The alternatives screening report was intended to reconfirm the conclusions of the water supply planning processes described above and identify a reasonable range of alternatives to include in the 2003 Draft EIR/EIS. The technical evaluations were intended to support the screening process and more clearly define the proposed FRWP** (emphasis added).

It is clear to me from these FRWA admission, emphasized above, that the site behind my home on El Rito Way was selected, at least three years ago, by FRWA as the "preferred site", and in fact the site was even dedicated as "the preferred site", according to the Sacramento Bee, in February 2002, long before the DEIR was in the works. The other sites in the DEIR/EIS were only used as a shame to make someone reading the document think that FRWA had completed a true analysis of the various sites. The other sites were only chosen to "identify a reasonable range of alternatives to include in the Draft EIR/EIS". FRWA reached a conclusion and then sought out shame information to support that conclusion. This is clearly a violation of both State and Federal laws. I24-30

CEQA section 15126.6 (c) identifies alternatives that must be considered even more closely.

> *"Selection of a range of reasonable alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects."* I24-31

The three eliminated intake sites could feasibly accomplish the project objectives and avoid a very significant impact on South Pocket Neighborhood residents. I24-31 cont

Finally, CEQA section 15126.6 (f) (2) (A) states the "key question" when looking at alternative locations in the context of considering alternative sites. It states a clear priority.

> *"Key Question. The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location."*

Clearly, the three alternative sites, located in agricultural area, would have much less of a significant effect on people. The DEIR objections to the alternative intake sites appear to be related to expense, as in this statement,

> *"These sites would have required construction of a more costly pier or in-river structure rather than a bank-side structure." (DEIR 2-5)*

I24-32

This minute analysis appears to us to be entirely related to expense and neglectful of any possible environmental consequences or considerations. All the other objections to the three alternatives sites are monetarily related. Even though DEIR statements on page 2-5 state that river depth and re-location of roads make an alternative site not feasible, these alternatives are feasible, just more expensive alternatives. However, the financial cost to FRWA would be minimal, less than 1% of the projected project total costs; and all of the costs are funded by bonds.

Our Pocket neighborhood's, "quality of life" will be significantly impacted if the "preferred site" is actually used to build this industrial plant.

A thorough investigation and analysis of alternate proposed intake sites is required under CEQA. CEQA clearly states that the first consideration should be environmental impacts, not financial impacts on the sponsoring agency.

This is just another reason that the DEIR must be re-drafted and re-circulated for comments with a true discussion and analysis of the various sites and not some shame analysis as is done in the present DEIR.

4B. Our Census tract and required "Environmental Justice" evaluation missing from DEIR

All DEIRs are obliged by Executive Order 12898 to consider whether their project avoids "Environmental Justice" offenses. According to the US Environmental Protection Agency:

> *Environmental Justice is the **fair treatment** and **meaningful involvement** of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. **Fair treatment** means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. **Meaningful involvement** means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process, and (4) the decision makers seek out and facilitate the involvement of the potentially affected"* (http://www.epa.gov/compliance/environmentaljustice/).

In addressing the topic of environmental justice, the DEIR (pages 10-8 to 10-10) cites income and ethnicity data for census tracts crossed by the project components. Conspicuously missing from the analysis is Census Tract 40.12, which includes the city of Sacramento Pocket Neighborhood and the proposed intake structure. This error in itself constitutes unfair treatment and is further reason why the DEIR must be re-drafted and re-circulated for comments. I24-33

The population in Census Tract 40.12 is ethnically diverse and largely minority. According to the 2000 Census, the population is 49.7% white, 9.2% African American, .2% American Indian and Alaska Native, 33.2% Asian, .3% Native Hawaiian and Other Pacific Islander, 2.9% Other, and 4.5% mixed race (two or more races). Of this total population, 9.2% identify themselves as Hispanic or Latino. The median household income for 1999 was $69,031.

The community in Census Tract 40.12 has been overlooked by the DEIR in another way as well. This census tract is the only highly populated urban area, which will house a major facility of the project, the intake structure, and this was not adequately addressed in the DEIR. The DEIR does note that the period of construction will be extensive for the major facility locations, which include the intake structure, Zone 40 WTP, canal pumping plant, and aqueduct pumping plant and pretreatment facility. The DEIR also notes that a significant unmitigatable impact of construction of the intake structure will be the noise levels. This is never addressed as a potential unfair impact on the community however. I24-34

The DEIR also states that:

"Operating the intake facility is not expected to result in a disproportionate impact on a minority or low income population because of the distance between the facility and residential and commercial areas" (p.10-15).

This seems patently absurd. The facility location as indicated in the DEIR appears to be within 100 feet of the nearest house, and the DEIR states that the "operational noise from the facility will likely have a significant impact on noise levels in the area". I24-35

The DEIR also states

"The impacts of operating the intake facility are not expected to affect the socioeconomic characteristics of the surrounding community" (p.10-15).

This overlooks an area of grave concern to community residents: property values. If ambient noise levels are elevated in the area and other features of the intake facility are perceived as noxious, property values will be affected. Two neighborhood families have already sold their homes specifically because of this project. No comparative analysis is found in the DEIR of like projects within an urban setting, perhaps again due to the project's unprecedented size. They should provide some analysis of diminution of property values I24-36

In short, the question of **fair treatment** of an ethnically diverse, largely minority community has been neglected.

The **meaningful involvement** of residents from the community near the intake structure in the decision making process has been flawed because of the mislabeling of the intake structure as "near Freeport" in public notices. Had nearby residents been advised of the actual proximity of the project to their own homes, they could have become involved in the process at an earlier point. I24-37

Issues of Environmental Justice have been inadequately addressed in the FRWA DEIR, and thus the DEIR must be re-drafted and re-circulated for comments.

4C. Chemical Use & Storage at Intake Facility: No specific chemical is named or analyzed

The DEIR makes two brief mentions of chemical storage & use at the intake facility. "Site features would include an intake and pump station, electrical switchyard, chemical storage and injection facility..."(DEIR p.2-7). "Chemical injection ports could also be accommodated at the intake and at the turnout to the Zone 40 Surface WTP to introduce chloramines or similar biological growth controls into the pipeline if determined necessary in the future." (DEIR p.2-12) However, no specific chemical is named or I24-38

analyzed in Chapter 2, Project Description, relative to the intake structure. (Sodium hypochlorite is mentioned in the DEIR relative to the Zone 40 Water Treatment plant.) I24-38 cont

The second reference above to "chloramines" is questioned on its merits. Consultation with U.C. Davis Chemistry Department and Environmental Health & Safety Department (telephone conversation on November 4, 2003) revealed that chloramines are an inactive by-product of the chlorination process and not a useful chemical for the purpose of retarding or eliminating biological growth. I24-39

Community members learned through public meetings after the release of the DEIR, and from individual telephone conversations with both FRWA staff and City of Sacramento Department of Utilities staff, that the chemical under consideration is sodium hypochlorite 12.5%. This chemical should have been identified in the DEIR. I24-40

CEQA advises that a DEIR must provide enough information that decision makers and the public can fully assess environmental impacts of a proposed project. Section 15147 states,

"The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public."

The omission of chemical identification in the DEIR, the misrepresentation of "chloramines" as well as the subsequent revelation that sodium hypochlorite 12.5% is being considered is in full defiance of CEQA intent. These serious errors necessitate recirculation of the DEIR document to ensure adequate public review of the environmental impacts of the proposed project.

The proposed storage and use of sodium hypochlorite 12.5% immediately behind single-family residences raises questions about the long-term exposure to this chemical in a neighborhood setting. Sodium hypochlorite is classified as a "hazardous material" and regulated by California Occupational Safety & Health Administration (Cal OSHA), California Department of Pesticide Regulation, and the United State Environmental Protection Agency (EPA).

A perusal of Material Safety Data Sheets (MSDS) on this chemical reveal that sodium hypochlorite has characteristics that may cause "moderate skin irritation" and "severe irritation" to eyes according to Hill Brothers Chemical Company of Orange, California's MSDS. Hasa, Inc. of Saugus, California emphasizes "eye and skin irritation" and "chemical burns to broken skin" in their MSDS. "May cause eye damage" is a further

notation. Hill Brothers' MSDS summary of chronic health hazards states; "Irritating effects increase with strength of solution and time of exposure."

All three MSDS sheets note that sodium hypochlorite should not be exposed to extreme heat. Hasa, Inc. recommends storing the chemical in a cool, dry area only. Hill Brothers notes

> *"Heat and acid contamination will produce irritating and toxic fumes. May decompose, generating irritating chlorine gas."*

Roydent, of Rochester Hill, Michigan bluntly recommends against storing sodium hypochlorite in conditions over 80 degrees F. and, further, states,

> *"May explode when exposed to extreme heat. Toxic fumes may form upon exposure to acids or heat."*

The DEIR offers no information on the chemical or details on storage of the chemical. However, Sacramento typically has many, many days year-round in the spring, summer and fall when the temperature reaches 80 degrees F. or above. I24-41

On page 2-47 of the DEIR, it states that the FRWA will develop and implement a hazardous materials management plan; however, the entire paragraph encompasses only three (3) sentences. FRWA must follow California law and provide a Hazardous Materials Business Plan or Plans; the failure to do so in the DEIR is another reason why the DEIR must be re-drafted and re-circulated, for public comment and review. I24-42

California Code of Regulations section 25504 sets forth certain stringent regulations to include an inventory and response plan. We find the DEIR grossly deficient in this matter.

A review of the complete lack of chemical information in the environmental document, the subsequent suggestion by FRWA to use sodium hypochlorite after the publication and release of the document, the possible health hazards and obvious health concerns of locating a highly toxic and dangerous chemical behind homes with children and pets and, lastly, more unanswered questions about the storage of this chemical in extreme heat, require recirculation of the DEIR. The circumstances outlined above require a finding that "a new significant environmental impact would result from the project" (CEQA section 15088.5 (a) (1)) and the DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (CEQA section 15088.5 (a) (4)).

Furthermore, it is extremely troubling to me that FRWA has, in public or semi-public meetings, proposed a number of different means for storing the chemicals. It seems like I24-43

every time I attend a FRWA meeting, they have a different solution to the chemical storage. Thus, no one knows the true nature and intent or plans of FRWA regarding the chemicals. I24-43 cont

4D. Significant Noise Impacts

The DEIR acknowledges that noise from both the construction of the intake facility and its operation would have a significant impact on the environment. Projected worst-case noise levels during construction would literally result in deafness for the residents of the homes closest to the site if they were exposed to it for several hours. The DEIR addresses several ways to minimize the potential impacts, but says the noise impact would still be significant. The DEIR also acknowledges that once the intake structure is operational there would be substantial permanent increase in ambient noise levels above existing levels without the project. Each of these significant results is a violation of CEQA if significant mitigation is not possible.

The DEIR states, "It is impossible to mitigate noise to achieve an insignificant levels". When our community strongly objected to this noise issue, FRWA then came out and now says that they can stifle the noise so that it is no louder than present background noise. It is clear to me from this admission that DEIR lacks analysis. There were not changes in the laws of physics from August until October, and yet, what FRWA said in August, they now claim is wrong. I24-44

The DEIR states, on Page 14-34, relative to the intake facility:

> *"While implementation of the noise attenuation environmental commitment would minimize this impact, it may not reach a less-than-significant level."* I24-45

This statement provides no analysis as evidence that noise mitigation is impossible to achieve an insignificant impact.

Effective noise mitigation is possible but it requires extensive research, analysis and significant monetary commitment. FRWA should commit to:

- Mitigate the noise to a "less than significant level", or **no greater than City of Sacramento residential standards.**
- Design the intake facility to state of the art maximum noise attenuation standards
- Monitor the construction period noise and operational noise as ongoing self-analysis, which would tell FRWA when they need to mitigate the noise to a less than significant level. I24-46
- Restrict hours of Intake facility construction to between 8:30 am and 5pm Monday through Friday.

However, it should be clearly noted that if this intake structure were placed in a rural setting these issues would no longer be an issue. I24-46 cont

4E. Proposed Intake Site has Risk of Soil "Liquefaction"

CEQA requires that potential impacts based on geological factors be addressed in the DEIR. This includes exposing "people or structures to potential adverse effects, including the risk of loss, injury, or death involving:

"i) Rupture of a known earthquake fault....

"ii) Strong seismic ground shaking...

"iii) Seismic related ground failure, including liquefaction...

"iv) Landslides.." (CEQA Guidelines, p.220).

The DEIR addresses geological issues in general and sketchy terms and rules out the potential for any of these impacts because the project components are not on any seismic fault lines. I24-47

However, I believe that there is a risk of liquefaction at the preferred site of the intake structure that must be addressed in the DEIR. Liquefaction occurs when saturated soil becomes fluid from ground shaking.

The preferred site of the intake structure has been owned by the City of Sacramento for many years, and, over the years, several geotechnical reports about the site or the surrounding vicinity have been prepared. One report is particularly relevant. "Foundation Engineering Report: Meadowview Treatment Plant" was prepared in December 1969, and investigated the adequacy of the site for proposed secondary treatment facilities to be added to the existing Meadowview Waste Water Treatment Plant. I24-48

The report included information about the quality of the soil and the depth of ground water.

"The investigation revealed the presence of two distinct soil conditions on the site. An agricultural soil map of the Sacramento area indicates the surface soils on the westerly portion of the site to be Sacramento Silty Clay Loam, while the easterly soil is Alamo (Adobe) Clay. The line of intersection or contact line between these two soil types was determined to pass directly through the proposed building area.

The upper soils westerly from the contact line are predominantly loose interbedded silty sands and soft silty clays, which are low strength, potentially compressible materials. The soils easterly from the contact line are predominantly stiff silty clays with occasional thin zones of medium dense to dense sands. These materials have relatively high potential bearing capacity" (p. 1). I24-48 cont

"....The ground water table existed at depths of approximately 12 to 13 feet below existing ground surface at the time of field exploration. In general, the water table was observed in the Borings drilled westerly from the contact line immediately upon penetration to those depths, while Borings accomplished easterly from the contact line were initially dry within the upper 17 to 20 feet. In those Borings, water slowly entered each Boring, with an elapsed period of several hours to overnight being required for the ground water to stabilize at the 12 to 13 foot depth" (p. 2).

Because of these findings, the city did not build the additional structures on the western part of the site, but, instead, placed them on the eastern part of the site. Moreover the investigating engineers recommended that all future structures be located on the eastern portion of the property.

The land on the western side of the property has a high ground water level, and the quality of soil is not very firm. The ground in this area has been known to shake during an earthquake. (In fact, during the Loma Prieta earthquake in 1989, residents observed the water tower swaying, and the tower was later retrofitted to better withstand earthquakes.) These are all conditions that could lead to liquefaction.

After reviewing the relevant information, Dr. Richard Hazlett, professor of geology at Pomona College in Claremont, has indicated that the potential for liquefaction cannot be ruled out at this site. This un-addressed risk is another reason why the DEIR must be re-drafted and re-circulated.

In the DEIR, the proposed layout of the other industrial buildings at the intake site places all of the structures on the western portion of the site. However, in other presentations FRWA staff has shown building placements that are substantially different. There have been at least 3 and perhaps as many as 5 depictions of various placements of these buildings. No one knows for sure just what FRWA plans for this industrial plant on this "preferred site". This is another reason why the DEIR must be re-drafted and re-circulated I24-49

4F. DEIR Conflicts With or Fails to Address Local Government Plans

4F i) Inconsistent with/Irrelevant to City of Sacramento Water Policy

A DEIR is obliged by application of CEQA section 15125(d) to discuss the inconsistencies, (not just list) the local plans it must co-exist with. CEQA states:

> *"The EIR shall discuss any inconsistencies between the proposed project and **applicable** general plans and regional plans (emphasis added.)"*

The City of Sacramento General Plan includes a goal relative to water supply. It states: "To provide and improve water supply facilities to meet future growth of the City and assure a continued supply of safe, potable water."

On page 10-4 of the FRWA DEIR it states:

> *"The City of Sacramento General Plan Public Facilities and Services Element has an overall goal of providing and maintaining a high quality of public facilities and services for all areas of the City."*

I24-50

The DEIR is misleading and negligent in not discussing in any chapter whether this project will improve or degrade the City of Sacramento Water supply. This DEIR is in conflict with CEQA section 15125(d), in that it has not discussed inconsistencies with the City of Sacramento General Plan relative to City of Sacramento water supply.

If the FRWA project is irrelevant to the City of Sacramento General Plan water supply goals, then the DEIR and subsequent documents should clearly state so.

4F ii) Proposed Intake Location is a Recreational Resource, Scenic Viewshed next to a Scenic Highway

DEIR states (6-13)

> *The proposed location of the intake facility is in an area designated by the City of Sacramento as a proposed Major Access Point (Freeport Reservoir) in the Sacramento River Parkway Plan. The access point would include restrooms, a lawn, drinking fountain, parking and bicycle-staging area, bicycle access, and a bridge over Freeport Boulevard accessing the Freeport Shores Youth Sports Complex.*

I24-51

The FRWA DEIR considers Recreational impacts of the proposed Freeport Regional Water Project, and states the project will coordinate with existing local plans. (Chapters 6 and 10) It lists the Sacramento River Parkway Plan (1997) and the Pocket Area Community Plan (1979), without details of how these plans and the project can coexist.

I24-51 cont

> *Although the intake facility would fall within the area proposed as a major access point, adequate land would remain available to accommodate the proposed recreation development (Page 6-23) (**Emphasis added**)*

"The recreational impact will be less than significant" "No mitigation needed." (6-23) This statement is clearly presumptive and conclusionary. FRWA has not consulted the appropriate City of Sacramento Department of Parks and Recreation representatives or the local area neighbors to discuss this very important issue.

Clearly if this industrial plant is built in the Pocket area it will have an ongoing long-term impact on recreation in our area. The DEIR fails to address those issues.

Again, a DEIR is obliged by application of CEQA section 15125(d) to discuss the inconsistencies, (not just list) the local plans with which it must co-exist. CEQA states:

> *"The EIR shall discuss any inconsistencies between the proposed project and **applicable** general plans and regional plans (emphasis added)*

There is no discussion of how the project could affect the Bill Conlin /Freeport Shores recreation Complex on SR 160 (Freeport Boulevard), much less details of cooperation with the Caltrans Designated Scenic Highway 160, Freeport Boulevard. In Chapter 12 of the DEIR on 12-2, SR 160 is described incorrectly. It should say that Freeport Boulevard is a 2-lane tree lined local traffic only road in the project area. In Chapter 16 of the DEIR SR 160 is recognized as an officially designated state scenic highway, with but one comment that it "*may be affected by the proposed project alternatives*." (DEIR 16-14) And "*Views of the intake facility would be obstructed from **most** locations along [] SR 160*", not all locations.

I24-52

The Sacramento River is also a "scenic viewshed" in the City of Sacramento General plan. Development at the proposed intake facility site should be given the same mitigation measures for the Zone 40 Water Treatment Plant, or better. This is not proposed in the DEIR.

I24-53

The proposed 40 foot high intake facility on the river will impact the levee bike trail, which serves many local hikers and bikers. The levee trail may be closed or diverted on and off for years around a noisy, busy, dusty construction site. The DEIR does state on 12-12 that the level of truck traffic during construction may at maximum be 120 roundtrips per day. A "traffic control plan" will close and open the trail as safety demands or allows. Assuming construction happens, the trail may become a bike path in the shadow of a large noisy structure, which blocks the river view.

I24-54

The DEIR description of this is:

continued use of the trail and all other nearby recreation facilities would remain accessible (Page 6-18, Impact 6-1)

I24-54 cont

Their proposed project conflicts with the Sacramento River Parkway Plan designation of this location as a Major Access Point. This is City of Sacramento adopted planning policy. The developed site should include parking, bicycle staging, lawnspace, restrooms, fountains, safety lighting. It cannot be both recreational resource and industrial utility site that they own, and comply with the Parkway Plan. An intake facility would, no doubt, reduce the site's value for recreation purposes.

Alternate intake sites, or significant mitigation to maximize the proposed intake site and the levee trail as a recreational resource, should be reconsidered.

3F iii) Details of Cooperation with the Pocket Area Community Plan Missing

The DEIR states, p 6-13:

The Pocket Area Community Plan includes the South Pocket Specific Plan. The South Pocket is generally bounded by Florin Road to the north, the City of Sacramento boundary to the south, the Sacramento River to the west, and Interstate 5 to the east. The South Pocket Specific Plan is intended to ensure a healthy and attractive living environment for residents of the area. Policies of the plan include providing suitable access to the Sacramento River, interfacing development with the Sacramento River in a manner that promotes the best use of this recreation resource, and ensuring that a continuous park–open space system is provided that links public facilities and activity centers wherever possible. The plan designates the proposed intake facility site as a major parkway recreation node. This node will provide a variety of permanent recreation-related improvements such as lawns, picnicking facilities, restrooms, and parking. Also an off-street bikeway is proposed for the levee top along the entire length of the levee.

I24-55

I firmly believe that this area cannot be both a recreational resource and an industrial utility site that FRWA would own and manage, and comply with the Pocket Area Community Plan.

Furthermore, this plan has not been discussed and a DEIR is obliged by application of CEQA section 15125(d) to discuss the inconsistencies, (not just list) the local plans with which it must co-exist. CEQA states:

*"The EIR shall discuss any inconsistencies between the proposed project and **applicable general plans and regional plans (emphasis added)***

4F iv) No Discussion of City of Sacramento Public Facilities Safety Goal

Goal E of the Public Facilities and Services Element (City of Sacramento General Plan Update, pg. 7-2) states,
"Design public facilities in such a manner as to ensure safety and attractiveness."
Currently the proposed Freeport Intake Facility site does not meet this standard.

I24-56

This project is proposed to be semi public when completed as the intake facility will co-exist with the levee walkway, and bike path. The project therefore is obliged to come into compliance with the above plan. There is, however, no discussion in the DEIR of how the project would do so.

Again, a DEIR is obliged by application of CEQA section 15125(d) to discuss the inconsistencies, (not just list) the local plans with which it must co-exist. CEQA states:

*"The EIR shall discuss any inconsistencies between the proposed project and **applicable general plans and regional plans (emphasis added)***

4G. Wildlife at Intake Facility will be affected

The DEIR has addressed significant impacts of the project on wildlife. Building the intake facility in the 'preferred alternative' Pocket neighborhood site brings a risk of significant adverse effects on a species of special concern and a threatened species. We believe that the adverse effects may be not be as easily mitigated as FRWA claims

Neighbors have observed burrowing owls and Swainson's Hawks on or near the tower, or in our direct neighborhood. The Burrowing Owls are listed as "species of concern" in California and are required to have special protection under the law. The Swainson Hawk is listed as "Threatened" by the State of California. CEQA requires agencies to protect them and to stay away from their habitat. Biologists and wildlife professionals should conduct Pre construction surveys to determine current populations.

I24-57

The Burrowing Owl Survey Protocol and Mitigation Guidelines prepared by the California Burrowing Owl Consortium in April 1993 concluded that California's burrowing population is clearly in peril and that owls can be affected by disturbance and habitat loss. The guidelines emphasize maintaining the burrowing owls and their

I24-58

resources in place rather than minimizing [project] impacts through displacement of owls to alternative locations. The FRWA DEIR however does not address the length of time these species will be affected by the construction of the intake structure. The protracted period of construction (from 2 to 3 years) means the species could well be displaced permanently. I24-58 cont

Under CEQA law, a legislative body of a city or county shall deny approval of a tentative map (or parcel map for which a tentative map was not required), if it finds that the design of the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat. Clearly the proposed water intake project would cause substantial damage to wildlife habitat near and around the Freeport site.

City and County officials have an obligation to adhere to the provisions of CEQA, which protect the wildlife, and the habitat that allows the wildlife to live. We believe the proposed intake site development will seriously and significantly impact the habitat of wildlife.

Has the Department of Fish and Game surveyed the proposed intake site land for special status species, like Nesting Western Burrowing Owls and Swainson's hawk foraging habitat on the site? The DEIR considers these might be a significant impact (Impact 8-16 and Impact 8-17) at the proposed water treatment plant but not at the intake site. It should be stated that the same mitigations would be appropriate at both sites. I24-59

5. POOR PROJECT DESCRIPTIONS

5A. Electrical Switchyard Relative to Residents' Homes

An extremely poorly described "electrical switchyard" is proposed to be located behind City of Sacramento Pocket area residents' homes, approximately 60 feet from their rear fence line. The DEIR, incredibly, provides no description of the electrical equipment, the strength or the health hazards.

A Pocket resident contacted SMUD and asked Paul Omstead, Water & Water Resource Specialist, about his knowledge of this project and its electrical needs. Mr. Omstead said that FRWA had not yet contacted SMUD and that was an unusual circumstance for a project of this size. The DEIR is deficient and inadequate in regard to electrical equipment and the impacts associated with that equipment. I24-60

FRWA has indicated in the public meetings that they have decided to move the "electrical switchyard" away from the residences. Again, not everyone who has read the DEIR has knowledge of this new proposal. All the more reason that FRWA must re-draft and re-circulate the DEIR. I24-61

5B.Air Surge Compressor Tanks Relative to Residents' Homes

This is also an associated feature at the intake facility site, which is negligibly described in the DEIR and also proposed to be less than 200 feet from the rear fence line of the private residences. Again, neither the electrical switchyard or the air surge compressor tanks were discussed with residents during any "public outreach" meeting; our first knowledge of these proposed associated facilities came when we read the DEIR. I24-62

FRWA has indicated in the subsequent public meetings that they have decided to move the "Surge Compressor Tanks" away from the residences. Again, not everyone who has read the DEIR has knowledge of this new proposal. All the more reason that FRWA must re-draft and re-circulate the DEIR.

6. INCONSISTENCIES

6A. Isolation of Intake Facility from Regional Sanitation Discharge is Unwarranted

FRWA claims the intake site must be a certain distance from possible contamination from treated wastewater discharge. The DEIR states on 2-7:

> *"To minimize potential for intake of treated effluent from the SRCSD discharges during a reverse flow event, the intake point would need to be located at least 3,500 feet (ft) upstream from the SRCSD discharge point."*

FRWA's claim is contrary to with other expert opinions: I24-63

- Personnel at the Sacramento Regional Wastewater Treatment Plant stated that there is no such regulation. The 3,500 ft is an arbitrary number created by FRWA.
- Published Regional Sanitation Water Quality Data disputes FRWA claim that water quality issues dictate this proposed site. Samplings at the Freeport Marina and River mile 44 are very similar to samples taken far up the Sacramento river at Veterans Bridge (view http://www.srcsd.com/cmpmap.html)
- Claudia Goss, Communications & Media Officer Sacramento Regional County Sanitation District wrote in an email

"It is difficult to make a general statement on whether our discharge is better quality than the water in the Sacramento River because there are many variables to consider. There are hundreds of different constituents in both waters including salts, solid particles, nutrients, metals, and organic compounds. Some of the constituents are higher in the river than in the discharge and vice versa. Overall, it can be concluded that the quality of the water in the discharge is compatible with the quality and uses of the river water. The Sacramento River water is suitable for irrigation without any further treatment. Additional treatment is required before Sacramento River water is suitable for human consumption. "

I24-63 cont

The water FRWA wants to take from the river for EBMUD and Sacramento County customers going to a treatment plant anyway. This fact alone contradicts FRWA's need to locate the intake relative to potential contamination.

Additionally, if that issue is extremely important to FRWA, there is an obvious alternative of moving one or more of the existing discharge pipes?

This first statement from the DEIR on 2-7 bears repeating:

"To minimize potential for intake of treated effluent from the SRCSD discharges during a reverse flow event, the intake point would need to be located at least 3,500 feet (ft) upstream from the SRCSD discharge point"

In contrast to this statement the DEIR states on 4-15:

"Infrequently, tidally induced reverse flows can be large enough to result in the upstream reverse transport of treated SRWWTP wastewater effluent to beyond the [proposed] Freeport intake facility. However, [], the intake facility will [] restrict diversions during these periods to avoid diversion of water that may contain treated wastewater from the SRWWTP discharge." (Emphasis added)

I24-64

The DEIR also states on 4-16:

The potential for FRWP diversions to contain highly diluted treated wastewater is mostly a concern over public perception regarding the quality of the water supply. [Diversions] would occur for only the short period of a few hours (less than 4 hours) even if the intake were operated continuously during the most severe reverse flow events.

This is the greatest evidence to discount the first statement from 2-7! The DEIR itself states the facility will not run during reverse flow, and "contamination " of the water supply is no more than a public perception problem, even if the facility was built close to the SCRSD discharge point.

Clearly this is another reason that FRWA has rejected other potential sites that would not have an impact on people. FRWA must re-draft and re-circulate the DEIR and address these issues and inconstancies.

7. Project impacts inadequately addressed

7A. Pile Driving Has Major Nuisance Effects on South Pocket Neighborhood

The Alarm Inspector for the City of Sacramento advises that the potential for pile driving construction to set off home and auto burglar alarms in close proximity to the FRWA project location is very high. Pile driving will impact glass break detectors, motion sensors, shock sensors, and proximity alarms.

- As the City never "forgives" false alarms (because of the city alarm ordinance and for obvious reasons) this could get very expensive for homeowners.
- Pile driving will also mean a dramatic increase in calls for service for the City of Sacramento Police Department.
- Any alarms in our area could end up ranking lower in Police Department priority than they normally do, because the alarms could be assumed to be construction related false alarms. The practice would be to do an "all units" broadcast for any patrolman who gets a chance to check the residence/auto. In most instances there would be no response. This would increase the risk to homeowners of actually being a victim, and no police responding.

I24-65

This another problem that would be non-existent if FRWA would build this industrial plant at a site that was not adjacent to a residential neighborhood.

7B. Sediment Basins & Exposure to More Chemicals

Sediment/sludge will contain materials found in the Sacramento River in a concentrated level. Chemicals that can be found in the Sacramento River that are on the Prop 65 list include:

a) Mercury (from mining operations - Yuba River)
b) Compounds washed into the river from farming operations
c) Compounds washed into the river from storm drains

I24-66

As sludge dries this material may become airborne and be spread around the local area. Sludge will also become airborne dust as a result of it being loaded into transport vehicles.

7C. Odor and Insects from Two Acres of Sediment Basins

The DEIR presents no significant findings or analysis in relation to the odors or "off-gassing" that will result from the two (2) acres of sediment basins (Figure 2-6). These basins are no more than 300 yards from single-family homes. In addition, there are no findings or analysis of the secondary effects that these sedimentation basins may have in relation to increasing the insect population by having two acres of standing water. Failing this analysis, on the odors of the basins and the secondary effects involving insects, we find the DEIR to be in adequate and deficient in this matter. I24-67

7D. Rodent Control

The DEIR presents no significant findings or analysis in relation to rodents. We contend that rodents are a significant presence in the levee areas and a disruption of their environment would impact the rodents and the residents who live nearby. Failing any analysis or investigation on the impacts of this proposed project on rodents and residents, we find the DEIR to be inadequate and deficient in this matter. I24-68

7E. Visual Impact

The visual impact created by the proposed intake facility site, both for residents and the many users of the adjacent levee bike trail will be significant. The DEIR implies that the impact to City of Sacramento Pocket neighborhood residents is already significant due to the large water storage tank and the I-5 bridge structure over SR160. We believe that the intake facility would have a significant detrimental impact on all bike trail users and would be a significant visual impediment to local residents. These visual effects will have a far greater impact than existing structures, as these have been in place since the neighborhood was built out. Lacking adequate analysis on the visual impacts to both local residents and bike trail users, the DEIR is inadequate and deficient in this matter. I24-69

In the DEIR page 16-19 says at the end of Impact 16-2
FRWA is committed to implementing a public process regarding the architectural design of the facility and addressing such issues as visual buffers and lighting standards. Overall, the visual impacts would be less than significant. No mitigation is necessary.
This really is no commitment by FRWA. A mitigation measure is necessary to insure minimal visual intrusion at the proposed intake facility location. This mitigation should explicitly be compliant and consistent with local plans and the City of Sacramento Planning Division, South Area team. Buffer vegetation planting, planned by an

independent landscape architect should be completed before any proposed intake facility construction begins at all, to promote maximum growth as soon as possible. I24-69 cont

7F. Levee Integrity & Underseepage

It is extremely troubling that there is a lack of information in the DEIR related to Sacramento Area Flood Control Agency (SAFCA) and any review SAFCA might have undertaken of this proposal. Flood control has been, and continues to be, a high priority for the capital city of California and its neighborhoods as well. The only significant SAFCA related item we found in the DEIR is a hand-written comment card from Mr. Butch Hodgkins, Executive Director of SAFCA, written on April 11, 2002 at the end of one of the public scoping meetings. Why does not the DEIR address this important issue? I24-70

In his April 2002 comments, Mr. Hodgkins recommends that the issue of underseepage be "seriously considered," along with its flood risk. While underseepage is a well-known problem in the Sacramento area causing problems from flooded yards to algae-laden slippery sidewalks, there is no other mention of underseepage in the DEIR. I24-71

This is yet another reason why the DEIR must be re-drafted and re-circulated.

7G. Potential for levee erosion

The information presented in Volume 2, Appendix D, the "Hydraulic Modeling Report", is extremely troubling. (I recommend to a reader unfamiliar with Appendix D, that a review of, and frequent referral to, the accompanying Figures 3-12 be simultaneous with their review of this report.) The appendix states that there will be an increased potential for levee erosion as a result of the stated increased velocity of the water as a result of this FRWA project. The report states on page 4:

> *"The higher velocities along the face of the proposed structure will likely produce new erosion and scour unless counter measures are provided. Soil boring information is not available at this time and we have assumed that the bed and bank materials are fine grained sands and silts, which are highly susceptible to erosion."* I24-72

This hydraulics report is only able to rate the existing levee fortification as fair, as in the following statements also on page 4:

> *"The existing bank protection throughout this reach consists of cobbles installed by the Corps of Engineers in 1953. No further details about the design, such as*

layer thickness or type of toe trench, are known. Based upon our visual inspection of the above water portion of this reach, we would rate the overall condition of the existing armor layer as fair."

I24-72 cont

Finally, on page 6, the second conclusion of the report recommends bears repeating:

"Localized increases in velocity (0.5ft/s to 0.7 ft/s) may increase the risk of lower bank erosion downstream of the proposed structure."

A breach anywhere generally means flooding for everybody (please see attached map "Sacramento East Levee Failure in the Pocket Area"). The issue of potential increase of erosion needs much more in-depth analysis than is presented in the DEIR. This is another reason that the DEIR must be re-drafted and re-circulated.

7H. Slurry Walls

The existing slurry wall in the levee is an additional point of concern. The slurry wall in the area, constructed in approximately 1992, goes thirty (30) feet deep. New regulations prefer a slurry wall depth of sixty (60) feet. With the increased velocity issue, perhaps even further analysis needs to be conducted on this issue in this specific location. Since this seems to be an issue that FRWA is treating with a cavalier attitude, perhaps SAFCA, as our flood control agency, needs to exercise its authority in this matter to ensure the safety of the Sacramento region. There is no discussion or analysis of this concern in the DEIR. This is another reason that the DEIR must be re-drafted and re-circulated.

I24-73

7I. Possible Pipeline Break

There is no analysis in the DEIR of a potential pipeline break, likely consequences and mitigations that might be effected to minimize or eliminate this possibility. Rough calculations show us that a break in the 84-inch pipeline over 15 miles would hold approximately 22,800,000 gallons of water; that amount of water would flood approximately 70 acres to a depth of one foot. The risk is actually greater than that just stated, as a break would likely consist not only of water in the pipeline at the actual moment of the break, but rather the water in the pipeline plus the continuing water being pumped into the damaged pipeline until pumping is ceased. Again, a lack of investigation and analysis is apparent. This is another reason that the DEIR must be re-drafted and re-circulated.

I24-74

7J. Security Vulnerability Assessments Not Cited in DEIR

I am concerned about the vulnerability of the intake site to vandals or terrorist attacks such as physical disruption, bioterrorism/chemical contamination, and cyber attack. It is acknowledged that there are security fences and entry alarms on some doors (not specified) proposed for the project. However, the exact scope of these measures is not specified clearly enough for total understanding and confidence that this will be a safe facility.

I24-75

Additionally, FRWA states that this will be an open site for bikers and boaters, and walkers, a perfect opportunity for someone intent on mayhem to use the on-site chemical plant to terrorize and due harm to a neighborhood.

Recent legislation passed in Congress requires that drinking water utilities conduct security vulnerability assessments (P.L. 107-188). A security vulnerability assessment is not included in the DEIR, and should be. The failure to do so is a gross error.

I24-76

The nation's largest water projects, as defined by the Bureau of Reclamation, tend to be heavily secured. However, smaller projects like the one proposed, tend to be less protected and, thus, are potentially more vulnerable to attack, whether by vandals or terrorists. Bioterrorism or chemical threats could deliver massive contamination by small amounts of microbiological agents or toxic chemical, and could endanger the public health of thousands. In preparation for such attack, are proper emergency preparedness plans in place that address issues such as redundancy of operations, public notification, and coordination with law enforcement and emergency response officials?

I24-77

Where does this project and proposed site rank in terms of vulnerability? How will the site be secured? How will the site be monitored? The failure to include a discussion and analysis of these and other related questions, is another reason that the DEIR must be re-drafted and re-circulated.

7K. Intake Site Landscape Plan Represents a Security Threat

It is also a concern that one proposed intake site landscape plan allows for such a very large area (adjacent to residences), to be concealed in such a thick growth of trees and shrubs. It is a potential threat in that this area, easily accessed by street or bike trail, could be an area where illicit activity could occur and be concealed from passers-by.

I24-78

8A. Complexity and Length of this DEIR Defeats the Intention of CEQA

The complexity and length of this DEIR defeats the intention of CEQA as articulated in section 21003 (b), which states:

"Documents prepared pursuant to this division be organized and written in a manner that will be meaningful and useful to decision makers and to the public."

The FRWP DEIR necessitated three (3) volumes. Volumes 1 and 2 are the majority of the substance of the report while Volume 3 has numerical reports of technical data that are substantially unintelligible to the public. Volume 1 totals 615 pages. Volume 2 totals 252 pages. Both of these figures are not including graphs, charts and similar visual aids. The conservative estimate of the total pages, from Volumes 1 and 2, is therefore 867. I24-79

CEQA sets a standard for the length of DEIRs in section 15141, which states:

"The text of draft EIRs should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages."

CEQA does not define any further level of complexity, other than the 300-page reference, so a logical conclusion would be that the FRWP DEIR should have adhered to the 300-page reference or at least come close to that benchmark. The different facilities of the project could have been covered in separate DEIRs.

8B. City of Sacramento Design Review and Preservation Board Should Advise Intake Facility Design

The FRWA DEIR states on S-2

The City's main interests lie in the design and construction of FRWA project facilities.

And on 16-29

Facility design plans would be coordinated with Sacramento County prior to construction. I24-80

This is just another example of contradictor information in the DEIR. If the "City's main interests lie in the design and construction of FRWA project facilities" (I seriously doubt if that is the City's main interest in the propose project), then why has not FRWA contacted the City of Sacramento's "Design Review and Preservation Board" for their expertise? They should be formally involved and consulted. One of the powers of this board is to consider applications for development projects, and to certify CEQA required

environmental documents. The failure of FRWA to consult with this Board is just another reason why the DEIR must be re-drafted and re-circulated.

8C. FRWA Should Negotiate Publicly for Intake Site Property

On page 2-53 of the DEIR, it states,

"This environmental documentation may be used to support a real estate transaction for the intake site."

Freeport regional Water Authority's discussions with the City of Sacramento for the land where they wish to build an intake facility are apparently ongoing at this time. South Pocket area homeowners are now aware that there are "Principles of Agreement" that seek to solidify terms under which potentially the property may change ownership from the city to FRWA. I24-81

Since this document is such an important document with regards to this project, it must be disclosed so that all private parties and other governmental agencies can make informed comments about the DEIR. The failure to include this information in the DEIR is another reason why the DEIR must be re-drafted and re-circulated.

9. Conclusion and Recommendations

9D. The DEIR should be Re-Drafted and Re-Circulated

CEQA requires recirculation of a DEIR when significant new information is added to the document after notice and opportunity for public review was provided. Pub. Res. Code § 21092.1; CEQA Guidelines § 15088.5.

"Significant new information" includes

1. Information showing a new, substantial environmental impact resulting either from the project or from a mitigation measure
2. Information showing a substantial increase in the severity of an environmental impact not mitigated to a level of insignificance
3. Information showing that a feasible alternative or mitigation measure that would clearly lessen the environmental impacts of a project, and the project proponent declines to adopt the mitigation measure
4. Instances where the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft EIR was essentially meaningless

The DEIR contains much false and misleading information, and it is impossible for anyone reading the DEIR to fully understand the placement, the scope, and the magnitude of this enormous industrial project. There have been so many different versions of the DEIR presented at the various public meetings that no one can fully know exactly what is proposed. Significant new information has been developed and proposed in each of the 4 categories listed above; FRWA staff has presented so many changes to the DEIR so that the DEIR, as it currently stands is meaningless.

The DEIR for the FRWA FRWP must be Re-Drafted and Re-Circulated because at a minimum the following significant new information must be added to re-drafted DEIR:

I24-82

- Census tract 40.12 is the location of the intake facility site and a City of Sacramento neighborhood and was omitted.
- Suggestion by FRWA to use sodium hypochlorite as the major chemical at the proposed intake site after the publication and release of their DEIR document
- The other alternative sites must be reviewed and analyzed.
- The re-draft must take into consideration the impact of this industrial plant on the residents who live adjacent to the "preferred site". At a minimum that analysis must take into consider the financial and health impact on these residents.

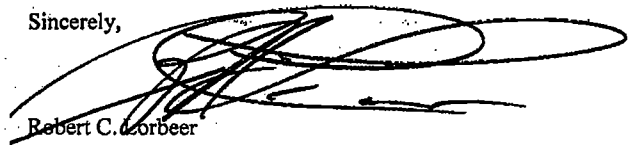
The DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment are precluded (CEQA section 15088.5 (a) (4)) because

- A description of the proposed intake site, relative to the nearest residences is omitted. Textual and visual representations of this must be in an adequate (D)EIR.
- The DEIR is inconsistent. It states the intake facility will not run during reverse flow, and "contamination " of the water supply is no more than a public perception problem. It also claims the intake site must be a certain distance from possible contamination.
- Prior to publication of the DEIR, three other potential intake locations, identified in Figure 2-1 of the DEIR, were eliminated. Only alternative pipelines have been discussed or identified in the DEIR. No alternative intake facility locations are being advanced through the DEIR. Even in informal discussions, no alternative intake site locations were considered by FRWA. CEQA Section 15126.6 (a) requires a description of alternatives to a project or to the location of the project.
- The DEIR fails in its discussion of chemicals at the proposed intake site. It omits identification of chemicals to be used, misrepresents "chloramines" and only in subsequent verbal discussion is sodium hypochlorite 12.5% named as the chemical to be used at the intake facility. Citizens cannot comment on what is not clearly stated.

- The DEIR is misleading and negligent in not discussing in any chapter whether this project will improve or degrade the City of Sacramento Water supply, i.e. inconsistencies with the City of Sacramento General Plan.
- The City of Sacramento planned and budgeted extension of the Levee bike trail to the City of Sacramento Freeway Shores / Bill Conlin Youth Sports Complex will begin and complete probably before any FRWP construction. A 2- 3-year period of co-existing with possible construction at the proposed intake facility site is a significant impact, which the DEIR minimizes.
- Security Vulnerability Assessments are not cited in DEIR. Congress requires that drinking water utilities conduct such security vulnerability assessments.
- Private "Principles of Agreement" that seek to solidify terms under which potentially the property proposed for the intake site may change ownership from the City of Sacramento to FRWA should be made public in the redrafted DEIR. This agreement may include design decisions and mitigations for which "public review and comment should be provided".
- FRWA continues to provided published documents that have an impact on this DEIR to a limited segment of those who will be impacted by the project (for instance at the City Council meeting on December 9, 2003, FRWA provided a new document to the City Council which has not been made available to the public). It is impossible to make meaningful comment on the DEIR without full knowledge of all of the documents that FRWA has generated to support their position.

If ongoing negotiations or additional documents are developed different from that in the DEIR/EIS, please consider this comment letter as a request for copies of those documents. I reserve the right to submit additional comments on this project again in the future.

Sincerely,



Robert C. Lorbeer

cc:
The Honorable Dianne Feinstein, U. S. Senate
The Honorable Barbara Boxer, U. S. Senate
The Honorable Robert T. Matsui, U .S. House of Representatives
The Honorable Deborah Ortiz, California State Senate
The Honorable Darrell Steinberg, California Assembly
Illa Collin, FRWA Board, Sacramento County Board of Supervisors

Don Nottoli, FRWA Board, Sacramento County Board of Supervisors
Katy Foulkes, FRWA Board, East Bay Municipal Utility District
John Coleman, FRWA Board, East Bay Municipal Utility District
Bonnie Pannell, FRWA Board, City of Sacramento
Mayor Heather Fargo, City of Sacramento
City Council Members, City of Sacramento
Butch Hodgkins, Executive Director, SAFCA
Pete Ghelfi, Director of Engineering, SAFCA
Rob Schroeder, Contract Specialist, U.S. Department of Interior, Bureau of Reclamation, Central California Area Office

Responses to Comments of Robert Lorbeer (Letter I24)

I24-1. See the master response to Intake Facility Issues.

I24-2. See the master response to Public Outreach Process.

I24-3. See the master response to Public Outreach Process.

I24-4. See the master response to Public Outreach Process.

I24-5. Please see responses to specific concerns below.

I24-6. During the scoping process for this project, FRWA presented several different intake locations and pipeline alignments. In response to comments received from the public and other sources during the scoping process, the project description presented in the draft EIR/EIS was developed. The project description being presented by FRWA and Reclamation in the draft EIR/EIS is the only project description presented to the public for formal review and comment under CEQA and NEPA. It is accurate to state that FRWA has presented modifications to this project description at public meetings as a result of comments received from the public. However, these were not presented as changes to the project description in the draft EIR/EIS for formal consideration by the public. The changes were presented as possible ways that FRWA and Reclamation could modify the project to address the concerns raised by the public and further minimize potential impacts. It should also be noted that the project was described the same way to each audience. The same materials were used in each presentation.

I24-7. See the master response to Intake Facility Issues.

I24-8. See the master response to Intake Facility Issues.

I24-9. See the master response to Intake Facility Issues.

I24-10. See the master response to Intake Facility Issues.

I24-11. See the master response to Intake Facility Issues.

I24-12. As noted on page 2-47 of the draft EIR/EIS, FRWA will develop and implement a fire management plan in consultation with the appropriate fire suppression agencies in the project vicinity.

I24-13. See the master response to Intake Facility Issues.

I24-14. The draft EIR/EIS fully disclosed the impacts associated with noise, air quality, and health and safety (in Chapters 13, 14, and 15 of the draft EIR/EIS). Please also see the master response to Intake Facility Issues.

I24-15. See the master response to Environmental Justice Issues.

I24-16. FRWA identified the Carmichael Water District pump and water treatment plant facility as a local, reasonably similar facility within a residential neighborhood and immediately adjacent to single-family houses. This facility includes water pumps, compressors, air surge tanks, electrical transformer, and chemical storage facilities.

I24-17. See the master response to Intake Facility Issues.

I24-18. See the master response to Intake Facility Issues.

I24-19. Figure 2-1 in the final EIR/EIS shows the general location of the proposed intake facility in relation to residences.

I24-20. See the master response to Intake Facility Issues.

I24-21. Figure 2-1 provides a layout of the relative positions and sizes of the different components of the project that are related to the intake facility. A more detailed description of these components has been added to the revised project description included in Chapter 2 of the final EIR/EIS.

I24-22. Please see response to I24-6, above.

I24-23. See the master response to Public Outreach Process.

I24-24. See the master response to Public Outreach Process.

I24-25. See the master response to Public Outreach Process.

I24-26. The project's notice of preparation/notice of intent indicated that population and housing may be affected by the proposed project, as did the notice of completion. The subject was then analyzed in Chapter 10 of the draft EIR/EIS.

I24-27. See the master response to Public Outreach Process.

I24-28. See the master response to Intake Facility Issues.

I24-29. See the master response to Intake Facility Issues.

I24-30. See the master response to Intake Facility Issues.

I24-31. See the master response to Intake Facility Issues.

I24-32. See the master response to Intake Facility Issues.

I24-33. See the master response to Environmental Justice Issues.

I24-34. See the master response to Intake Facility Issues.

I24-35. See the master response to Environmental Justice Issues.

I24-36. See the master response to Intake Facility Issues.

I24-37. See the master response to Intake Facility Issues.

I24-38. See the master response to Intake Facility Issues.

I24-39. Chloramine is a combination of chlorine and ammonia and is commonly used for treatment of drinking water. However, since publication of the draft EIR/EIS, FRWA has committed to using only sodium hypochlorite at the intake facility.

I24-40. See the master response to Intake Facility Issues. The decision to use sodium hypochlorite does not result in any new impacts.

I24-41. See the master response to Intake Facility Issues.

I24-42. A hazardous materials management plan (HMMP) will be developed before beginning construction, as required

by state law. HMMPs are not required to be included in the EIR.

I24-43. See the master response to Intake Facility Issues.

I24-44. See the master response to Intake Facility Issues. Please note that the potential for significant impacts is not a violation of CEQA. Conclusions in the Draft EIR regarding significance of impacts were conservative, and were also based on an overall evaluation of project facilities. As noted on page 14-34, "because ambient noise levels in some areas could be as low as 35-40 dBA Ldn, each of these facilities would be capable of generating noise levels that could be 5 dB greater than existing noise levels." As shown in Table 14-2, ambient noise levels in the vicinity of the intake site are substantially louder than that, ranging from 43 to 52 dBA. Detailed evaluation of possible design measures for the intake site determined that it would be possible to incorporate noise control measures so that noise generated by the facility will not be at levels above existing ambient noise at the exterior of nearby homes thereby reducing the impact to less than significant.

I24-45. See the master response to Intake Facility Issues.

I24-46. See the master response to Intake Facility Issues.

I24-47. Given the geographic location of the proposed intake site and its distance from known geologic faults, substantial seismic activity is unlikely. The potential for liquefaction, which is the result of saturated soil and simultaneous seismic activity, is even less likely. However, the intake facility and all related components will be designed to meet relevant geotechnical and seismic safety standards. The intake structure itself will be constructed on a series of deeply driven piles capable of withstanding potential seismic activity. The other related facilities, including the surge tanks, air compressors, and chemical storage facility, are not substantial in size or weight and will be constructed to meet seismic safety standards. While variations in soil type and quality have been identified at the site in previous studies, these soil types are common throughout the Central Valley and can adequately support the proposed project, assuming standard engineering practices are employed.

I24-48. See response to I24-47.

I24-49. Please see response to I24-6, above.

I24-50. Chapters 3 and 4 of the draft EIR/EIS fully disclose the potential impacts of the FRWP on hydrology and water quality. This includes the sources of surface water available to and used by the City of Sacramento. Overall, the FRWP was found to have relatively minor environmental consequences. Additionally, the City of Sacramento has more senior water rights than the FRWA member agencies, thereby further minimizing any potential impact that the FRWP could possibly have on the City of Sacramento's water supply. The Water Forum Agreement further solidifies protection of the City's water supply.

I24-51. See the master response to Intake Facility Issues.

I24-52. Impact 6-2 has been modified to reflect the potential impact on the Bill Conlin/Freeport Shores recreation complex. Please see response L23-1 associated with comments provided by the City of Sacramento Department of Parks and Recreation. Additionally, because views of the intake facility would be obstructed from most locations along SR 160, the impact is considered less than significant.

I24-53. A detailed description of the change in views of the intake facility site that will occur is given in Chapter 16 of the Draft EIR/EIS. In addition, see the response to Intake Facility Issues major issue in Chapter 3 of this document for more information.

I24-54. See the master response to Intake Facility Issues.

I24-55. See the master response to Intake Facility Issues.

I24-56. See the master response to Intake Facility Issues.

I24-57. Potential impacts on species of special concern, including burrowing owls and Swainson's hawks, are fully addressed in Chapter 8, "Wildlife," of the draft EIR/EIS. Appropriate mitigation measures are identified where needed. As described in Chapter 8, reconnaissance-level surveys were conducted for purposes of preparing the draft EIR/EIS. Additional surveys, as required by state and federal resource agencies, will be conducted prior to construction. This applies to all project components, including the intake facility.

I24-58. See the response to I24-57.

I24-59. See the response to I24-57.

I24-60. Figure 2-1 provides a layout of the relative positions and sizes of the different components of the project that are related to the intake facility. A more detailed description of these components has been added to the revised project description included in Chapter 2 of the final EIR/EIS.

I24-61. See response to I24-6.

I24-62. Figure 2-1 provides a layout of the relative positions and sizes of the different components of the project that are related to the intake facility. A more detailed description of these components has been added to the revised project description included in Chapter 2 of the draft EIR/EIS.

I24-63. It is appropriate for a project proponent to develop reasonable criteria to guide development of a project and ensure that the project meets its intended purpose and need. With regard to water quality at the intake site, FRWA's technical team set a target criterion of finding a site where treated wastewater would reach the site on no more than 20% of the occasions when reverse flow occurs. This would allow the FRWA member agencies to operate the intake facility in a manner that would still meet their purpose and need while not breaching their duty to protect the public's health or be forbidden by regulatory agencies such as the Department of Health Services. Computer modeling revealed that this distance is at least 3,500 feet upstream. Therefore, the 3,500 feet of river closest to and upstream of the SRCSD outfall

was excluded from further analysis. Furthermore, the published data referred to in the comment letter do not necessarily reflect conditions during a low-flow, reverse-flow event, which is the type of event that could carry waste discharges upstream and is of most concern to FRWA. Despite the fact that the water ultimately will be treated, the FRWA member agencies have a long history of securing, using, and protecting their high-quality sources of water. It is their intent to continue this practice, consistent with state and federal law and the applicable polices of their agencies (Volume 2, Appendix B, page 5-3 of the draft EIR/EIS).

I24-64. See response to I24-63.

I24-65. See the master response to Intake Facility Issues.

I24-66. See the master response to Intake Facility Issues.

I24-67. See the master response to Intake Facility Issues.

I24-68. See the master response to Intake Facility Issues.

I24-69. See the master response to Intake Facility Issues.

I24-70. See the master response to Intake Facility Issues.

I24-71. See the master response to Intake Facility Issues.

I24-72. See the master response to Intake Facility Issues.

I24-73. See the master response to Intake Facility Issues.

I24-74. The pipeline will be designed and constructed according to industry standards to meet all applicable codes and regulations. Furthermore, the pipeline will be buried and operated at a relatively low pressure. The likelihood of a catastrophic failure is extremely remote and is sufficiently addressed through conservative design measures. With regard to water being continually pumped into a damaged pipeline, the intake pumps will be equipped with control devices to cease operation if there is a sudden loss of discharge pressure or sudden increase in flow.

I24-75. See the master response to Intake Facility Issues.

I24-76. It is accurate that the Public Health Security and Bioterrorism Preparedness and Response Act (Public Law 107-188) requires every public water system that serves a population of more than 3,300 persons to conduct a Vulnerability Assessment. However, neither CEQA nor NEPA requires that this information be included or analyzed in the draft EIR/EIS.

I24-77. See the master response to Intake Facility Issues.

I24-78. See the master response to Intake Facility Issues.

I24-79. The spirit and intent of both CEQA and NEPA are full disclosure to decision makers and to the public. The FRWP is a large, regional project that warrants a great deal of detail to adequately analyze and present potential impacts on the environment. While CEQA and NEPA suggest page limits, they are solely recommendations as evidenced by the language "…should normally…." The draft EIR/EIS is presented in three volumes so that

reviewers are provided with varying levels of detail. Volume 1 is likely sufficient for most reviewers. Volumes 2 and 3 provide additional detail for those interested in a higher level of detail. Covering the different components of the FRWP in separate draft EIR/EISs would be considered "piecemealing" and, therefore, would not comply with CEQA or NEPA requirements.

I24-80. FRWA has committed to involve the City of Sacramento and the community in an architectural design process. While the City of Sacramento's Design Review Board does not have jurisdiction over the project, it would be at the City's discretion to involve the Board in the design process.

I24-81. All aspects of the Principles of Agreement that need to be disclosed in the draft EIR/EIS have been included.

I24-82. Recirculation of the draft EIR/EIS is not required. The State CEQA Guidelines (Section 15088.5) clearly define when recirculation of a draft EIR is necessary. According to the guidelines, a lead agency is required to recirculate an EIR "when significant new information is added to the EIR after public notice of the availability of the draft EIR for public review…." As noted in the guidelines, new information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement.

Examples of "significant new information" requiring recirculation include disclosure that:

A *new* significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;

A *substantial increase in the severity* of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

A feasible project alternative or mitigation measure *considerably different* from others previously analyzed would *clearly lessen the environmental impacts* of the project but the *project's proponents decline to adopt it*; and

The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

While several minor revisions have been incorporated into the project since publication of the draft EIR/EIS, these minor changes are generally in response to comments received on the draft EIR/EIS and do not create any *new* significant environmental effects. Similarly, no information has been identified that would indicate that there would be a *substantial increase in the severity* of an environmental impact already disclosed. In fact, additional mitigation measures have been identified that would decrease previously identified significant environmental effects.

More than 100 project alternatives and numerous variations of many alternatives were examined in preparing the draft EIR/EIS. No new *feasible* alternatives or mitigation measures that would *clearly lessen the environmental impacts* of the project have been identified during the public review process. While several minor variations of the project have been proposed that would make the project more consistent with public desires, they would not clearly lessen the environmental impact of the project as proposed. In addition, FRWA has identified additional mitigation measures that it proposes to adopt to reduce previously identified significant impacts to less-than-significant levels.

Finally, the draft EIR/EIS contains substantial information, and the conclusions regarding environmental effects of the proposed project and alternatives are fully supported by the information contained in the draft EIR/EIS.

Letter I25

RECEIVED
DEC 15 2003

December 10, 2003

Mr. Kurt Kroner
Freeport Regional Water Project
Draft EIR/EIS Comments
Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Re: Draft Environmental Impact Report Freeport Regional Water Project: State Clearinghouse No. 2002032132

Dear Mr. Kroner:

Thank you for providing this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Freeport Regional Water Project (FRWP). Our home is located at 7750 El Rito Way in the South Pocket Neighborhood of Sacramento, approximately 600 feet from the proposed intake facility as outlined in the DEIR. As a result, our home and those of our neighbors will be amongst those most heavily impacted if this project is to be built as currently proposed.

After reviewing the DEIR and attending numerous informational meetings since its issuance in August of 2003, we continue to have major concerns in regard to the selection of the South Pocket site as the "preferred" location for the intake structure as it pertains to the lack of in-depth analysis of alternative sites in the DEIR and obvious flaws in the initial scoping process which precluded the participation of those most heavily impacted.

Failure to Include Residents in the Scoping Process

Chapter 22 of the DEIR claims that "substantial efforts to solicit public input" were made. However, in reviewing Volume 2, Appendix E: Freeport Regional Water Project Scoping Report, residents of the South Pocket Neighborhood were not included. Dick Johnson, President of the South Pocket Homeowners Association was present at one meeting, however, he indicated that at that time that he was not made aware of the exact location or immense size of the planned facility. None of the residents' of either El Rito Way or El Morro Court whose properties are directly adjacent to the facility were notified. In fact, none of these property owners were included on the Freeport Regional Water Authority's mailing list until after the DEIR was published and a public meeting held at the Pannell Community Center on September 4, 2003. I25-1

The description of the facility in the DEIR and other publications issued by FRWA as "near the community of Freeport" or "6,500 feet upstream of the Freeport Bridge" are extremely misleading. Furthermore none of the maps of the proposed intake facility provide any frame of reference as to where the facility and ancillary structures will be placed in relationship to the nearest residences. I25-2

As a result of the failure to adequately describe the location of the intake facility in public outreach prior to issuance of the DEIR and inadequate and incomplete information in the DEIR itself, the ability of the neighborhood to fully participate in the process has been compromised. We contend that as a result, the DEIR itself is deficient in this matter and must be reissued to include a comprehensive description of the site and all related support structures, along with proposals that have been made subsequent its issuance by FRWA staff in an attempt to mitigate concerns raised by the community during public outreach meetings, including noise abatement, relocation of facilities away from residences, mitigation of impacts to the neighborhood during construction, on-site chemical storage, security and impacts on property values and overall quality of life. I25-3

Lack of Analysis of Alternative Intake Sites

The DEIR identifies four possible pipeline alignments, but only one intake location.

According to Section 15126.6 (a) of The California Environmental Quality Act (CEQA), "*An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effect of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.*"

The DEIR devotes less than one paragraph to three other potential sites, indicating that they were "considered and eliminated" prior to publication. This is in clear violation of the CEQA section cited above. In fact, during his presentation to the Sacramento City Council on the evening of December 9, 2003, Eric Mische, FRWA General Manager, admitted to the Council that in-depth information on the alternative sites should have been included in the DEIR. I25-4

It should be further noted that the alternative sites are all located in agricultural areas. The DEIR (section 2.5) states that objections to the alternative sites appear to be primarily related to cost, not the feasibility of the sites themselves. Per section 2.5, "These sites would have required construction of more costly pier or in-river structure rather than a bank-side structure." I25-5

Again this is in clear violation of CEQA section 15126.6 (c) which states that all alternatives must be given close consideration – *"Selection of a range of reasonable alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects."*

I25-5 cont

Clearly, the other alternatives, while potentially more costly, are feasible and could avoid the adverse impacts to the South Pocket Neighborhood without transferring those negative impacts to any other established population centers. This is a project which obviously does not belong in any established residential neighborhood.

The failure to include an analysis of the alternative intake sites is clearly in violation of CEQA and therefore renders the DEIR invalid in regards to the intake location.

Given the obvious flaws in the initial scoping process and CEQA violations, it must be concluded that the DEIR is fatally flawed and must be reissued in order to correct these errors and to provide the public with adequate opportunity to participate in the process.

Please note that we are also in agreement with the additional issues raised in the DEIR comment letter submitted by the South Pocket Homeowners Association and request that all of those concerns along with those listed in this letter be given thorough and unbiased consideration.

I25-6

Sincerely,

Don Nevis

Tricia Nevis

Don and Tricia Nevis
7750 El Rito Way
Sacramento, CA 95831
(916) 391-8495

CC:
Illa Collin, FRWA Board, Sacramento County Board of Supervisors
Don Nottoli, FRWA Board, Sacramento County Board of Supervisors
Kelly Foulkes, FRWA Board, East Bay Municipal Utility District
John Coleman, FRWA Board, East Bay Municipal Utility District
Bonnie Pannell, FRWA Board, City of Sacramento
Honorable Dianne Feinstein, U.S. Senate
Honorable Barbara Boxer, U.S. Senate
Honorable Robert T. Matsui, U.S. House of Representatives
Honorable Deborah Ortiz, California State Senate
Honorable Darrell Steinberg, California Assembly
Honorable Mayor Heather Fargo, City of Sacramento
Honorable City Council Members, City of Sacramento
Robert Thomas, City Manager, City of Sacramento
Betty Masuoka, Assistant City Manager, City of Sacramento
Thomas Lee, Deputy City Manager, City of Sacramento
Gary Reents, Director, Department of Utilities, City of Sacramento
Eric Mische, General Manager, FRWA

Response to Comments of Don and Tricia Nevis (Letter I25)

I25-1. See the master response to Public Outreach Process.

I25-2. See the master response to Intake Facility Issues. Figure 2-1 in the final EIR/EIS shows the general location of the proposed intake facility in relation to residences.

I25-3. See the master response to Public Outreach Process.

I25-4. See the master response to Intake Facility Issues.

I25-5. See the master response to Intake Facility Issues.

I25-6. The commentor's concurrence with comment letter Sp08 from the South Pocket Homeowner's Association is noted.

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Letter I26

December 10, 2003

Jamie and Guy Ramsey
1272 Grand River Drive
Sacramento, CA 95831

Freeport Regional Water Authority
1510 J Street, #140
Sacramento, CA 95814

Dear Kurt Kroner,

I am writing to inform you that we are strongly against the proposed project from the Freeport Regional Water Authority to build a water intake structure on the City of Sacramento old wastewater treatment plant property adjacent to the Pocket area for the following reasons:

- Long-term noise level: The level of noise that has been communicated to occur from this structure is more than we would like to have in our neighborhood. In a community, I understand that sometimes a few people will need to make a sacrifice for the better of the larger population. In this particular case, however, our specific community has already made a sacrifice by living next to an interstate system. We get plenty noise from the front to the side of our house and really do not need a louder noise coming from the back yard as well! I26-1
- Property Value: Our property value will be hurt by this. We just purchased our home and justified spending the amount we did by also looking at it as an investment. At our closing, we were required to sign papers acknowledging the noise level that is created from the interstate (a disclosure from the seller). I am assuming that we will now be responsible for providing a disclosure to our buyers (when we sell) requiring them to acknowledge the traffic noise and the intake structure noise. The noise from the interstate is already too much for us. When we first moved in we were thinking about installing a swimming pool but have decided not to because of the interstate noise. We are unable to hear any wild life in our yard because of the already loud traffic noise from the interstate. I26-2
- Affect on wetlands and wildlife in general: There is a wetlands area close by. This structure is too damaging to our environment to place so close to a wetlands area just south of the proposed structure. There are raccoons, etc that live in the area. It states in the EIR/EIS that this proposed structure would affect the habitat of western burrowing owls, Swainson's hawks, beetles, nesting cliff swallows and lead to the mortality of roosting bats and nesting birds. I26-3
- Diluted Discharges: The river would have diluted contaminant discharges into the river during construction. This intake structure would mess up our river in many more ways then noted here in my letter, as outlined in the EIR/EIS. Some of these include water temperature changes and changes in the flow of the river, etc. I26-4
- Chosen site is the one that affects the most people: There were several other sites that were an option. This site happens to be the one that affects the most people! Each of the other sites did not affect hardly any people! I26-5
- Odor: The odor that comes from the site is also going to reduce the value of our real estate. This odor may not start immediately but may form several years after the structure has been in operation. The stagnant water ponds will cause this. Additionally, it is unsafe for neighborhood children and animals. I26-6
- The location of the structure will destroy the beautiful bike path that runs along that area. One of the main reasons that we purchased a home in this area was to be close to bike trails. Now, we will be unable to enjoy the trail going our further into the country. We are already unable to ride the trail downtown due to the trail being blocked by private homes and construction. It seems that Sacramento would rather go in the direction of creating bike trails not destroying them and making an already somewhat 'ugly' town even more 'uglier' by building this directly next to the river, interstate, and homes for everyone to see. Sacramento already has enough industrial structures by the river. I26-7
- Pollution: The discussion of air quality has not really been covered well. In the long-run the air quality will probably be affect as well due to the heavy equipment that will be running there. It does not state this in the EIR/EIS. I26-8
- As written, the EIR/EIS does not accurately reflect the full damage that this will cause our community: It just incorrectly reports or just doesn't address some areas such as air quality measures in the long-run, long-run noise levels, fish resources, (we should get all of the fishermen in the city involved on this one to see what they think about this proposal). I26-9
- Chemicals: There will be chemicals stored close to homes and people and especially children. There are risks associated with this and possibly the air could be contaminated as well. I26-10
- Safety on the River: There is a concern that if a child (or adult) is swimming on the river in that location that there may be the possibility that they could be sucked in by the intake structure located on the river. In the DIR it mentions that this can happen to fish. I26-11
- Wildlife Affects: There are raccoons, etc that live in the area. This will hurt the wildlife. I would like to see that area turned into a park!! The EIR/EIS does not accurately reflect the impact on this. I26-12
- Noise, dust, etc while it is being built: Poor air quality, high noise levels, and damage to wildlife homes. I26-13
- Fish Resources: It mentions in the EIR/EIS that the fish resources could potentially be affected. I wonder what the rest of Sacramento (especially the recreational fishermen) would think about this if they found out. However, in one section of the EIR/EIS it states no significant impact on the Fish. It contradicts itself. I26-14
- Loss of boating: In the EIR/EIS it states that there will be a loss of whitewater boating on the Upper Mikelumne River between Middle Bar Bridge and SR 49 Bridge. I26-15
- Visually: This structure is going to be very ugly. I believe that it is very ignorant for the city to even think about placing something else like this on our city's beautiful river. Doesn't Sacramento already have enough ugly things built in the city on the river? We should be building restaurants and bike trails on the river not ruining the site of it buy building another ugly four story structure. This is very unfortunate for our city. I26-16

We will be seriously looking into selling our home if this structure is built. The seller's Real Estate Agent probably should have disclosed this when we purchased our home. Additionally, we purchased new furniture specifically for this house. The costs associated with moving again, so soon, would be draining on us financially and emotionally. The interest rates are higher now as well. The price that will be lost on the property would also need to be calculated in as part of the loss. As you can see, it would be difficult to re-gain what we will loose if we decide to move due to the construction of this project.

Sincerely.

M and Mr. Ramsey

Mr. and Mrs. Ramsey
Concerned Neighbors of the South Pocket Area!!

CC: Robbie Waters
Council Member, District 7
915 I Street. Room 205
Sacramento, CA 95814

CC: Bonnie J. Pannell
Council Member, District 8
915 I Street, Room 205
Sacramento, CA 95814

Response to Comments of Jamie and Guy Ramsey (Letter I26)

I26-1. See the master response to Intake Facility Issues.

I26-2. See the master response to Intake Facility Issues.

I26-3. The draft EIR/EIS fully disclosed the impacts on wildlife and wetlands habitat (Chapters 7 and 8).

I26-4. The potential environmental effects of the FRWP and alternatives on water supplies, and water quality are fully disclosed in chapters 3 and 4 of the draft EIR/EIS. Where significant environmental effects were identified, mitigation measures were identified to reduce such effects to less than significant levels, where feasible. The draft EIR/EIS relies on the best information and modeling tools available to conduct impact analyses. This modeling tool, CALSIM II, is the only available and accepted tool for such modeling and has been subjected to rigorous review and refinement. Reclamation and the California Department of Water Resources (DWR) developed this model and fully accept the results of the model. The FRWP modeling was conducted in close coordination with Reclamation and has been made publicly available. Reclamation and DWR have reviewed and accepted the results. CALSIM II results indicate the project would not cause significant water supply or quality impacts.

I26-5. See the master response to Intake Facility Issues.

I26-6. See the master response to Intake Facility Issues. In addition, all vehicles will be required to comply with the mitigation measures outlined in Chapter 13 of the draft EIR/EIS. Mitigation Measure 13-1 fully complies with the requirements of the Sacramento Metropolitan Air Quality Management District (SMAQMD). The SMAQMD has reviewed the draft EIR/EIS (see letter L14) and found the analysis to be thorough and complete, as well as consistent with the latest procedures established by the district. FRWA is fully committed to implementing the stringent air quality requirements established by Mitigation Measure 13-1. It is not feasible to specifically identify emission requirements. However, the requirements set forth in Mitigation Measure 13-1 require that heavy-duty off-road vehicles be much cleaner than average, which will generally require that the construction fleet be made up of newer vehicles that have modern emission systems. It should also be noted that most of the emissions identified in Impact 13-6 are related to truck traffic throughout the entire construction area. Only a relatively small portion of total emissions will be derived from off-road heavy construction equipment at the intake facility site.

I26-7. See the master response to Intake Facility Issues.

I26-8. See the master response to Intake Facility Issues.

I26-9. The Draft EIR/EIS does fully analyze the potential impacts of the project. Potential long-term air quality, fish, and noise impacts are described in the operation-related impact sections of their respective chapters. The noise impacts are also discussed in the master response to Intake Facility Issues.

I26-10. See the master response to Intake Facility Issues.

I26-11. In order to meet fish protection criteria, the approach velocities to the intake's fish screen will be approximately 0.2 ft/s. This low velocity will not pose a threat to recreational river users. Additionally, a debris

boom next to the intake will prevent large objects from getting close to the intake structure.

I26-12. Chapter 8, "Wildlife," of the Draft EIR/EIS thoroughly analyzes the potential wildlife impacts the FRWP may cause. Implementing the proposed mitigation measures will reduce the impacts to a less-than-significant level.

I26-13. See the master response to Intake Facility Issues.

I26-14. Chapter 5, "Fish," of the Draft EIR/EIS fully analyzes potential impacts on fish that the FRWP may cause. Significance criteria were applied to determine the severity of the potential impacts. The potential impacts are less-than-significant and no mitigation is required.

I26-15. This comment is accurate and the impact has been identified. However, Alternative 6 has not been selected as the preferred alternative in the Draft EIR/EIS.

I26-16. See the master response to Intake Facility Issues.

Maurice Roos
1305 Lynette Way
Sacramento, CA 95831

Letter I27

December 11, 2003

Mr Kurt Kroner
Freeport Regional Water Authority
1510 J Street, # 140
Sacramento, CA 95814

Dear Mr Kroner,

I think you should move ahead and build the Freeport Regional Water Project as soon as you can. It will only be more difficult if you delay due to continuing development in and near the route. Both EBMUD and the southeastern part of Sacramento County need additional water. For Sacramento County, the project should lighten the load on the ground water basin which has been declining. Your Alternative 5 with the Cosumnes River Boulevard routing seems like the best. I27-1

I do not think it is a good idea to put intakes on the Yolo County side of the Sacramento River. That would require digging through the Sacramento River flood control levees. It is not a good idea to mess with old levee systems, and there is always the risk of unintentionally weakening the levee or even of an unexpected flood while construction is underway. I27-2

As for the size and noise of the proposed Freeport pumping plant, I would think it could be designed to be quiet and not that obtrusive visually. I27-3 I don't believe the capacity is as big as the drain pumps at the end of the canal near Garcia Bend (you might wish to compare the sizes in cubic feet per second). It would help for understanding if you could provide the flow rates in cfs and in acre-feet per year (maybe compared to average river flow too). Then folks wouldn't be looking at huge numbers in millions of gallons. I27-4

Considering the history of various attempts to get more water to the southern part of the county, the proposed project seems like the best compromise plan to do so. With our population burgeoning like it is, it's time to move ahead to forestall worse problems.

Sincerely,

Maurice Roos

Maurice Roos

Response to Comments of Maurice Roos (Letter I27)

I27-1. Support for implementing the FRWP, and Alternative 5 and its associated intake location in particular, is noted.

I27-2. See the master response to the Intake Facility Issues.

I27-3. In the final EIR/EIS, FRWA commits to maintaining operational noise levels for the intake facility at or below existing background noise levels. Additionally, the intake facility will be designed to minimize visual impacts.

I27-4. A conversion table is not included in the final EIR/EIS.

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Letter I28

December 12, 2003

Kurt Kroner
Freeport Regional Water Authority
1510 J Street, #140
Sacramento, CA 95814

Mr. Kroner:

The Executive Summary of the Draft Environmental Impact Report states (Table ES-1, page 5 of 6), that noise levels during both daytime and at night will be "significant and unavoidable" after mitigation measures have been taken. This same table also states that there will be a "significant" increase in noise level from facility operation. I28-1

My husband and I live very close to the proposed site for the intake facility. We are retired and, therefore, at home during any and all hours of the day. This leaves us vulnerable to the "significant" noise increase.

I have a hearing disorder called tinnitus with hyperacusus. This disorder leaves me acutely sensitive to high decibel noise as well as a variety of frequencies. For information about Tinnitus, you can contact the American Tinitus Association at www.ata.org. Upon the advice of my physician, I do not subject my ears to any activities that would threaten my hearing. Were I to do so, I would risk losing what hearing I have. Whether or not the facility operation will harm my hearing is debatable at this point. There is no doubt, however, in my mind that the construction noise will be harmful to me.

Since I am an important part of the environment in this area and your report determines impact to that environment, what are you going to do to mitigate my problem? I look forward to your answer.

Dorothy J. Carroll

Dorothy J. Carroll
7719 Los Rancho Way
Sacramento, CA 95831

Responses to Comments of Dorothy Carroll (Letter I28)

I28-1. See the response to "Intake Facility Issues" major issue in Chapter 3 of this document. Additionally, as described in Chapter 14, "Noise" of the draft EIR/EIS, construction noise in the vicinity of the intake facility will be substantially reduced with distance. While noise at neighboring residences will still be significant, it is not expected to cause hearing damage. As described in mitigation measure 14-1, FRWA's noise disturbance coordinator will ensure that reasonable measures are implemented to correct problems identified by residences.

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December 13, 2003

Letter I29

Mr. Kurt Kroner
Freeport Regional Water Project
Draft EIR/EIS Comments
Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Re: Comments on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the Freeport Regional Water Project

Dear Mr. Kroner:

I find the DEIR to be deficient in a number of areas, with problems I believe must be rectified in the final EIR. Following are mine comments.

1. Inadequate description of the project. The DEIR repeatedly describes the preferred intake facility location, as being *"near the community of Freeport,"* or *"6,500 feet upstream of the Freeport Bridge."* These statements are incorrect and misleading. The truth is the proposed location is within the city limits of the City of Sacramento. Freeport is located in an unincorporated area of Sacramento County. An example is found in Appendix F of Volume 2 of the DEIR in a memo from FRWA staff to FRWA staff which states: *"The Base Project would divert surface water from the Sacramento River at **Freeport, California** and convey the surface water to the proposed SCWA water treatment facility in Sacramento County, and to EBMUD at the Folsom South Canal (FSC)."* I would like this inaccurate terminology addressed in the final EIR. I29-1
2. Inadequate intake location analysis. CEQA Section 15126.6(a) states, *" EIR shall describe a range of reasonable alternatives to the project."* No alternative intake locations are being advanced through the DEIR.The three other potential intake locations, identified in Figure 2-1 of the DEIR, were eliminated prior to publication of the DEIR. The DEIR provides no analysis or comparison of impacts on residents and homes of the three eliminated sites and the proposed intake site. I would like this addressed in the final EIR with full disclosure of all the pros and cons of each of the other three proposed sites. I29-2
3. In Volume 2, Appendix D, Hydraulic Modeling Report, Page 4 of 6. Under the heading of Discussion of Erosion, Scour and Sedimentation, the DEIR states: *"The higher velocities along the face of the proposed structure will likely produce new erosion and scour unless counter measures are provided."* What measures will be taken so increased erosion downstream of the intake structure does not take place? When in this process is the public going to see more information about the risk of levee failure from this increased erosion? Will SAFCA do a study on this if the project is approved? Who will be responsible for the cost of reinforcing the downstream levee sections subject to increased erosion? I29-3

4. When driving the 400 or more piles, what effect will the reverberation have on the levee? What effect will the reverberation have on the foundation, the stucco, the plaster, concrete driveway, brick walkway and brick façade on our home? I29-4
5. What effects will the vibrations have when it travels to weak points of the levee? I29-5
6. Security issues are not addressed. What measures will be taken to protect the intake structure and supporting facilities from vandals and/or terrorist activities? How will our home be secure during and after the construction of this project? How do you plan to address this concern? I29-6
7. What kind of landscaping would be done to keep out unsavory persons and at the same time protect our wildlife? I29-7
8. The access road which is being planned to be used by up to 120 trucks a day is too close to our home. Consider locating a new access road further south off of Freeport Blvd. Please address this concern. I29-8
9. During construction how do you plan to mitigate the problem of dust? I29-9
10. During construction how do you plan to address the problem of diesel pollution? I29-10
11. The DEIR does not mention the chemical, sodium hypochlorite. How do you justify the use of this chemical being stored on site? CEQA advises a DEIR must provide enough information that decision makers and the public can fully assess environmental impacts of a proposed project. Section 15147 states, *"The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public."* The omission of chemical identification in the DEIR is in full defiance of CEQA intent. I29-11
12. The preferred alternative site plan in the DEIR is unacceptable. The intake structure is too close to homes in an established residential neighborhood. The supporting facilities are also too close to these homes. How do you plan to address these problems? I29-12
13. How will the problem of house alarms being set off by pile driving be addressed? Who will pay for all the false alarms? I29-13
14. What method did you use to notify each of the residents on El Rito way and El Morro Ct, about the detail of this project and impact? I29-14
15. If you did contact each of the residents on the above-mentioned streets, I need to see the documentation of the contacts (e.g.; literature left, meetings scheduled, homeowners spoken to, etc.) If these contacts were scheduled, but never made this way be just cause to hold someone legally responsible for not disclosing this un-wanted project to the homeowners in the neighborhood that would be most adversely affected. I29-15
16. If I have to sell my house during the construction period of the project, it will be my responsibility to disclose the Freeport Water Project and the content of the DEIR to the buyer. It will be an open door to reduce the price of the property or it will not sell because of this undesirable project. If I had known about this project in July 2003, I would NOT have bought this house. I am a single mom, head of household, and this undisclosed project has placed an unnecessary financial burden on me. I29-16

17. Will FRWA, make up the monetary difference on compensate the seller? How do you plan to compensate our family when we suffer a decline in property values that can be determined to have been caused by the construction of, or operation of, the project? I29-17
18. The DEIR does not address the problem of long-term exposure to industrial scale electrical equipment so near to homes. How will this problem be addressed? I29-18
19. How will our family be compensated and by whom if we develop health- related problems caused by the construction of, or the operation of, this project? I29-19
20. How will you compensate our family if we suffer a diminished quality of life due to the construction of, or operation of, the project? I29-20
21. The I-5 freeway noise should not be the ambient noise benchmark for this project. The ambient noise should be lower in decibels than the I-5 freeway noise. A sound wall along the I-5 corridor in the Pocket neighborhood would help to mitigate these sound levels. I29-21
22. Please address the damage, if any that will be done to the levee at the site location, or other portions of the levee, from the reverberation of running 2,000 horsepower pumps? Also the damage this would do to home foundations, walls and driveways. Please address this concern. I29-22
23. Was there an analysis of Sacramento River water contaminants above and below the existing discharge pipe? Is there a numerical difference? I29-23
24. Does FRWA have a hazardous materials business plan for this project? I29-24
25. How does FRWA plan to mitigate the adverse impacts to recreational activities on the river and bike path? I29-25
26. Will berms or barriers be built to shield my home from the construction phase of this project? I29-26
27. The DEIR fails to identify our census tract, 40.12, in the analysis in Table 10-4, omitting impacts on the very tract in which the intake is proposed. How do you explain that fact? I29-27
28. Alternative water use plans by EBMUD during the years free of demand should be clarified. I29-28

I anticipate significant, substantive and responsive answers to all of the above to be addressed in the Final EIR.

Sincerely,

Leonor Alvarez
18 El Morro Ct
Sacramento, Ca 95831
916-424-2760

cc: Illa Collin, FRWA Board, Sacramento County Board of Supervisors

cc: Illa Collin, FRWA Board, Sacramento County Board of Supervisors
Don Nottoli, FRWA Board, Sacramento County Board of Supervisors
Sacramento County Board of Supervisors
Mayor Fargo, City of Sacramento
City Council Members, City of Sacramento
Robert Thomas, Sacramento City Manager
Betty Masuoka, Sacramento Assistant City Manager
Thomas Lee, Sacramento Deputy City Manager
Kathy Foulkes, FRWA Board, EBMUD
John Coleman, FRWA Board, EBMUD
Dianne Feinstein, U.S. Senate
Robert T. Matsui, U.S. House of Representatives
Deborah Ortiz, California State Senate
Darrell Steinberg, California Assembly
Gary Reents, Sacramento Dept. of Utilities Director
Butch Hodgkins, Executive Director, SAFCA
Pete Ghelfi, Director of Engineering, SAFCA
Rob Schroeder, Contract Specialist, U.S. Dept. of Interior, Bureau of Reclamation, Central California Area Office

Response to Comments of Leonor Alvarez (Letter I29)

I29-1. See the master response to Intake Facility Issues.

I29-2. See the master response to Intake Facility Issues.

I29-3. As described in Chapter 2 of the draft EIR/EIS under Environmental Commitments, the Erosion and Sediment Control Plan (page 2-45) and Channel and Levee Restoration Plan (page 2-48) will ensure that the project design protects the levee from any project induced erosion that might otherwise occur. The draft EIR/EIS fully discloses the risk of erosion and flooding. However, more detailed information will be provided to the State Reclamation Board during the final design stage in order to obtain an encroachment permit. That is a public process and all information will be available to the public at that time. SAFCA is typically invited by the Reclamation Board to comment on encroachment permits within their jurisdiction. FRWA is responsible for the cost of implementing the Erosion and Sediment Control Plan and Channel and Levee Restoration Plan features associated with the FRWP.

I29-4. See the master response to Intake Facility Issues.

I29-5. The potential effects of vibration on surrounding structures is described in Chapter 14 of the draft EIR/EIS (page 14-19 for example). Substantial vibration levels are very localized and are not expected to damage any structures, including the levee. In addition, the Reclamation Board will review the FRWP construction procedures, including vibratory effects, as a part of the encroachment permit process to ensure compliance with their standards. The U.S. Army Corps of Engineers also typically reviews and comments on the technical aspects of encroachment permit applications.

I29-6. See the master response to Intake Facility Issues.

I29-7. See the master response to Intake Facility Issues.

I29-8. FRWA currently plans on using the existing access road to the intake site. Site access routes will be further refined during the final design stages but additional access routes are not planned at this time. The impacts described in the draft EIR/EIS are based on use of the existing access road.

I29-9. See the master response to Intake Facility Issues.

I29-10. Chapter 13, Air Quality, of the draft EIR/EIS fully analyzes the effects of the project on Air Quality, including those caused by diesel engines.

I29-11. See the master response to Intake Facility Issues.

I29-12. See the master response to Intake Facility Issues.

I29-13. See the master response to Intake Facility Issues.

I29-14. See the master response to the Public Outreach Process.

I29-15. See the master response to the Public Outreach Process. Additionally, specific records of outreach efforts are available at the FRWA office.

I29-16. See the master response to Intake Facility Issues.

I29-17. See the master response to Intake Facility Issues.

I29-18. Electric power will be provided by existing power sources in the area. The amount of power required by the intake facility, and the associated electric transformers and switches, are typical in an urban area and do not pose an increased risk to area residents.

I29-19. As fully disclosed in the draft EIR/EIS (Chapters 13, 14, and 15 in particular), implementation of the FRWP is not likely to result in health-related problems for nearby residents or anyone else. Therefore, no compensation is needed.

I29-20. See the master response to Intake Facility Issues.

I29-21. Consistent with CEQA and NEPA, impacts of a project are measured against existing conditions. Noise generated by I5 is a component of the existing conditions. However, it should be noted that the intake site is very quiet at night which is also part of the existing condition baseline. FRWA has committed to keeping operational noise levels at or below existing background levels.

I29-22. Design measures incorporated into the intake facility will result in minimal vibration of the levee during operation. Additionally, any vibration produced by the pumps will not reach or cause any damage to nearby residences.

I29-23. There are water quality differences between locations upstream and downstream of the SRCSD discharge. However, the differences vary depending on flow and discharge conditions at any given time. Conditions during a low-flow, reverse-flow event, which is the type of event that could carry waste discharges upstream are of most concern to FRWA. The FRWA member agencies have a long history of securing, using, and protecting their high-quality sources of water. It is their intent to continue this practice, consistent with state and federal law and the applicable polices of their agencies (Volume 2, Appendix B, page 5-3 of the draft EIR/EIS).

I29-24. A Hazardous Materials Management Plan will be developed before beginning construction, as required by state law.

I29-25. Chapter 6 of the draft EIR/EIS describes potential impacts to recreation and identifies appropriate mitigation measures as appropriate, including those associated with bicycle trails and the Sacramento River.

I29-26. As described in the draft EIR/EIS under Mitigation Measure 14-1 (page 14-25), noise shielding will be provided to the extent feasible and practicable to reduce construction-related noise.

I29-27. See the master response to Environmental Justice Issues.

I29-28. There are currently no plans for use of the unused capacity of the FRWP facilities other than the small quantities described in Chapter 2 of this final EIR/EIS. These facilities may provide additional regional benefits in the future by enabling regional water supply solutions. However, no such plans have been identified at this time, and any such future plan will be required to provide a new source of water (EBMUD's CVP contract does not allow for diversion of water in normal and wet years, when excess capacity would generally be available) and will undergo appropriate separate environmental review.

RECEIVED
DEC 15 2003

December 13, 2003

Letter I30

Mr. Kurt Kroner
Freeport Regional Water Project
Draft EIR/EIS Comments
Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Re: Comments on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the Freeport Regional Water Project

Dear Mr. Kroner:

We find the DEIR to be deficient in a number of areas, with problems we believe must be rectified in the final EIR. Following are our comments.

1. Inadequate description of the project. The DEIR repeatedly describes the preferred intake facility location, as being *"near the community of Freeport,"* or *"6,500 feet upstream of the Freeport Bridge."* These statements are incorrect and misleading. The truth is the proposed location is within the city limits of the City of Sacramento. Freeport is located in an unincorporated area of Sacramento County. An example is found in Appendix F of Volume 2 of the DEIR in a memo from FRWA staff to FRWA staff which states: *"The Base Project would divert surface water from the Sacramento River at **Freeport, California** and convey the surface water to the proposed SCWA water treatment facility in Sacramento County, and to EBMUD at the Folsom South Canal (FSC)."* We would like this inaccurate terminology addressed in the final EIR. I30-1
2. Inadequate intake location analysis. CEQA Section 15126.6(a) states, *" EIR shall describe a range of reasonable alternatives to the project."* No alternative intake locations are being advanced through the DEIR.The three other potential intake locations, identified in Figure 2-1 of the DEIR, were eliminated prior to publication of the DEIR. The DEIR provides no analysis or comparison of impacts on residents and homes of the three eliminated sites and the proposed intake site. We would like this addressed in the final EIR with full disclosure of all the pros and cons of each of the other three proposed sites. I30-2
3. In Volume 2, Appendix D, Hydraulic Modeling Report, Page 4 of 6. Under the heading of Discussion of Erosion, Scour and Sedimentation, the DEIR states: *"The higher velocities along the face of the proposed structure will likely produce new erosion and scour unless counter measures are provided."* What measures will be taken so increased erosion downstream of the intake structure does not take place? When in this process is the public going to see more information about the risk of levee failure from this increased erosion? Will SAFCA do a study on this if the project is approved? Who will be responsible for the cost of reinforcing the downstream levee sections subject to increased erosion? I30-3

4. When driving the 400 or more piles, what effect will the reverberation have on the levee? What effect will the reverberation have on the foundation, the stucco, the plaster, concrete driveway, brick walkway and brick façade on our home? I30-4
5. What effects will the vibrations have when it travels to weak points of the levee? I30-5
6. Security issues are not addressed. What measures will be taken to protect the intake structure and supporting facilities from vandals and/or terrorist activities? How will our home be secure during and after the construction of this project? How do you plan to address this concern? I30-6
7. What kind of landscaping would be done to keep out unsavory persons and at the same time protect our wildlife? I30-7
8. The access road which is being planned to be used by up to 120 trucks a day is too close to our home. Consider locating a new access road further south off of Freeport Blvd. Please address this concern. I30-8
9. Pile driving is planned for 8 weeks or more. We are a retired family and we provide childcare for our grandson so we are home most of the day. Pile driving, with two pile drivers going a day, will produce noise decibels high enough to do permanent hearing damage to a person who is exposed to the noise up to 8 hours per day. How do you plan to address this problem? I30-9
10. During construction how do you plan to mitigate the problem of dust? I30-10
11. During construction how do you plan to address the problem of diesel pollution? I30-1
12. The DEIR does not mention the chemical, sodium hypochlorite. How do you justify the use of this chemical being stored on site? CEQA advises a DEIR must provide enough information that decision makers and the public can fully assess environmental impacts of a proposed project. Section 15147 states, *"The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public."* The omission of chemical identification in the DEIR is in full defiance of CEQA intent. I30-12
13. The preferred alternative site plan in the DEIR is unacceptable. The intake structure is too close to homes in an established residential neighborhood. The supporting facilities are also too close to these homes. How do you plan to address these problems? I30-13
14. How will the problem of house alarms being set off by pile driving be addressed? Who will pay for all the false alarms? I30-14
15. If we have to sell our home for any reason during the construction period of the project, and we are forced to sell our home for less than market value because of the construction of the project, will FRWA make up the monetary difference to compensate the seller? How do you plan to compensate our family when we suffer a decline in property values that can be determined to have been caused by the construction of, or operation of, the project? I30-15
16. The DEIR does not address the problem of long-term exposure to industrial scale electrical equipment so near to homes. How will this problem be addressed? I30-16
17. How will our family be compensated and by whom if we develop health- related problems caused by the construction of, or the operation of, this project? I30-17

18. How will you compensate our family if we suffer a diminished quality of life due to the construction of, or operation of, the project? I30-18
19. The I-5 freeway noise should not be the ambient noise benchmark for this project. The ambient noise should be lower in decibels than the I-5 freeway noise. A sound wall along the I-5 corridor in the Pocket neighborhood would help to mitigate these sound levels. I30-19
20. Please address the damage, if any, that will be done to the levee at the site location, or other portions of the levee, from the reverberation of running 2,000 horsepower pumps? Also the damage this would do to home foundations, walls and driveways. Please address this concern. I30-20
21. Was there an analysis of Sacramento River water contaminants above and below the existing discharge pipe? Is there a numerical difference? I30-21
22. Does FRWA have a hazardous materials business plan for this project? I30-22
23. How does FRWA plan to mitigate the adverse impacts to recreational activities on the river and bike path? I30-23
24. Will berms or barriers be built to shield my home from the construction phase of this project? I30-24
25. The DEIR fails to identify our census tract, 40.12, in the analysis in Table 10-4, omitting impacts on the very tract in which the intake is proposed. How do you explain that fact? I30-25
26. Alternative water use plans by EBMUD during the years free of demand should be clarified. I30-26

We anticipate significant, substantive and responsive answers to all of the above to be addressed in the Final EIR.

Sincerely,

E. Dennis Bartholomew
Bonnie S. Bartholomew

E. Dennis Bartholomew
Bonnie S. Bartholomew
14 El Morro Court
Sacramento, CA 95831
916-421-7788

cc: Illa Collin, FRWA Board, Sacramento County Board of Supervisors
Don Nottoli, FRWA Board, Sacramento County Board of Supervisors
Sacramento County Board of Supervisors
Mayor Fargo, City of Sacramento
City Council Members, City of Sacramento
Robert Thomas, Sacramento City Manager
Betty Masuoka, Sacramento Assistant City Manager
Thomas Lee, Sacramento Deputy City Manager

Kathy Foulkes, FRWA Board, EBMUD
John Coleman, FRWA Board, EBMUD
Dianne Feinstein, U.S. Senate
Robert T. Matsui, U.S. House of Representatives
Deborah Ortiz, California State Senate
Darrell Steinberg, California Assembly
Gary Reents, Sacramento Dept. of Utilities Director
Butch Hodgkins, Executive Director, SAFCA
Pete Ghelfi, Director of Engineering, SAFCA
Rob Schroeder, Contract Specialist, U.S. Dept. of Interior, Bureau of Reclamation, Central California Area Office

Response to Comments of E. Dennis and Bonnie S. Bartholomew (Letter I30)

I30-1. See the master response to Intake Facility Issues.

I30-2. See the master response to Intake Facility Issues.

I30-3. As described in Chapter 2 of the draft EIR/EIS under Environmental Commitments, the Erosion and Sediment Control Plan (page 2-45) and Channel and Levee Restoration Plan (page 2-48) will ensure that the project design protects the levee from any project induced erosion that might otherwise occur. The draft EIR/EIS fully discloses the risk of erosion and flooding. However, more detailed information will be provided to the State Reclamation Board during the final design stage in order to obtain an encroachment permit. That is a public process and all information will be available to the public at that time. SAFCA is typically invited by the Reclamation Board to comment on encroachment permits within their jurisdiction. FRWA is responsible for the cost of implementing the Erosion and Sediment Control Plan and Channel and Levee Restoration Plan features associated with the FRWP.

I30-4. See the master response to Intake Facility Issues.

I30-5. The potential effects of vibration on surrounding structures is described in Chapter 14 of the draft EIR/EIS (page 14-19 for example). Substantial vibration levels are very localized and are not expected to damage any structures, including the levee. In addition, the Reclamation Board will review the FRWP construction procedures, including vibratory effects, as a part of the encroachment permit process to ensure compliance with their standards. The U.S. Army Corps of Engineers also typically reviews and comments on the technical aspects of encroachment permit applications.

I30-6. See the master response to Intake Facility Issues.

I30-7. See the master response to Intake Facility Issues.

I30-8. FRWA plans to use the existing access road to the intake site. Site access routes will be further refined during the final design stages, but additional access routes are not planned at this time. The impacts described in the draft EIR/EIS are based on use of the existing access road.

I30-9. See the master response to Intake Facility Issues. Additionally, as described in Chapter 14, "Noise" of the draft EIR/EIS, construction noise in the vicinity of the intake facility will be substantially reduced with distance. While noise at neighboring residences will still be significant, it is not expected to cause hearing damage. As described in mitigation measure 14-1, FRWA's noise disturbance coordinator will ensure that reasonable measures are implemented to correct problems identified by residences.

I30-10. The draft EIR/EIS fully disclosed the impacts associated with noise, air quality, and health and safety (in Chapters 13, 14, and 15 of the draft EIR/EIS). Please also see the responses to the Intake Facility Siting major issues in Chapter 3 of this document.

I30-11. See response to I30-10, above.

I30-12. See the master response to Intake Facility Issues.

I30-13. See the master response to Intake Facility Issues.

I30-14. See the master response to Intake Facility Issues.

I30-15. See the master response to Intake Facility Issues.

I30-16. Electric power will be provided by existing power sources in the area. The amount of power required by the intake facility, and the associated electric transformers and switches, are typical in an urban area and do not pose an increased risk to area residents.

I30-17. As fully disclosed in the draft EIR/EIS (Chapters 13, 14, and 15 in particular), implementation of the FRWP is not likely to result in health-related problems for nearby residents or anyone else. Therefore, no compensation is needed.

I30-18. See the master response to Intake Facility Issues.

I30-19. Consistent with CEQA and NEPA, impacts of a project are measured against existing conditions. Noise generated by I-5 is a component of the existing conditions. However, it should be noted that the intake site is very quiet at night, which is also part of the existing condition baseline. FRWA has committed to keeping operational noise levels at or below existing background levels.

I30-20. Design measures incorporated into the intake facility will result in minimal vibration of the levee during operation. Additionally, any vibration produced by the pumps will not reach or cause any damage to nearby residences.

I30-21. There are water quality differences between locations upstream and downstream of the SRCSD discharge. However, the differences vary depending on flow and discharge conditions at any given time. Conditions during a low-flow, reverse-flow event, which is the type of event that could carry waste discharges upstream are of most concern to FRWA. The FRWA member agencies have a long history of securing, using, and protecting their high-quality sources of water. It is their intent to continue this practice, consistent with state and federal law and the applicable polices of their agencies (Volume 2, Appendix B, page 5-3 of the draft EIR/EIS).

I30-22. A hazardous materials management plan will be developed before beginning construction, as required by state law.

I30-23. Chapter 6 of the draft EIR/EIS describes potential impacts to recreation and identifies appropriate mitigation measures as appropriate, including those associated with bicycle trails and the Sacramento River.

I30-24. As described in the draft EIR/EIS under Mitigation Measure 14-1 (page 14-25), noise shielding will be provided to the extent feasible and practicable to reduce construction-related noise.

I30-25. See the master response to Environmental Justice Issues.

I30-26. There are currently no plans for use of the unused capacity of the FRWP facilities other than the small

quantities described in Chapter 2 of this final EIR/EIS. These facilities may provide additional regional benefits in the future by enabling regional water supply solutions. However, no such plans have been identified at this time, and any such future plan will be required to provide a new source of water (EBMUD's CVP contract does not allow for diversion of water in normal and wet years, when excess capacity would generally be available) and will undergo appropriate separate environmental review.

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DEC 15 2003

Letter I31

December 14, 2003

Mr. Kurt Kroner
Freeport Regional Water Authority
1510 J Street, #140
Sacramento, CA 95814

Re: Draft EIR – Freeport Regional Water Project
State Clearinghouse No. 2002032132

Dear Mr. Kroner:

This comment letter is in response to the above DEIR and will address deficiencies that need to be addressed in the final document. The majority of the comments relate to the placement of the intake and supporting facilities.

Our household feels that a project of this scope and scale should not be located in ANY residential neighborhood, especially a mature, established one. In addition, our household fully supports and requests specific comments in relation to ALL requests in the South Pocket Homeowners' Association letter, of which our household is a paid member. I31-1

As a homeowner on El Rito Way (backing up to the proposed intake site location), we purchased our home on March 1, 2003. Sufficient outreach efforts were not completed which resulted in our unawareness of this project's location and impact until after our home purchase. The outreach efforts that did occur were misleading to the average citizen. This project is located in the City of Sacramento NOT Freeport. If fully known to the public and the real estate community, we would have been able to make an informed decision on the purchase of this home. Currently, if home values decrease, we fault this project and the lack of public outreach in putting our family in this type of financial jeopardy. Compensation for area homeowners – specifically by the intake site - must be addressed in the final EIR. In addition, due to the unique nature of this facility and FRWA's inability to produce a comparably-sized facility next to an established neighborhood, we request that mitigation measures be open-ended as there are no other examples in which to draw similarities. The unexpected factors related to this project are so numerous that to provide you with a list of suggested mitigation measures would be impossible. In addition, we request that FRWA provide a list of benefits to the immediate community in South Pocket and Meadowview that will take the biggest hit from this project. To date, no defined benefits have been articulated in any form from FRWA. If we have to sell our home for any reason during the construction period of the project, and we are forced to sell our home for less than market value because of this project, will FRWA compensate our family when we suffer a decline in property values? I31-2 I31-3 I31-4 I31-5 I31-6 I31-7

We find this DEIR in violation of CEQA Section 15126.6, which requires an EIR to describe a range of reasonable alternatives to the project. Figure 2-1 of the DEIR identified four (4) possible pipeline alignments and only ONE intake location. In accordance with CEQA guidelines, we request that the other alternatives to the intake location be FULLY analyzed in the final EIR. We believe that the three eliminated intake sites could feasibly accomplish the project objectives and avoid significant impact to South Pocket and Meadowview residents. I31-8

We have been told that the closest alternative intake site would cost $15 million more. CEQA section 15126.6 (f) (2) (A) states, "The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location". We contend that the first consideration should be environmental impacts, not financial. In addition, the DEIR doesn't consider PEOPLE in their report thus we are not included as a factor that will receive significant impacts. Intentional or not, our neighborhood was not a consideration in the document. This couldn't be more punctuated than to find that Census Tract 40.12, the area in the city of Sacramento of the proposed location of the intake structure, is MISSING from the report. Not only does this need to be corrected, but the impact to area residents should also be a factor and an impact to minimize in the final EIR. I31-9 I31-10

The use and storage of chemicals at the proposed intake location was not communicated and analyzed. There is absolutely NO mention of the chemical to be used or stored in the DEIR in relation to the intake facility. Only after numerous public meetings has the chemical sodium hypochlorite been identified. This lack of identification is in violation of CEQA Section 15147, which requires a DEIR to provide "information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public". Sodium hypochlorite is designated as a hazardous material. After reviewing Material Safety Data Sheets on this chemical, we are even more concerned that this chemical and its proximity to residents is not addressed and should be fully investigated in the final EIR. After mentioning the effects of this chemical, FRWA came out with a "triple containment vault" concept. This only confirmed our worst fears. Why is chemical storage necessary onsite if it is to only be used once or twice a year.....and triple containment? The final EIR should address the viable reason for chemical storage on-site, when the shelf-life potency is only 90 days. Other off site storage alternative should be investigated and explained in the final document. As parents to a two-year-old child, any and all short- and long-term effects should be fully explained and mitigated. Also, please address why there is no hazardous materials business plan for this project. This must be included in the final EIR by law. Representatives from EBMUD have stated that sodium hypochlorite will also be used in the sediment basins. If this is true, in what amounts and how will the chemical smell from these basins be mitigated? I31-11 I31-12

The DEIR describes the worst-case scenario and the significant noise impact needs to be addressed. Although there have been some suggestions that the noise factor can be mitigated to current ambient benchmarks, this is not the fact in the DEIR. Although FRWA has suggested that mitigation can be reached to ambient levels, we contend that this is not sufficient. Due to the neighborhood's existing noise levels from Interstate 5, we contend that noise mitigation should be lower (in decibels) than the I-5 noise and suggest installing a sound wall to help mitigate the additional noise impacts. In addition, I31-13

mitigation of noise during construction can't be mitigated and would still represent a significant impact to the neighborhood residents. When driving the 400 or more piles, what effect will the reverberation have on the levee? What effect will it have on my home's foundation, the siding, the shake roof, the plaster, the concrete drive and patio, the patio cover, the brickwork, and our fencing? Mitigation measures for the two to three years of construction need to be addressed. During public meetings, FRWA and other agencies have stated that mitigation measures will be considered on a case-by-case basis. We contend that a consistent list of mitigation measures should be publicly listed for ALL residents with a contingency plan stated for those factors that can't be predicted so early in the project or those that are specific to an individual resident due to health or other concerns (i.e., the senior care facility in one of the adjacent homes). In addition, we would like a third-party to handle resident's mitigation rather than a member of FRWA, the City of Sacramento, EBMUD, or the County of Sacramento.

I31-13 cont

I31-14

In Volume 2, Appendix D, Hydraulic Modeling Report, page 4-6, the DEIR states, "The higher velocities along the face of the proposed structure will likely produce new erosion and scour unless counter measures are provided." The final EIR should state the measures that FRWA will undertake to insure that the new erosion and scour downstream from the intake facility will be addressed and the levee's integrity would withstand this erosion without flooding. We also request that SAFCA conduct a study on this erosion factor if this project is approved. In addition, who will be responsible for the cost of reinforcing the downstream levee sections?

I31-15

CEQA (guidelines, page 220) requires that potential impacts based on geological factors be addressed in the DEIR. This includes exposing "people or structures to potential adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault...; strong seismic ground shaking...; seismic related ground failure, including liquefaction.....; and landslides...." The DEIR addresses geological issues in general terms and rules out the potential for any of these impacts because the project components are not on any seismic fault lines. The preferred site of the intake structure has been owned by the City of Sacramento for many years, and, over the years, several geotechnical reports about the site or the surrounding vicinity have been prepared. None of these reports are reflected in the DEIR and the soil integrity at the intake location needs further investigation. Specifically, there is reason to believe that the western side of the site (closest to homes) has a high ground water level, and the quality of the soil is not very firm. These are all conditions that could lead to liquefaction. This needs to be addressed in the final EIR.

I31-16

The DEIR considers recreational impacts of the proposed Project, and states the project will coordinate with existing local plans. It lists the Sacramento River Parkway Plan (1992) and the Pocket Area Community Plan (1989), without details of how these plans and the project with coordinate and achieve all stated objectives. The DEIR makes the conclusion that the impact will be less than significant. If the bike trail is relocated and re-routed through the intake facility, this would end the bike trail continuation to the south. In addition, the Sacramento River is listed as a "scenic viewshed" in the City of Sacramento General plan. Development at the proposed intake facility site should be

I31-17

given the same mitigation measures for the Zone 40 Water Treatment Plant, or better. This is not proposed in the DEIR and needs to be addressed in the final. Finally, the Sacramento River Parkway Plan designates this location as a Major Access Point. This is City of Sacramento adopted planning policy. The developed site should include parking, bicycle staging, lawnspace, restrooms, fountains, and safety lighting. It cannot be both a recreational resource and an industrial complex, and comply with the Parkway Plan. An intake facility would reduce the sites value for recreation purposes. Alternate intake sites should be considered.

I31-17 cont

The DEIR location of the intake facility's supporting structures were placed approximately 60 feet from the nearest neighbor's fence line. FRWA has explained that a DEIR must show the "worst case scenario". Knowing this, why was the "human factor" not mentioned in the DEIR. Knowing that the worst-case scenario would indeed impact the community in many ways, why was the surrounding neighborhoods not considered? The final EIR should include the human impacts of this project, as well as pets and wildlife. In addition, the facilities that are placed closest to neighbors' homes are not described fully and need detailed descriptions. For example, the description of the electrical switchyard and the air surge compressor tanks are limited in description, thus difficult to factor in significant impacts. Public outreach efforts did not describe these facilities prior to the release of the DEIR. The final EIR needs to include all detail in regard to the supporting facilities. We contend that these facilities are too close to neighbor's homes and unacceptable. The final EIR should address the problem of long-term exposure to industrial scale electrical equipment so near to homes as well.

I31-18

I31-19

Security issues regarding this intake facility have not been fully addressed or documented. Of those sites in which tours were provided by FRWA, all sites had security – usually fenced-in and barbed wire, along with security cameras and on-site personnel. None of these security measures have been addressed. In contrast, the newest facility site plan even shows full public access to the facility and the bike trail running through it like an amusement park. As a resident, this lack of security and forethought on FRWA's part is very alarming. Security measures need to be addressed in the final EIR. How will our homes be secured during and after construction of this project? How will the problem of home and car alarms be addressed? Who will pay for the false home alarms? In addition, our home specifically will need a different type of fence to the back of our property. Who will pay for this new fence?

I31-20

Additional issues that also need to be addressed are the access road and the amount of truck traffic in and out of the facility during construction. It has been stated that there may be as many as 120 truck trips a day into the facility during construction. The access road is too close to homes. This access road should be moved to the farthest possible location away from homes. In addition, during construction the EIR must address the problem of air pollution, construction dust, odors, and rodents.

I31-21

If our family develops health-related problems caused by the construction of, or the operation of, this project, how will our family be compensated? How will our family be compensated for our reduced quality of life in our neighborhood due to the construction

I31-22

and/or operation, of this project? How does FRWA plan to mitigate the adverse impacts to the recreational activities we, and others, currently enjoy on the river and bike path.

I31-22 cont

If all responses can't be reached by FRWA in the allotted time, we recommend that a new draft be submitted for public review and comment. Finally, our household adamantly recommends full access to the process of negotiating the "Principles of Agreement" between FRWA and the City of Sacramento regarding the land.

I31-23

We anticipate significant, substantive, and responsive answers to all of the above in the Final Environmental Impact Report.

Sincerely,

Stephen K. Kawelo Shari E. Kawelo

Stephen K. Kawelo
Shari E. Kawelo
7755 El Rito Way
Sacramento, CA 95831

c: Illa Collin, FRWA Board, Sacramento County Board of Supervisors
Don Nottoli, FRWA Board, Sacramento County Board of Supervisors
Sacramento County Board of Supervisors
Mayor Heather Fargo, City of Sacramento
City Council Members, City of Sacramento
Robert Thomas, Sacramento City Manager
Betty Masuoka, Sacramento Assistant City Manager
Thomas Lee, Sacramento Deputy City Manager
Kathy Foulkes, FRWA Board, EBMUD
John Coleman, FRWA Board, EBMUD
Dianne Feinstein, United States Senate
Robert T. Matsui, United States House of Representatives
Deborah Ortiz, California State Senate
Darrell Steinberg, California State Assembly
Gary Reents, Sacramento Department of Utilities Director
Butch Hodgkins, Executive Director, SAFCA
Pete Ghelfi, Director of Engineering, SAFCA
Rob Schroeder, Contract Specialist, US Dept. of Interior, Bureau of Reclamation, Central California Area Office

Response to Comments of Stephen and Shari Kawelo (Letter I31)

I31-1. See the master response to Intake Facility Issues.

I31-2. See the master response to the Public Outreach Process.

I31-3. See the master response to Intake Facility Issues.

I31-4. See the master response to Intake Facility Issues.

I31-5. FRWA identified the Carmichael Water District pump and water treatment plant facility as a local, reasonably similar facility within a residential neighborhood and immediately adjacent to single-family houses. This facility includes water pumps, compressors, air surge tanks, electrical transformer, and chemical storage facilities. The mitigation identified in the draft EIR/EIS is adequate.

I31-6. See the master response to Intake Facility Issues.

I31-7. See the master response to Intake Facility Issues.

I31-8. See the master response to Intake Facility Issues.

I31-9. See the master response to Intake Facility Issues.

I31-10. See the master response to Environmental Justice Issues.

I31-11. See the master response to Intake Facility Issues.

I31-12. A Hazardous Materials Management Plan will be developed before beginning construction, as required by state law.

I31-13. See the master response to Intake Facility Issues.

I31-14. A complete list of mitigation measures will be included in the CEQA Findings and adopted in the mitigation monitoring and reporting plan. This list should be consistent with those described in the final EIR/EIS. FRWA is the lead CEQA agency and is the agency with the legal responsibility to ensure that mitigation measures are implemented. The mitigation monitoring and reporting plan will set forth the timing of mitigation measure implementation and identify the responsible party.

I31-15. As described in Chapter 2 of the draft EIR/EIS under Environmental Commitments, the Erosion and Sediment Control Plan (page 2-45) and Channel and Levee Restoration Plan (page 2-48) will ensure that the project design protects the levee from any project induced erosion that might otherwise occur. The draft EIR/EIS fully discloses the risk of erosion and flooding. However, more detailed information will be provided to the State Reclamation Board during the final design stage in order to obtain an encroachment permit. That is a public process and all information will be available to the public at that time. SAFCA is typically invited by the Reclamation Board to comment on encroachment permits within their jurisdiction. FRWA is responsible for the cost of implementing the Erosion and Sediment Control Plan and Channel and Levee Restoration Plan features associated with the FRWP.

I31-16. Given the geographic location of the proposed intake site and its distance from known geologic faults, substantial seismic activity is unlikely. The potential for

liquefaction, which is the result of saturated soil and simultaneous seismic activity, is even less likely. However, the intake facility and all related components will be designed to meet relevant geotechnical and seismic safety standards. The intake structure itself will be constructed on a series of deeply driven piles capable of withstanding potential seismic activity. The other related facilities, including the surge tanks, air compressors, and chemical storage facility, are not substantial in size or weight and will be constructed to meet seismic safety standards. While variations in soil type and quality have been identified at the site in previous studies, these soil types are common throughout the Central Valley and can adequately support the proposed project, assuming standard engineering practices are employed.

I31-17. See the master response to Intake Facility Issues.

I31-18. The draft EIR/EIS evaluated all environmental resources required under CEQA and NEPA. The facility locations in the draft EIR/EIS were based on site constraints. Modifications have been made to those locations based on discussions with the City of Sacramento and the community and the new site layout is shown in Figure 2-1 of the final EIR/EIS. Furthermore, additional detail about the associated facilities at the intake site are described in the updated project description in Chapter 2 of the final EIR/EIS.

I31-19. Figure 2-1 provides a layout of the relative positions and sizes of the different components of the project that are related to the intake facility. A more detailed description of these components has been added to the revised project description in Chapter 2 of the final EIR/EIS.

I31-20. See the master response to Intake Facility Issues.

I31-21. See the master response to Intake Facility Issues.

I31-22. As fully disclosed in the draft EIR/EIS (Chapters 13, 14, and 15 in particular), implementation of the FRWP is not likely to result in health-related problems for nearby residents or anyone else. Therefore, no compensation is needed.

I31-23. All relevant aspects of the Principles of Agreement are included in the draft EIR/EIS.

Letter I32

RECEIVED
DEC 15 2003

James Morgan
9459 Alcosta Way
Sacramento, CA 95827
December 14, 2003

Eric Mische, General Manager
FRWA
1510 J street, #140
Sacramento, CA 95814

Mr. Mische:

These are my comments on the Draft Environmental Impact Report/Statement for the Freeport Regional Water Project (DEIR/S).

As you know, one of the key reasons for this proposed project is to have the East Bay Municipal Utility District (EBMUD) not divert water from the American River. I am concerned that the preferred alternative may facilitate EBMUD and other diversions from the American River. In particular, the preferred alternative envisions connecting the southern terminus of the Folsom South Canal with the EBMUD Mokelumne Aqueducts. This would create the physical facility for diversion of American River water by EBMUD. I32-1

In the DEIR/S Alternatives Screening Report (Volume 2, Appendix B), the first stage evaluation of the Freeport diversion included options for either a pipeline which would proceed south directly to the Mokelumne Aqueducts, or for pipelines utilizing the Folsom South Canal to connect to the Mokelumne Aqueducts (p. 6-9). However, in the second stage evaluation, the only option considered was utilizing the Folsom South Canal (p. 7-17). No explanation or rationale was provided for this change. Please explain why the option for a pipeline which would proceed directly south to the Mokelumne Aqueducts was eliminated from consideration, and why no explanation of this was included in the DEIR/S. These explanations need to be in considerable detail. I32-2

The connection of the Folsom South Canal to the Mokelumne Aqueducts would provide the physical facility for delivery of American River Water. This delivery could be to the EBMUD service area, or, potentially, to other users, such as the city of Stockton or others in San Joaquin County or the San Francisco Bay area. The DEIR/S appears to be deficient in not analyzing and presenting the possibilities for this diversion of American River Water. Please explain any constraints which would limit diversion of American River Water. Please estimate, in detail, how much water could be diverted, consistent with those ~~restraints~~ cons. I32-3

I look forward to responses to these concerns.

Sincerely,

James Morgan

James Morgan

Response to Comments of James Morgan (Letter I32)

I32-1. Implementation of the preferred alternative would exercise EBMUD's amendatory contract, which only allows one diversion point. The only circumstances that would allow for an EBMUD diversion from the American River would require that a Sacramento River diversion near Freeport could not be reasonably implemented. While the FRWP provides the physical means necessary to divert water from the American River, implementation of the FRWP, and the preferred alternative in particular, would eliminate EBMUD's current option of diverting water at the Folsom South Canal.

I32-2. A primary rationale for eliminating the Freeport diversion alternative with a pipeline proceeding south directly to the Mokelumne Aqueducts is based on the need for the FRWP to ultimately meet the purpose and need of both EBMUD and SCWA. The intake structure is the only element of a project at Freeport with a pipeline proceeding south that would assist SCWA in meeting its project purpose and need. SCWA would need to construct a separate pipeline to deliver water to its proposed Zone 40 Water Treatment Plant. As a result, there would be minimal cost-sharing opportunities for the FRWA member agencies and overall costs would be prohibitive. In addition, environmental impacts would be greater under this alternative than for the alternatives described in the draft EIR/EIS.

I32-3. See response I32-1, above. Additionally, diversions to agencies other than those described in Chapter 2, "Project Update," of this final EIR/EIS are purely speculative. There are currently no plans for use of the unused capacity of the FRWP facilities. These facilities may provide additional regional benefits in the future by enabling regional water supply solutions. However, no such plans have been identified at this time, and any such future plan will be required to provide a new source of water and will undergo appropriate separate environmental review.

Letter I33

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December 14, 2003

Mr. Kurk Kroner
Freeport Regional Water Project
Draft EIR/EIS Comments
Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Re: Comments on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the Freeport Regional Water Project

Dear Mr. Kroner:

We find the DEIR to be deficient in a number of areas, with problems we believe must be rectified in the final EIR. Following are our comments.

- Inadequate intake location analysis. CEQA Section 15126.6(a) states, "EIR shall describe a range of reasonable alternatives to the project." No alternative intake locations, identified in Figure 2-1 of the DEIR, were eliminated prior to publication of the DEIR. The DEIR provides no analysis or comparison of impacts on residents and homes of the tree eliminated sites and the proposed intake site. We would like this addressed in the final EIR with full disclosure of the all the pros and cons of each of the other three proposed sites. I33-1

- In Volume 2, Appendix D, Hydraulic Modeling Report, Page 4 of 6. Under the heading of Discussion of Erosion, Scour and Sedimentation, the DEIR states: "The higher velocities along the face of the proposed structure will likely produce new erosion and scour unless counter measures are provided." What measures will be taken so increased erosion downstream of the intake structure does not take place? When in this process is the public going to see more information abut the risk of levee failure from this increased erosion? Will SAFCA do a study on this if the project is approved? Who will be responsible for the cost of reinforcing the downstream levee sections subject to increased erosion? I33-2

- The preferred alternative site plan in the DEIR is unacceptable. The intake structure is too close to homes in an established residential neighborhood. The supporting facilities are also too close to these homes. How do you plan to address these problems? I33-3

- How will the problem of House alarms being set off by pile driving be addressed? Who will pay for all the false alarms? I33-4

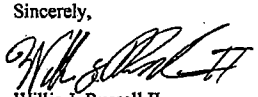
- Please address the damage, if any, that will be done to the levee at the site location, or other portions of the levee, from the reverberation of running 2,000 horsepower pumps? Also the damage this would de to home foundations, walls and driveways. I33-5

- The DEIR does not address the problem of long-term exposure to a electrical transformer yard so near to homes and the security of this yard. How will this problem be addressed? I33-6

I33-5 cont

We anticipate significant, substantive and responsive answers to all the above to be addressed in the Final EIR

Sincerely,



Willie J. Russell II
9 El Morro Court
Sacramento, CA 95831
916-392-8141

cc: Illa Collin, FRWA Board, Sacramento County Board of Supervisors
Don Nottoli, FRWA Board, Sacramento County Board of Supervisors
Sacramento County Board of Supervisors
Mayor Fargo, City of Sacramento
City Council Memebers, City of Sacramento
Robert Thomas, Sacramento City Manager
Betty Masuoka, Sacrametno Assistant City Manager
Thomas Lee, Deputy City Manager
Kathy Foulkes, FRWA Board, EBMUD
John Coleman, FRWA Board, EBMUD
Dianne Feinstein U.S. Senate
Robert T. Matsui, U.S. House of Representatives
Deborah Ortiz, California State Senate
Darrell Steinberg, California Assembly
Gary Reents, Sacramento Dept. of Utilities Director
Butch Hodgkins, Executive Director, SAFCA
Pete Ghelfi, Director of Engineering, SAFCA
Rob Schroeder, Contract Specialist, U.S. Dept. of Interior, Bureau of Recalmation, Central California Area Office

Response to Comments of Willie J. Russell II (Letter I33)

I33-1. See the master response to the Intake Facility Issues.

I33-2. As described in Chapter 2 of the draft EIR/EIS under Environmental Commitments, the Erosion and Sediment Control Plan (page 2-45) and Channel and Levee Restoration Plan (page 2-48) will ensure that the project design protects the levee from any project induced erosion that might otherwise occur. The draft EIR/EIS fully discloses the risk of erosion and flooding. However, more detailed information will be provided to the State Reclamation Board during the final design stage in order to obtain an encroachment permit. That is a public process and all information will be available to the public at that time. SAFCA is typically invited by the Reclamation Board to comment on encroachment permits within their jurisdiction. FRWA is responsible for the cost of implementing the Erosion and Sediment Control Plan and Channel and Levee Restoration Plan features associated with the FRWP.

I33-3. See the master response to the Intake Facility Issues.

I33-4. See the master response to the Intake Facility Issues.

I33-5. Design measures incorporated into the intake facility will result in minimal vibration of the levee during operation. Additionally, any vibration produced by the pumps will not reach or cause any damage to nearby residences.

I33-6. Electric power will be provided by existing power sources in the area. The amount of power required by the intake facility, and the associated electric transformers and switches, are typical in an urban area and do not pose an increased risk to area residents.

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Letter I34

Florence Arnoldy
4 River Garden Ct
Sacramento, CA 95831-4444

December 15, 2003

Mr. Kurt Kroner
Freeport Regional Water Authority
Draft EIR/EIS Comments
1510 J Street, #140
Sacramento, CA 95814

Dear Mr. Kroner:,

Following are my comments after attending the Informational Meeting on December 4, 2003 at Lisbon Elementary School.:

1. THE NAME OF YOUR PROJECT It was stated that you have been very open to the public about your planned construction of a Water Intake Facility on property owned by the City of Sacramento. I feel the very fact that you named your project The Freeport Regional Water Project was misleading and deceptive. Because of this name many residents did not realize that the site chosen for the project was actually in the City of Sacramento, and not in Freeport. I personally did not become aware of the chosen site as within the city limits until shortly before the meeting on September 29, 2003, which I also attended. I34-1

2. THE USE OF LAND Although it is not necessary for the City of Sacramento to rezone this land for the construction of a Water Intake Facility, this land had been originally designated for a Waste Water Treatment Plant. If this land had so been designated for approximately 30 years, why did the City of Sacramento approve the land immediately adjascent to it for the construction of homes. Why did the city planners not allow a "buffer zone" between the residential area and the planned waste water treatment plant? Have you personally viewed the location of the homes in this area to see the close proximity of the industrial property to these homes? The only thing that separates their back yards from the industrial property is a cyclone fense. It is inappropriate to construct such a huge industrial project in an established residential area. I34-2

3. ALTERNATIVE SITES The literature prepared by the FRWA staff states they have considered 3 other locations for the construction of this Water Intake Facility. All three of these other sites are NOT in or near an established residential community and I encourage further study of those three sites. Further, when I look at a map the Sacramento River is many miles long before reaching the San Francisco Bay. Why are you willing to sacrifice this residential area? Why are you not considering several other sites on this river? I34-3

4. .PROPERTY VALUES One person who spoke at the last meeting stated she had purchased her home in this residential area in July and was not told about this pending industrial construction. She called her real estate agent who stated she had not been aware of it either. The homeowner asked the same real estate agent that had sold her this home in July to list it for sale immediately for the same price she had paid for it. The real estate agent said she would have to list her home for $35,000. less than she had paid for it 5 months ago. The real estate agent was not sure she could sell it at the reduced price. How would you feel if this happened to you? Like thieves in the night stealing $35,000 without a gun, but a building permit for an industrial building in a residential area. I34-4

5. NOISE, DUST & DIESEL FUEL When asked how many trucks per day would be entering the construction site, someone representing FRWA stated there would be a minimum of 8 trucks per day. When pressed for a maximum number of trucks per day it was stated there would be a maximum of 126 trucks per day. Now, I don't know about you, but I had 4 trucks on my street today and I heard every one of them. The first at 7:30 a.m. was a garbage truck, the second was a Federal Express truck, the third was the second garbage truck, the fourth was the mail truck. So, we will have more than 126 trucks per day with the additional traffic of normal city life. Even so, 126 trucks divided by 8 would be 16 trucks per hour, all day long, every day for months and years. I cannot even imagene the noise, the fumes from the diesel trucks, the dirt and dust in the air. The children will not be able to play in their own back yards because of the air pollution and noise. Or, it could mean that they will be working more than 8 hours per day. In which case we won't even be able to sleep on our schedules, but will have to adjust our lives to their work schedule. Is this the way you want to spend your retirement? Well, me either.! I34-5 cont

6. PROPERTY TAXES In view of the fact that one real estate agent has already determined a possible drop in the value of our property should the water intake facility actually be built in this residential area, are you prepared to drop our property taxes to reflect this? I34-6

7. SOUND BARRIERS We already have the noise from Interstate 5, and then the possible addition of 126 diesel engine trucks per day, and lets not forget the nine 2000 horsepower pumps which will remain with us forever.. Yet, there does not seem to be any sound barriers in the FRWA plan. How could that be? I don't understand the logic that "if you add 50 decibels to an 80 decibel site, the resulting decible level is approximately 83db, not 130." FRWA is trying to convince the homeowners that the additional noise of this construction will hardly be noticed. Why can't I accept this? I34-7

8. WILDLIFE We built our home here 17 years ago because of many reasons, but mostly because of the location next to the river with the cool breezes in the evenings and the abundant wildlife in the area. I got up early one day and saw a beautiful skunk walking across my lawn. I have had possom in my backyard trees, along with squirrels, and a variety of birds. I enjoy being able to walk on top of the levee. The construction of a Water Intake Facility in this area is just as wrong for the wildlife as it is for the residents. I34-8

In closing, just let me state that I am a 71 year old widow who has worked hard all my life to contribute to this community and be a good citizen. I continue to contribute in my retirement by volunteering for various functions and organizations for the city. I saved money out of every pay check and put it in a 401K fund. Because of the stock market, I lost approximately 40% of this hard earned money. Now it would appear that my home, which is another investment I made over my working years, will lose its value if this project is built in this residential area. Why can't this project be built in a nonresidential area? Why are we being sacrificed for EBMUD?

Sincerely,

Florence E Arnoldy

FLORENCE E. ARNOLDY

cc: Members of the City Council

Response to Comments of Florence Arnoldy (Letter I34)

I34-1. See the master response to the Intake Facility Issues.

I34-2. The potential impacts to the adjacent residences are fully addressed in the draft and final EIR/EIS. The use is consistent with relevant land use plans. Also, see the master response to the Intake Facility Issues.

I34-3. See the master response to the Intake Facility Issues.

I34-4. See the master response to the Intake Facility Issues.

I34-5. See the master response to the Intake Facility Issues.

I34-6. See the master response to the Intake Facility Issues.

I34-7. See the master response to the Intake Facility Issues.

I34-8. Potential impacts on species of special concern are fully addressed in Chapter 8, "Wildlife," of the draft EIR/EIS. Appropriate mitigation measures are identified where needed. As described in Chapter 8, reconnaissance-level surveys were conducted for purposes of preparing the draft EIR/EIS. Additional surveys, as required by state and federal resource agencies, will be conducted prior to construction. This applies to all project components, including the intake facility.

Letter I35

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William and Yvette Jones
7705 Los Rancho Way, Sacramento CA
Response to Freeport Regional Water Project
Object to proposed location

In 1929 Clarence Perry not only looked at development in terms of the physical design but also proposed ways of bringing people together to discuss common problems in planning, the ideal way of doing this was to base the neighborhood involvement at the neighborhood level, so citizens can relate and identify with planning development issues at the neighborhood level in which they come in contact with and that influences their daily life the most. In my profession, I have had varied work experience in the civil water and wastewater industry, and architectural and planning arenas, and therefore tend to be open minded when receiving information relative development projects as the one proposed near my residence and called the Freeport Regional Water project. To my discovery in the first public meeting in September, this was not a project located in the city of Freeport but a project located just one street over from our home, one that had been planned for sometime without the involvement of those impacted.

It was during this meeting that I was able to briefly review the Executive summary of the Environmental impact report which contained a benefit statement that was not a benefit but rather a statement of purpose to serve the greater development in the southern portion of Sacramento County and EastbayMUD. I35-1

After attending several meetings since September and participating in focus group meetings my concerns then and now continue to be the same:

Why is such a large utility intake structure being proposed so close to an existing neighborhood when there is so much more uninhabited space available elsewhere along the Sacramento River? I35-2

Why were many census tracks missing from the Draft EIR, in particular Sacramento County census Tract 40.12., the location of the intake structure near my area of residence? I35-3

Why is it better for the County of Sacramento County to partner with EastBay MUD to deliver water when in the past the County was instrumental in blocking such a project? I35-4

Why locate an intake near a populated urban area rather than in the undeveloped areas already available that would not disrupt existing urban dwellers? I35-5

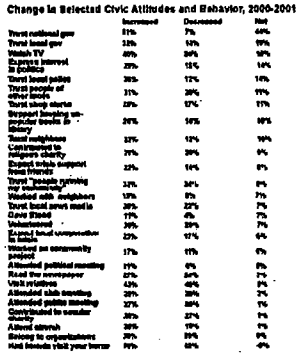
What negative socio-economic impacts will South Pockets residents have to live with during and after construction of the intake structure, such as diminution of property values due to noise pollution, negative perception of such a facility in proximity to the South pocket neighborhood, security issues, possible further separation of the bike trail if the structure is closed off due to national security issues, affects of change in natural environment and existing views? I35-6

William and Yvette Jones
7705 Los Rancho Way, Sacramento CA
Response to Freeport Regional Water Project
Object to proposed location

The location of the Freeport Regional water intake structure seems to run counter with common sense, but there it is as it is proposed need the existing water tower on the banks of the Sacramento River near the intersection of Freeport Blvd. (Hwy 160) and I-5.

I, like my fellow neighbors, am concerned and for good reason for typically existing neighborhoods already know who their neighbors are and buy into an established community with the expectation that the known already exists, like the water tower which existed before the South Pocket Neighborhood. Normally, residents would expect to be notified and included well in advance of the planning process and are not fooled into thinking that a project of such magnitude is located in the town of Freeport, as its name suggests. When there is a lack of transparency in anything, citizens become concerned and distrustful of those leading such plans. I35-7

What is transparency? Transparency is a basic understanding of how things or done – the process, outcome and responsibilities. The power of transparency in a participatory public forum enhances the power of the people that will participate in that forum and the intrinsic nature of corruption being accepted as the truth changes to "one person can make a difference". Public projects that develop as the Freeport Regional water project has provide evidence to why there is a downward trend in public participation due to lack of transparency. (Figure below) I myself have heard some local residents state their belief that the project was a done deal before any South Pocket resident ever became aware of the project and thus they will not put time into a lost cause.



William and Yvette Jones
7705 Los Rancho Way, Sacramento CA
Response to Freeport Regional Water Project
Object to proposed location

Large infrastructure projects of this magnitude have profound, social – aesthetics and safety, environmental – noise and chemical pollution, and economic impacts –diminution of property values - on communities which influence broader economic development and affect property values and by addressing the communities concerns as stated in the area above, the South Pocket community can ensure that the proposed FRWA development is given a human face.

Lack of public involvement and awareness of the Freeport Regional Water project debate has lead to potential inappropriate changes in land use practices before consideration of the wider implications of community impacts. There is potential for not just environmental injustice, but social and economic damage.

As originally proposed in the DEIR, the project was poorly planned or designed, and would have substantially increases the density of the existing utility land use area, would have been ascetically unsightly, would have increase noise pollution and would have disrupted the Community's established economic health due to the lack of quality and efficiency of its proposed location in proximity to an existing urban neighborhood. I35-8

With a public hearing held in September FRWA was in grave error to ensuring neighborhood participation for a majority, if not all, of the South Pocket residents were not informed of the project - with the DEIR comment period to close in barely 30 days. Without public participation the FRWA could very well have gone unmitigated due to the lack of advocacy on the part of the impacted residents. Likewise FRWA has erred in ensuring that Environmental Just was served due to omissions of the South pocket census tract missing from the Draft EIR, which would have noted that the community is over 50% Minority and would have identified the impacted residents more effectively. I35-9 I35-10

It was the intense collective efforts of the South Pocket Neighborhood association that conduction grassroots efforts to inform residents of the proposed project along with its size and location.

What is Environmental Justice? The EPA's definition of environmental justice - Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. **Fair treatment** means that no group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. **Meaningful involvement** means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the

William and Yvette Jones
7705 Los Rancho Way, Sacramento CA
Response to Freeport Regional Water Project
Object to proposed location

regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected.

Prior to the last few months, residents affected by the FRWA project were deprived of a timelier participation process due in the pre-planning process due to ineffective communication efforts of FRWA and were thus deprived of environmental justice. Because of this residents spent the last few months' conducting intensive research to combat the deficiencies in the Draft EIR.

The following concerns should be fully explored and verified prior to approval of the DEIR:

1 I concerned that No comparative projects of like kind exists within an urban setting and the Draft EIR does not identify the environmental impacts relative to social impacts– aesthetics and safety, environmental – noise and chemical pollution - economic impacts to the existing community property values. I35-11

- The South Pocket Neighborhood will house the largest construction and is the only community impacted disproportionately for over a 3 year period, which includes several months of pile driving without any benefits after project completion.

2 I concerned that The Draft EIR focuses on regional impacts rather while it is this city's residents that are most impacted.

- Community cohesion as relative to the South Pocket community should included its community's relationships between friends, neighbors, and relatives, and between people and the services they use, which are all important components of the quality of life of community members rather that disconnect the community from a valued recreational resource. Not proceed with development of the FRWA project as if the people of South Sacramento and South pocket matter less than those in other areas. I35-12

3 I concerned that the project sponsors have not considered how the project fits within an urban residential area for there has not been the involvement of city, county, or other planners. I35-13

4 I concerned that project sponsors have not adequately addressed the damage to the natural beauty of the levy and this community as a natural recreation resource. I35-14

William and Yvette Jones
7705 Los Rancho Way, Sacramento CA
Response to Freeport Regional Water Project
Object to proposed location

5 I concerned that the Draft EIR does not address the diminution of property values that will occur. It is a know fact that residential property is influenced by changes to aesthetics, security and noise levels.

- Sacramento county and FEWA admitted that they had never considered this. But if the sponsors had considered Article 10 section 15131(C) of CEQA, which addresses Economic and Social justice, there would have been a feasibility study (1) including a comparison of sales and Band Of Values for like properties with similar developments in order to determine the diminution of the property values for those impacted the greatest.

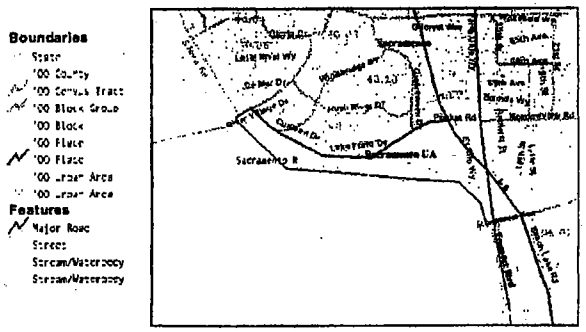
I35-15

6 I am also concerned that, The Draft EIR is incomplete for statistical census data relative to those to be impacted is omitted from section 10 – this data includes the south pocket area where the intake structure is proposed along with other impacted census tracts that are impacted.

- FRWA has error in ensuring that Environmental justice was served due to omissions of census tracks from the Draft EIR. Without the correct census data how could an effective community outreach program have occurred and a true understanding of the community and its needed have been assessed appropriately. Cenus Tract 40.12 (figure below), my area of residence, contains a 51.2 percent minority population.

I35-16

Census Tract 40.12, Sacramento County, California



William and Yvette Jones
7705 Los Rancho Way, Sacramento CA
Response to Freeport Regional Water Project
Object to proposed location

4 miles across

8 There are many unknowns surrounding this project and without true in-depth analysis the risk is marginalized for the County and EastbayMUD (FEWA) by choosing the easiest and cheapest solution while placing the burden of potential risks on residents and property owners rather than locating the project in an undeveloped area already in order not to disrupt existing urban residents.

- Sponsors of the FRWA project should provided sufficient answers and evidence to answers to local community's questions surrounding the impact that will occur if the Project is constructed in the South Sacramento residential areas an why the proposed alternative location is the best location as well as the use of the land near the community as being the best and highest use possible. Without this the opportunity cost of better project is lost.

I35-17

9 There are a Lack of Benefit benefits those impacted by the project and none are identified by the DEIR. The project proponents promote the concept that the preferred alternative will provide a net regional economic benefit without considering the socio-economic impacts to the impacted South Pocket Community.

- Chief among these are the potential negative economic impacts resulting from reductions in property values in the adjoining South Pocket Community that can be directly attributable to disturbances during the construction phase and during plant operations. Ultimately, the EIR does not address direct, indirect or induced socio-economic impacts.

I35-18

- South Pocket Residents located within a band of values closest to the intake structure are concerned that constructing such a large scale structure in the proposed alternate location will detract for views and provide a potential security problem which will thereby reduce property values.

I35-19

- Furthermore, a decrease in property taxes due to reduced property values will decrease revenues for the city and deter commercial development that could generate better economic development potentials.

I35-20

9.1 FRWA has simply ignored exploring any potential impacts to property values that may occur due to the proposed location of the intake structure. If there is not an interpretation of the socio-economic

Impacts associated with the project then the Draft EIR is narrow, incorrect and inappropriate as proposed.

FRWA may argue that little empirical evidence suggests that the intake structure will have negative economic impacts on property values associated solely with the construction of the intake structure and its operational disturbances, and that, in any case, such impacts cannot be measured accurately.

I35-21

However, this is not the case. Econometric modeling techniques are able to study affects on actual market in prices of properties in proximate to such things as shadows casts, electricity lines, power plans and windmills wherein potential loss of value in property is often attributed to noise and visual externalities.

The fact that such effects are not considered in the draft EIR is inexcusable.

9.2 A Start to consider in developing a model to analyze impacts and land use scenarios would look like the follow:

1 Start with collecting information of similar developments from appraisal districts not realtors who realize financial gain connection with properties.
2 Conduct a comparative economic analysis to bring each into like kind for comparing apples to apples in size, region, and transactions in industries
3 Prepare differential shifts for projects analysis and quotients

I35-22

4 development indicators can serve a number of purposes, including communication and performance measurement and informing strategy development
5 target audience and their information needs determine the type and presentation of indicators. Attempting to meet the needs of different audiences within the same set can result in confusing or unclear messages being communicated
6 are a number of important relationships between socio economic themes and sustainable development, these include: eco-efficiency, accessibility, choice, pollution and land use.
7 With input/output, transaction tables, indicators and projects developed a true analysis of negative linkages are realized and quantified.

William and Yvette Jones
7705 Los Rancho Way, Sacramento CA
Response to Freeport Regional Water Project
Object to proposed location

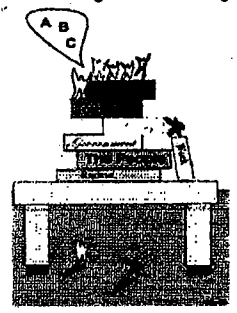
Over the past several months, FRWA and Sacramento City Council has heard that the outreach efforts by FRWA were quite inadequate and to that I say that without transparency in government and true citizen participation in the planning process the efforts in creating sustainable communities dies and weakens citizens trust in governing officials. In the practice of holding perfunctory public hearings while the real decisions relative to a community are being made behind closed doors. I want to ensure that development and democracy for impacted communities go hand in hand and that this development is given a human face.

Historical patterns in urban development, planning concepts, the effect of development patterns on social behavior, land use analysis are all ignored in the proposed FRWA project. Otherwise it would have been discovered that changes in the intensity of land use in proximity to residential neighborhoods have profound economic, social, and environmental impacts on communities. Nearly every utility project has both positive and negative effects. It is the goal of environmental justice to ensure that when decisions are made, low-income and minority communities have a full opportunity to participate in the decision-making, and they receive an equitable distribution of benefits and not a disproportionate share of burdens.

I35-23

Such impacts may be felt more strongly in minority and low-income communities because residents may have fewer opportunities to get away to other areas. In all, all properties benefit from the assurance that incompatible property uses will not occur or will be mitigated. This benefit, along with other benefits enjoyed by the property owner such as subsidies, tax advantages, and provision of government services and infrastructure, should be balanced against any "burden" allegedly imposed by the regulation.

Professional, planner, engineers, architects and developers must be sensitive to the existing fabric of a neighborhood that may influence how a project is designed as well as the impact the project may have on the surroundings. They must also understand an be cognizant of the impact of developments in the heart of the city or neighborhood.



I might ask if the City of Sacramento's southern portion now outlived it usefulness to the city and the county?

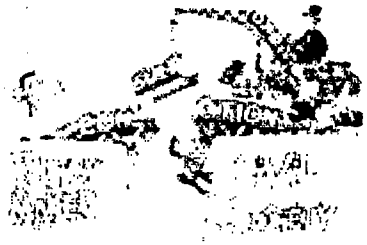
FRWA must not forget that people matter for without people there would not be a need for the water project it now proposes. There are many unknowns still surrounding this project and without true in-depth mitigation, the risk is marginalized for the County and EastbayMUD (FEWA) by choosing the easiest

and cheapest solution while placing the burden of potential risks on residents and property owners. This infusion as the people's democratic right to public participation redirects the tradition of non-activism towards activism, thereby harnessing the power of public participation.

[Public] "participation" here in the broadest sense, to encompass transparency, openness, and voice in both public and corporate settings. A variety of institutional arrangements are consistent with "participation" in this sense, and the term "participatory processes" refers not just to those processes by which decisions are made in national government, but also to processes used at local and provincial levels. Similarly, participation does not refer simply to voting. Participatory processes must entail open dialogue and broadly active civic engagement, and they require that individuals have a voice in the decisions that affect them.

While it is inherent that the need for water is not only to solve existing problems, with intentions to serve future development "The challenge is for us to reconcile market forces with social justice—to ensure that development and democracy always go together—to balance the market economy with social equity, and to give development a human face in a civil society. *(Fidel Valdez Ramos- Former President of the Republic of the Philippines)*

> Democracy is defined as "a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections [where] the common people [hold] ... the source of political authority. (Meridian-Webster Online Dictionary



What is civil society? Civil society is the connection between a strong, vibrant civil society and the inclusion of poor groups in government decision-making, in setting priorities within a country, and in ensuring those less powerful are not excluded from basic rights, services and freedoms.

Since history tells us that the citizens of dictatorships fell powerless over their own destiny, this is still true today even after Clarence Perry's attempt in 1929 and well as many others since then.

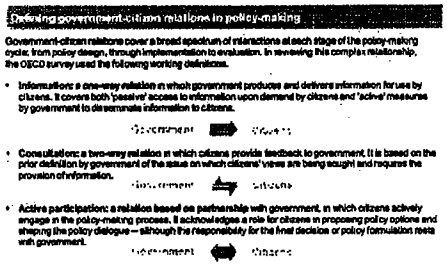
> "As a man is said to have a right in his property, he may equally said to have property in his rights – James Madison"

I35-23
cont

William and Yvette Jones
7705 Los Rancho Way, Sacramento CA
Response to Freeport Regional Water Project
Object to proposed location

The quote above by James Madison references the rights in property ownership as well as personal rights. Long ago, only Americans wealthy enough to own property could vote or had a say in politics - which meant that they could participate in affecting their own destinies or freedoms. James Madison refers to the property ownership of ones individual rights. Where if a democratic government is in place then people have rights as being property unto themselves.

And it is for this reason that environmental justice must be served by "Engaging citizens in policy-making allow governments to respond to these expectations and, at the same time, design better policies and improve their implementation."[1] Figure below represents good example of the process in which citizen participation empowers those citizens and government. More times than one would care to speak of private property is taken for the best and highest use in minority neighborhoods. Now why not use private property for the good of the public?



Engaging Citizens in Policy-making[2]

I35-23
cont

For all the reason listed herein, I don't support this project because its sponsors have not I have not been provided sufficient answers to questions surrounding the impact that will occur if the Project is constructed in the South Sacramento residential areas. Likewise I am not convince that the proposed alternative is the best solution, I believe it to be counter with common sense from the architectural, engineering, planning and local resident perspective. Until this misapplication of project impact scope is corrected, I object to the approval of EIR for FRWA's Preferred Alternative located near South Pocket.

I35-24

[1] Mary McNeil, *Engaging the Poor*, Development Outreach, Winter 2002, World Bank

[2] Engaging Citizens in Policy Making, OECD Public Management Policy Brief No. 10, July 2001

Response to Comments of William and Yvette Jones (Letter I35)

I35-1. See the master response to Intake Facility Issues.

I35-2. See the master response to Intake Facility Issues.

I35-3. See the master response to Environmental Justice Issues.

I35-4. As described in the Alternatives Screening Report (Volume 2, Appendix B, of the draft EIR/EIS) there are mutual benefits to the region in partnering on a project such as the FRWP, including a reduction in environmental impacts.

I35-5. See the master response to Intake Facility Issues.

I35-6. See the master response to Intake Facility Issues.

I35-7. See the master response to Public Outreach Process.

I35-8. The layout of project elements at the intake site has been modified based on input provided by the City of Sacramento and members of the community. A revised layout is shown in Figure 2-1 in the final EIR/EIS.

I35-9. See the master response to Public Outreach Process.

I35-10. See the master response to Environmental Justice Issues.

I35-11. FRWA identified the Carmichael Water District pump and water treatment plant facility as a local, reasonably similar facility close to a residential neighborhood and immediately adjacent to single-family houses. This facility includes water pumps, compressors, air surge tanks, electrical transformer, and chemical storage facilities.

I35-12. The draft EIR/EIS fully discloses the impacts within the City of Sacramento and proposes mitigation to reduce these impacts to the extent feasible.

I35-13. The draft EIR/EIS fully discloses the impacts associated with the intake site. Furthermore, FRWA has coordinated closely with the City of Sacramento and the County of Sacramento and provided copies of the draft EIR/EIS for their review.

I35-14. See the master response to Intake Facility Issues.

I35-15. See the master response to Intake Facility Issues.

I35-16. See the master response to Environmental Justice Issues.

I35-17. See the master response to Intake Facility Issues.

I35-18. See the master response to Intake Facility Issues.

I35-19. See the master response to Intake Facility Issues.

I35-20. See the master response to Intake Facility Issues.

I35-21. See the master response to Intake Facility Issues.

I35-22. See the master response to Intake Facility Issues.

I35-23. See the master response to Environmental Justice Issues.

I35-24. The commentor's objection to the project is noted.

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Letter I36

December 15, 2003

Mr. Kurt Kroner
Freeport Regional Water Project
Draft EIR/EIS Comments
Freeport Regional Water Authority
1510 J Street #140
Sacramento CA 95814

Re: DRAFT ENVIRONMENTAL IMPACT REPORT FREEPORT REGIONAL WATER PROJECT
State Clearinghouse No. 2002032132

Dear Mr. Kroner:

Thank you for this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Freeport Regional Water Project (FRWP).
I am a South Pocket resident and fully support and agree with the comment letter you have received from the South Pocket Homeowners Association (SPHA) and signed by SPHA President Richard Johnson.

I would like to add a couple more concerns that I have regarding the DEIR for the proposed Project.

Land Use

On page 10-4, Volume 1, there is a statement regarding the City of Sacramento's "relevant General Plan Policies", a specific goal of which states:

> "To provide and improve water supply facilities to meet future growth of the City and assure a continued supply of safe potable, water."

1. I do not see the relevance of this statement in the DEIR for the FRWP. The residents of the City of Sacramento will not be supplied water directly from this project. In the FRWA Joint Exercise of Powers Agreement, section 5.5 the Members Dedicated Capacity is set at 100 MGD to East Bay Municipal Utility District (EBMUD) and 85 MGD to Sacramento County Water Agency (SCWA). I see no mention in there that the City of Sacramento is assigned to receive any of the total 185 MGD total capacity. Therefore this statement appears to be irrelevant. I36-1

2. The argument keeps being made by FRWA that the City's property at the "preferred site" was always intended for an intake – the never-built Freeport Water Treatment Facility. The City of Sacramento abandoned that plan when they decided to expand and improve their water treatment facilities at Jibboom Street on the Sacramento River and the E. A. Fairbairn Plant on the American River near California State University Sacramento. However in their EIR for those expansion projects in section 4.5.1 there is a description of their intentions for the type and location for the structures they would have built there. Their location for the intake structure would have been roughly inline with a westerly extension of Stonecrest Avenue. This particular area is approximately 3,000 feet further down river from the present planned site where the proposed intake is between 200 to 1,000 feet from approximately 14 occupied residences All other elements of the City's facility would have been located on the southeast corner of the property which would be furthest from the neighboring residential properties. It would appear from the above that it is not absolutely necessary to the success of the FRWP to locate the intake structure where it is currently shown on the various site plans in circulation. I36-2

3. The City of Sacramento Department of Utilities has stated (in the EIR for the WTP expansion projects, section 3.4.2) that they plan to build a ground-level reservoir on a site near the existing elevated Freeport Reservoir. I have been unable to find this mentioned anywhere in the FRWP DEIR. This would appear to be a land use conflict between the two projects that needs to be addressed. I36-3

Use of CALSIM II Modeling

The CALSIM II computer model has been used extensively to assess potential project impacts on Sacramento River flows and Delta water quality with regard to potential negative effects on anadromous fish migration and salinity among other things. The CALSIM II model has undergone a recent California Bay-Delta Authority independent peer review. Various environmental groups have interpreted the review to conclude that CALSIM II is "too flawed to be trusted". Two reasons among dozens are that
"Groundwater resources are assumed infinite, i.e., there is no upper limit to groundwater pumping" and
"The model assumes that facilities, land-use, water supply contracts and regulatory requirements are constant over this period, representing a fixed level of development rather than one that varies in response to hydrologic conditions or changes over time."
The FRWP DEIR states, if I may paraphrase, that there will be no effects on Delta fisheries and water quality by the project based on using the CALSIM II model therefore no mitigation is necessary. I would submit that since the CALSIM II model's accuracy is currently under question, then the conclusions in the DEIR are also questionable. I36-4
The Delta is a very important waterway for many reasons – fish, wildlife, agriculture and drinking water are only a few. Past mistakes have shown that it is difficult and expensive to undo damage to the system once projects are in place. The FRWP will divert an extra 185 MGD from the Sacramento River. SCWA's 85 MGD will go either into the ground, to the City of Folsom or the Cosumnes River. There are no numbers that show how much of that 85 MGD will be forever lost to the Delta waterways as a result of the project. I36-5
EBMUD's 100 MGD will be piped to the Mokolemne Aqueduct, effectively bypassing

the Delta completely. With the so-called Napa Agreement planning to export more and more Delta water to Southern California the Delta does not need more Sacramento River water completely removed from the system. At this rate we will not only have humpbacked whales living at Rio Vista permanently, we will have a whole new nearby saltwater fishery and the resulting destruction of important agricultural land in the process.

I36-5 cont

Increased Flood Risk

In the DEIR there is a reference to increased risks of flooding as a result of the project. Butch Hodgkins, executive director of SAFCA (Sacramento Area Flood Control Agency) stated for the record at the 12/9/03 Sacramento City Council meeting that the intake structure would strengthen the levee at the proposed intake site. We are not arguing that doubling the width of the levee and raising it would not strengthen it in the immediate vicinity of the construction. However, no one has addressed what impacts construction would have on surrounding sections of the levee both on the Sacramento and Yolo sides of the river. We have been told that there will be approximately 400 piles driven into the area of the intake structure. Vibrations from this pile driving will not be restricted to the immediate area of construction and there will be heavy equipment driven up and down and along the levee on either side of the intake structure. We believe there has been an inadequate study of the long-term effects of the construction on the adjacent sections of the levee. At the point of impact a pile driver generates about 200 db. This is enough to kill fish in the immediate area. In small focus meetings with residents, FRWA has said that appropriate measures would be taken to ensure that property damage to nearby homes is monitored and mitigated. No mention was made of monitoring the adjacent levees for damage or how this would be done. Local residents become alarmed, and rightfully so, whenever the Sacramento River reaches flood stage. We climb up on the levee and we stand on what seems to be a very fragile ribbon of earth that separates our homes and families from the raging torrent. The river becomes wide, deep and muddy; a very powerful force of Nature and somewhat frightening. We have been told that construction would take 2-3 years and that the time would likely include at least three wet seasons. During this time it would seem that the levee would be at its most vulnerable. As we have seen in recent years there seems to be a trend toward winters with compressed very wet periods as opposed to long rainy seasons where the runoff is spread out over a longer period of time. There have also been recent stories in the newspapers about maintenance of the whole flood protection system for the City of Sacramento being inadequate due to state budget cuts. In particular the Fremont Weir has become plugged up with sediment that restricts the flow of diverted floodwater into the Yolo and Sutter bypasses. The potential this has would be to increase flows along the rivers and push the levees to or beyond the capacities they are engineered to adequately contain before failure. Should this happen during construction of the intake in any one or more of those three years projected for construction it would appear we would be very vulnerable to increased flood risk. We believe this needs to be more adequately explored and explained.

I36-6

I36-7

I36-8

Wildlife and Visual Impacts

I will lump these two together since I think they are inextricably related. At this point in time we have heard a lot from the engineers in charge of the FRWP who assume that the current state of the City-owned property is some sort of visual blight in the area. Beauty is definitely in the eye of the beholder in this case. FRWA has stated that if we don't like the looks of the intake structure they will plant redwoods or other fast growing non-native trees around it so we can't see it. What they seem to forget is that it's not the intake we don't want to see, it's the river levee that we do want to continue to see – in it's current state. The intake, as currently sited in the proposed project, would sit perched up on the levee right where we would all see it the most from almost every house, and certainly from the river and the levee bike trail. Blocking it with trees and landscaping would only compound the mistake of putting it there in the first place. Currently the site has some non-native trees and shrubs that the City Utilities Dept. has planted there, but it is mostly open and grassy with a few young native oak trees that have begun growing there since the last City "remodel" of the property about seven years ago. The Sacramento River Parkway Plan has designated this section of the Parkway for wildlife viewing and nature study. I believe the intake facility is in direct conflict with the Sacramento River Parkway Plan as the wildlife would likely be driven away permanently once the habitat was disrupted by construction and operation of the facility and that it would become next to impossible to view nature when it has been rendered un-natural by an industrial complex. Currently the Freeport Reservoir and the abandoned Meadowview Water Waste Treatment Plant structures occupy the site. City Utilities uses the site for flood control and storm water purposes, but their current activity level has minimum impact on the actual habitat. There are a pair of hawks, possibly Swainson's, who live on the Freeport Reservoir and hunt for food in the open fields below it. They are enjoyable to watch. I have also seen owls, falcons, red foxes, raccoons, opossums, skunks, jackrabbits and other creatures in that field. We also have flickers (woodpeckers), magpies, meadowlarks, killdeer, egrets, cranes and various other "pasture" birds who fly in there on a regular basis. Planting a "people-scape" of redwoods, grass lawns, and other non-native trees and shrubs would disrupt the natural ecosystem back there and probably drive away all the enjoyable species we watch. If anything, the City should build their planned ground-level reservoir there, if it is an open water structure it would probably bring in ducks, swans, geese and other migratory waterfowl and would give everyone even more nature to study and wildlife to view.

I36-9

I36-10

Security

In our post 9/11 world security concerns of people and governmental agencies have changed considerably. While the likelihood of terrorists trying to poison the water supply and/or blow up intake structures for large municipal water customers is probably fairly remote, that doesn't mean that agencies and officials won't take it upon themselves to declare "security zones" around such structures. This has happened at Lake Mead on the Saddle Island recreational area, which also is the location for two major, water intakes that supply most of Las Vegas and southern Nevada. A 4.5 mile no-use zone was set up to keep boaters, fisherman, hikers, and other recreational users away from these facilities in the name of national security. This was not mandated by the Office of Homeland

I36-11

Security, but was put in place by the national parks service as a precaution so that they would have authority to order suspicious looking persons out of the area or arrest them if they wouldn't leave on their own when requested. There is no mention of anything relating to this in the DEIR and since the potential for closing the area around the site could exist, it would come into conflict once again with the Sacramento River Parkway Plan, which designates the site as a Major Recreational Access node. It would also probably have an impact on the nearby residential neighborhood because homes would be within 100 feet of the site. National security concerns aside, I believe the facility would become what is known as an "attractive nuisance". Whenever things like this are built they are inevitably broken into, covered with graffiti, and generally attract undesirable people into the area. There is no mention in the DEIR of how these concerns would be addressed or mitigated.

I36-11 cont

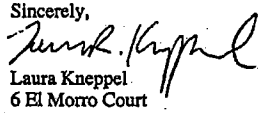
I36-12

Alternative Sites and Conclusion

As many have already expressed, I feel the DEIR does not adequately explore the alternative intake sites. The "preferred site" was decided upon at least as early as July 1999 and I do not believe it was ever intended that it be located anywhere else. FRWA has told us the Yolo county site upstream is actually the best site. This is not mentioned in the DEIR, nor was there ever a complete study made of that site that would logically rule it out. We keep being told that due to private property and cost concerns it was not considered. Then we were told that the cost differential was something like $15 million dollars. This is only about 1 percent of the total project cost. Surely that is not an amount of great concern in the greater scheme of things. The other two sites downstream would also fulfill project requirements. Since the easternmost one is approximately where the City of Sacramento intended to build its own intake why is that site that is good enough for the City of Sacramento not given the same consideration by the FRWA? If it's a question if bank-side vs. in-stream structures then it would appear that the engineers on this project need to expand their expertise to both types of structures and not be tied down by considering one type only. We are left to conclude that the other three alternative sites were listed in the DEIR merely to fulfill CEQA requirements that suggest other sites be considered in DEIRs for these types of projects. I believe a re-examination of the alternative sites need to be carried out and the DEIR either recirculated or amended to reflect these updates.

I36-13

Sincerely,



Laura Kneppel
6 El Morro Court
Sacramento, CA 95831

Response to Comments of Laura Kneppel (Letter I36)

I36-1. The statement referenced in the comment letter is intended to reference the City's desire to maintain an acceptable water supply for itself. The comment is correct in stating that the FRWP will not provide additional water to the City of Sacramento. However, it is required that the draft EIR/EIS take into consideration existing plans and polices when evaluating impacts. The draft EIR/EIS found that the FRWP would not adversely impact the City of Sacramento's General Plan policies.

I36-2. Many locations within the general area have been considered over the years for an intake facility, including the site included in the draft EIR/EIS. See the master response to Intake Facility Issues for more detail about the history of the Facility Issues.

I36-3. Implementation of the FRWP and the intake site in particular would not preclude the City of Sacramento from using the remainder of the site for its own purposes. FRWA has been in close coordination with the City of Sacramento Department of Utilities to avoid conflicts at the intake site.

I36-4. The draft EIR/EIS relies on the best information and modeling tools available to conduct impact analyses. This modeling tool, CALSIM II, is the only available and accepted tool for such modeling and has been subjected to rigorous review and refinement. Reclamation and the DWR developed this model and fully accept the results of the model. The FRWP modeling was conducted in close coordination with Reclamation and has been made publicly available. Reclamation and DWR have reviewed and accepted the results. CALSIM II results indicate the project would not cause significant water supply or quality impacts.

I36-5. Chapter 3 of the draft EIR/EIS fully analyzes the hydrologic impacts of the project on the Sacramento River and the Sacramento–San Joaquin Delta, including upstream reservoir storage, river flows (including the Sacramento River), Delta inflow, Delta outflow, Delta exports, CVP and SWP contract deliveries, and the position of X2 (for example, see Table 3-1). Volume 3 of the draft EIR/EIS provides additional detail on these parameters (for example, see Section 3.4 for hydrologic results and Section 4.4 for water quality results). Overall, the FRWP was found to have relatively minor environmental consequences.

I36-6. The potential effects of vibration on surrounding structures is described in Chapter 14 of the draft EIR/EIS (page 14-19, for example). Substantial vibration levels are very localized and are not expected to damage any structures, including the levee. In addition, the Reclamation Board will review the FRWP construction procedures, including vibratory effects, as a part of the encroachment permit process to ensure compliance with their standards. The U.S. Army Corps of Engineers also typically reviews and comments on the technical aspects of encroachment permit applications. Fish are not expected to be adversely affected by pile-driving activities. FRWA is coordinating with NOAA Fisheries and USFWS through the Endangered Species Act consultation process to reduce any potential impacts on species including fish.

I36-7. See the master response to Intake Facility Issues

I36-8. The California State Reclamation Board has jurisdiction over the operation and maintenance of the federal flood control levees, including the levee at the intake site location. The State Reclamation Board limits construction activities that may temporarily affect levee integrity to be carried out during the non-flood season. FRWA, in cooperation with the State Reclamation Board, will ensure that construction activities do not affect the integrity of the levee at any time, particularly during the flood season. Also, see the Intake Site master response.

I36-9. Potential impacts on visual resources at the intake site are fully analyzed in Chapter 16 of the draft EIR/EIS. As stated on page 16-19 of the draft EIR/EIS and restated in Chapter 2 of this final EIR/EIS, FRWA is committed to implementing an architectural design process involving the public/local community that will include landscape components of the project. Also, see the Intake Site master response.

I36-10. Potential impacts on species of special concern, including burrowing owls and Swainson's hawks, are fully addressed in Chapter 8, "Wildlife," of the draft EIR/EIS. Appropriate mitigation measures are identified where needed. As described in Chapter 8, reconnaissance-level surveys were conducted for purposes of preparing the draft EIR/EIS. Additional surveys, as required by state and federal resource agencies, will be conducted prior to construction. This applies to all project components, including the intake facility.

I36-11. See the master response to Intake Facility Issues.

I36-12. See the master response to Intake Facility Issues.

I36-13. See the master response to Intake Facility Issues.

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December 15, 2003

Letter I37

Kurt Kroner
Freeport Regional Water Authority
1510 J Street, #140
Sacramento, CA 95814

Subject: Freeport Project - DEIR Response

Dear Mr. Kroner:

First I would like to unequivocally state that my husband and I are opposed to placement of this project in our neighborhood or any other established neighborhood. The three year construction period, with two months of pile driving, is unacceptable and unprecedented in any neighborhood, as is the size of the water intake facility. Any plans the City may have had for water intake or treatment on this site are dwarfed by the scale of this project. It is a violation of the environmental justice laws to impose this facility on this neighborhood. I37-1

There are several areas in the DEIR for the subject project that require further clarification and discussion of mitigation, as follows:

1. **Chemical storage** - The chemical to be stored is not named. In public discussion, we have heard it is to be sodium hypochlorate in 10-15% strength. We have been told that the chemical will be used to remove algae growth from the pipes and that based on surveys, it most likely will be needed only once per year, if that often. It would appear that elimination of chemical storage facility from this project would be in order and that the chemical could be brought in when needed. In so doing, our neighborhood would be free of any of the risks that chemical storage brings without significant impact on the project. I37-2

2. **Odors** - The settling ponds located so near our homes may cause odors to be emitted. We have been told that inorganic matter (sand) is what will collect in the ponds. The river water is, however, filled with organic matter. As it sits in the ponds, it is very likely to create unpleasant odors in our neighborhood, as most often the wind comes from the Delta (south) and through our neighborhood. It is one of the things that makes this neighborhood so liveable, as it provides cooling when much of the rest of Sacramento suffers temperatures up to 10 degrees higher. I37-3

3. **Security** - There are several areas that must be addressed and mitigated in the area of security. First, the pile driving and heavy construction will set off household and auto burglar alarms. This will cause increased calls for police service which cannot be handled with current staffing of the police department. Our homes will therefore be at risk when burglars learn that the police do not respond to alarms. Additionally, the City's alarm ordinance imposes fines on owners of the alarms if there are repeated calls for service on false alarms. There is no mechanism in place to "forgive" false alarms caused by I37-4

construction. We are requesting that charts showing the sound and vibration impacts be prepared showing the distance from the construction that will be seriously impacted by this noise. Second, the access road from Freeport Blvd. to the facility will enable easy access to the level from an area which is difficult to patrol. This will encourage burglars to victimize our neighborhood through the easier ingress and egress from this site. Third, there have been no provisions determined for security of this facility. In light of increased Homeland Security issues surrounding water facilities, there is concern that our neighborhood could become a target due to this facility and, if the area is blocked off, the bike path will no longer be accessible or will be routed to Freeport Blvd., again creating a situation where ingress/egress for burglars becomes easier. I37-4 cont I37-5

4. **Levee Integrity** - The area of the intake facility will be strengthened, but there is little information regarding the possible erosion or weakening that can occur to areas upstream and downstream of this facility from increased water velocities and from construction vibration. Under seepage is already a problem and per Vol.2 Appendix D, the assessment of levee strength is based on a 1953 report. A 50 year old report, after many years of winter water flows is hardly state of the art. A thorough assessment of these possibilities must be done prior to approval of this project and construction. I37-6

5. **Noise Impacts** - The three year construction period and two months of pile driving will be harmful to residents, young and old. It is unacceptable to expose anyone to this level of noise. The hearing of young children could become impaired and the health of the elderly could be negatively impacted, especially considering those of poor health. Again, charts showing the decibel level of the construction noise must be prepared for the entire neighborhood, showing the level of impact and how it extends out from the construction site. Operational noise, according to the DEIR, cannot be mitigated below current noise levels. In discussions of mitigation in the final EIR, measures must be fully documented that will bring the noise to acceptable levels. I37-7

6. **Environmental Justice** - The census tract for this neighborhood was omitted from the DEIR. The makeup of this neighborhood is 51% minority. The impact is disproportionate and will cause this neighborhood greater suffering than any other. I37-8

7. **Intake Site Alternatives** - Although other sites are named in the DEIR, there is no detailed assessment of the other sites that allow a "apples to apples" comparison. All other sites are in truly rural areas. This site is the only established neighborhood. It appears this site was selected as the "preferred" site and then other ones were named to support the choice. I37-9

8. **Failure to Work with the Community and Deceptive practices** - This project was named "Freeport Water Project" and no one from the project or City met with the So. Pocket neighborhood until spring of 2003 to discuss concerns. The DEIR describes this neighborhood as "rural and agricultural," neither of which is accurate. The neighborhoods along the pipeline were informed in spring of 2002 and given input. Their concerns were addressed and the pipeline was moved to largely open area, with the exception of Rio I37-10

Cosumnes Blvd. homes. Our neighborhood deserves a better process than we have received. I37-10 cont

9. **Traffic Issues and Air Quality** - The construction traffic (126 round trips/day for delivery vehicles during peak construction times) will cause vehicle stacking at S/B and N/B Pocket road exits from I-5, as well as stacking of local traffic on E/B and W/B Pocket Road/Meadowview Road. The increased release of diesel and other vehicle emissions in the air will negatively impact the health of residents. There is also a great potential for increased auto accidents at Pocket Road/Meadowview Road intersections where they are already fairly common. This puts the residents trying to access their homes and travel from their homes in greater jeopardy. How will these issues be mitigated? I37-11

10. **Loss of Property Values** - Thanks to the announcement of this project, homes in our neighborhood are already suffering decreased property values. A home very near the proposed project site has not sold in several months (unheard of in the hot real estate market today) even though the price was dropped by $35,000. We must disclose this project. During construction, with the noise and dust that will be generated, selling a home will be next to impossible and will surely be at a great loss. How will these losses be mitigated? Some homeowners will find themselves in a position of having to sell their homes because of job transfers or other reasons. I37-12

11. **Aesthetics** - The loss of river views and the imposition of a 40 foot building atop a 17 foot levee are not acceptable in an established neighborhood. Even an architectural masterpiece will still rise nearly 60 feet from the street level and will be an eyesore! I37-13

12. **Mitigation Negotiations** - If this project proceeds, the neighborhood must be properly represented in all negotiations for mitigation and any "benefits" that will be provided. Any benefits must go to this neighborhood for the pain and suffering that will be caused by this project. I37-14

In closing, we would like to reiterate our opposition to this project and the belief that it should be located in a truly rural area, even if the cost is slightly higher, which has not been proven. We understand the need for such a project and the necessity to locate it on the Sacramento River due to the lawsuit settlement. It simply does not belong at the preferred site. We look forward to seeing the studies and mitigations FRWA proposes in the EIR and the opportunity to provide further comment and input. I37-15

Sincerely,

Donald P. Savage
7685 Del Oak Way
Sacramento, CA 95831

Mary A. Savage

Response to comments of Donald and Mary Savage (Letter I37)

I37-1. See the master response to Intake Facility Issues

I37-2. See the master response to Intake Facility Issues.

I37-3. See the master response to Intake Facility Issues.

I37-4. See the master response to Intake Facility Issues.

I37-5. See the master response to Intake Facility Issues.

I37-6. As described in Chapter 2 of the draft EIR/EIS under Environmental Commitments, the erosion and sediment control plan (page 2-45) and channel and levee restoration plan (page 2-48) will ensure that the project design protects the levee from any project-induced erosion that might otherwise occur. The draft EIR/EIS fully discloses the risk of erosion and flooding. However, more detailed information will be provided to the State Reclamation Board during the final design stage in order to obtain an encroachment permit. That is a public process and all information will be available to the public at that time.

I37-7. See the master response to Intake Facility Issues.

I37-8. See the master response to Environmental Justice Issues.

I37-9. See the master response to Intake Facility Issues.

I37-10. See the master response to Intake Facility Issues.

I37-11. See the master response to Intake Facility Issues.

I37-12. See the master response to Intake Facility Issues.

I37-13. See the master response to Intake Facility Issues.

I37-14. All mitigation measures required as a result of this project are included in this final EIR/EIS. As described in Chapter 2 of the draft EIR/EIS, FRWA is committed to continued coordination with local jurisdictions and the community during the final design and construction process. Additionally, a FRWA representative will be available throughout the construction process to address any construction-related issues identified by nearby residents.

I37-15. The comment has been noted.

Letter I38

RECEIVED
DEC 15 2003

Kurt Kroner
Freeport Regional Water Authority
1510 J Street, #140
Sacramento, CA 95814

December 15, 2003

Re: Draft EIR/EIS Comments

Dear Sir:

I am writing to oppose the proposed preferred location for the FRWA water intake facility. My family and I have lived here in this Pocket neighborhood for 14 years, the original owners of 7746 El Rito Way, and a massive industrial project of this nature is simply unacceptable immediately adjacent to our quiet, well-established, residential neighborhood, much less any residential community. I38-1

I was only personally notified of this water project by an ex-neighbor on El Rito in June 2003. He coincidentally sold his house in I believe September 2003. He was the second house from the levee, and his backyard was directly adjacent to the proposed location. We certainly were not given adequate notice of this project. I38-2

A project of this size in this proposed location would bring with it numerous significant negative impacts to our neighborhood which are not adequately addressed or mitigated in the DEIR.

These negative impacts include but are not limited to: NOISE during 3 years of construction, i.e., dump trucks constant trips to the site, incessant pile driving, nine 2,000 hp pumps operating; CONSTRUCTION IMPACTS, i.e., dust, dirt, noxious odors, fumes, vibrations, and possible property damage; three years or more of construction and its associated havoc is intolerable; CHEMICAL STORAGE/USE, i.e., sodium hypochlorite and associated long-tem health risks from this chemical are not clearly known. This may affect adults' and children's and pets' health; RODENTS, VERMIN, MOSQUITOES, i.e., proposed settling ponds will attract more rats and vermin than we normally might have, and provide breeding habitat for mosquitoes; VISUAL IMPACTS, i.e., an intake structure 200 ft. long, 40 ft. tall to be built on the levee is truly an eyesore to our beautiful scenic Delta river views regardless of any trees planted to hide it; the five air compressor surge tanks would be an additional eyesore; HEALTH RISKS, i.e., we as residents are at risk from long-term exposure to industrial scale electrical equipment from the operation of the electrical switchyard that is proposed; tons of sediment to be used could produce fine dust that may impact residents with existent breathing or lung problems; SECURITY, i.e., what security will ensure the safety of the residents; will security by around the clock, 24/7; will security hamper or stop altogether our access to the levee bike path; RECREATION IMPACTS, i.e., will the levee bike path remain open to the many walkers, joggers, runners, bike riders currently enjoying its use; will the historic railroad line be disrupted; NATURE/WILDLIFE IMPACTS; i.e., this land is home to owls, birds, small animals that may already be on the endangered list; REAL ESTATE , i.e., we live in a well-established community of custom homes with values ranging from the low six-figures to the high six-figures, if not even the million dollar mark. How can you mitigate the effects this proposed structure would have on our property values? Living in or near an area with this water intake facility certainly would not increase our real estate values. To the contrary, it would be a detriment and would decrease our values. An experienced realtor in our area could not even estimate the same as there are not any statistics to compare with this situation. There is no comparable water intake structure with supporting facilities of this magnitude placed in an established residential neighborhood in the entire State of California. This type of project under these circumstances is unprecedented.

I38-3
I38-4
I38-5
I38-6
I38-7
I38-8
I38-9
I38-10
I38-11
I38-12
I38-12 cont

In summary, our neighborhood's quality of life, presently and in the future, would be compromised and sacrificed. The beneficiary of this water project is not the City of Sacramento. Sacramento County's future growth and the San Francisco Bay area would be the recipients of this project.

I urge FRWA to reject this proposed location in our neighborhood, and to review the other three or four alternative locations that are NOT located in residential communities. I am not opposed to this water project in theory as all the cities and counties in our State want and need a plentiful supply of water. I am opposed to the proposed site being built in our neighborhood. I38-13 I38-14

Thank you for your consideration, and I look forward to the final EIR and your proposed measures to mitigate all these important concerns regarding our health and welfare as residents here in the Pocket community.

Sincerely,

Kevin Steiner & Evelyn Steiner

Kevin & Evelyn Steiner
7746 El Rito Way
Sacramento, CA 95831
(916)395-1868

Response to comments of Kevin and Evelyn Steiner (Letter I38)

I38-1. See the master response to Intake Facility Issues

I38-2. See the master response to Public Outreach Process.

I38-3. See the master response to Intake Facility Issues.

I38-4. See the master response to Intake Facility Issues.

I38-5. See the master response to Intake Facility Issues.

I38-6. See the master response to Intake Facility Issues.

I38-7. See the master response to Intake Facility Issues.

I38-8. Electric power will be provided by existing power sources in the area. The amount of power required by the intake facility and the associated electric transformers and switches is typical in an urban area and does not pose an increased risk to area residents.

I38-9. See the master response to Intake Facility Issues.

I38-10. See the master response to Intake Facility Issues.

I38-11. Potential impacts on species of special concern, including burrowing owls and Swainson's hawks, are fully addressed in Chapter 8, "Wildlife," of the draft EIR/EIS. Appropriate mitigation measures are identified where needed. As described in Chapter 8, reconnaissance-level surveys were conducted for purposes of preparing the draft EIR/EIS. Additional surveys, as required by state and federal resource agencies, will be conducted prior to construction. This applies to all project components, including the intake facility.

I38-12. See the master response to Intake Facility Issues.

I38-13. See the master response to Intake Facility Issues.

I38-14. The objection to the project site is noted.

Letter I39

RECEIVED
DEC 15 2003

December 15, 2003

VIA HAND DELIVERY

Mr. Kurt Kroner
Freeport Regional Water Project
Draft EIR/EIS Comments
Freeport Regional Water Authority
1510 J Street #140
Sacramento CA 95814

Re: COMMENTS ON FREEPORT REGIONAL WATER PROJECT'S JOINT DRAFT ENVIRONMENTAL IMPACT REPORT/ DRAFT ENVIRONMENTAL IMPACT STATEMENT (State Clearinghouse No. 2002032132)

Dear Mr. Kroner and Mr. Aiken:

I am submitting submits the following comments on the Joint Draft Environmental Impact Report ("DEIR")/ Draft Environmental Impact Statement ("DEIS") for the Freeport Regional Water Project ("FRWP) The proposed water intake facility is inappropriate next to any residential area as it is far too massive to be placed, as proposed, adjacent to residences in the Pocket neighborhood. I39-1

I also object to the manner in which the Freeport Regional Water Authority ("FRWA") conducted public outreach prior to the release of the DEIR. FRWA's poor communication and lack of public outreach resulted in public ignorance regarding the location of the "preferred site" of the intake structure and the size and nature of the facility. FRWA's lack of notice and poor public outreach proved a barrier to full participation of area residents in the siting process. I39-2

1. OBJECTION TO THE LOCATION OF THE PROPOSED INTAKE FACILITY

FRWA's FRWP proposes constructing the intake facility next to the South Pocket neighborhood in Sacramento. Due to the intake facilities size and location, Pocket neighborhood residents will experience the longest period of construction and operational impacts of any of the communities impacted by the project. The completed intake structure will rise 40 feet above the levee immediately adjacent to the bike path and will house nine 2,000 horsepower pumps. (A pump size that is almost 10 times the size of City of Sacramento current pump facilities.) An industrial facility of this magnitude should not be built as proposed next to any neighborhood. I39-3

FRWA staff has failed to provide an example of a similarly sized intake structure next to a residential neighborhood. A recent public outreach effort by FRWA to visit two Nevada sites was informative but the sites were not fully comparable to the proposed facility. I39-4

Other intake facilities in the Sacramento area would be dwarfed by the proposed facility. And nothing approaching this size has been placed near a residential community. Even the City of Sacramento's planned intake structure in North Natomas will be located in an agricultural area with no nearby residents to impact. South Pocket residents should be given equal consideration with other residents in the region and the state. Due to the size and location of the intake facility:

- The construction period will result in significant impacts on the Pocket area.
- The operation of the Project will result in significant impacts on the Pocket area.
- The impacts on the Pocket area will be unpredictable and significant.
- The Pocket area neighborhood residents will experience the longest period of construction and operational impacts of any of the communities impacted by the project.

I39-5

2. FRWA FAILED TO PROVIDE ADEQUATE OPPORTUNITIES FOR PUBLIC PARTICIPATION

FRWA claims it engaged in "significant" public involvement, made "substantial efforts to solicit public input" and published fact sheets. (DEIR/DEIS Chapter 22.) These "public outreach efforts" failed to adequately engage the neighborhood located adjacent to the proposed project because the project description was misleading as to the site's location and the information provided was significantly lacking. The neighborhood did not know of the true location of the project until four members of the public learned it just prior to the publication of the DEIR/DEIS. I39-6

FRWA's "public outreach materials" failed to include clear visual map presentation of the proposed intake facility's proximity to South Pocket area residences. Although FRWA distributed printed materials at public meetings, these materials never identified the proposed intake site as being within a few hundred feet of single-family residences in the South Pocket neighborhood. I39-7

The recent printed public outreach materials distributed this year by FRWA continue to mislead the public regarding the project's location and proximity to residences. For example, the triple folded blue mailer entitled, "The Freeport Regional Water Project, A Regional Resource," mailed on or about August 20, 2003, in the second paragraph states, I39-8

"The proposed Freeport Project would draw water from the Sacramento River near the small town of Freeport." There is no mention of the Pocket area or the project's close proximity to the residences in the Pocket Area. I39-8 cont

The **meaningful involvement** of residents from the community near the intake structure in the decision making process has been flawed because of the mislabeling of the intake structure as "near Freeport" in public notices. Had nearby residents been advised of the actual proximity of the project to their own homes, they could have become involved in the process at an earlier point in the review process.

FRWA cites the Notice of Intent (2002) as public outreach and fails to list the environmental impacts on the population located closest to the project. The record demonstrates that FRWA has and continues to mislead the population most affected by the project by not providing adequate and accurate information on the project, its location and its potentially significant impacts. I39-9

FRWA began charging the public $180 to receive a hard copy of the DEIR/DEIS. According to the CEQA Guidelines Section 15045, a public agency can recover "reasonable" printing costs however the $180 charge effectively discourages public participation. I39-10

3. THE DEIR/DEIS FAILED TO ADEQUATELY DESCRIBE THE PROPOSED PROJECT

CEQA requires that EIR contain an accurate description of the entire project. (See *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.) In *County of Inyo*, the court stated that "[a]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR."

> An accurate and complete project description is necessary for an intelligent evaluation of the potential environmental impacts of the agency's action. "Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measure, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance." (*City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398. 406, quoting *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d at p. 192-193.)

The CEQA guidelines define the term "project" as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Guidelines, § 15378(a).) Only through an accurate view of the project may interested parties and agency personnel uphold CEQA's policy to "develop and maintain a high-quality environment now and in the future,

Woodward

and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state." (Pub. Resources Code, § 21001(a).)

The CEQA Guidelines also state that the precise location and boundaries of the proposed project shall be shown on a detailed map. (Guidelines, § 15124(a).)

A. FRWA'S Project Description of the Intake Facility Location Misleads the Public

The DEIR repeatedly describes the preferred intake facility location, as being *"near the community of Freeport,"* or *"6,500 feet upstream of the Freeport Bridge."* These statements clearly mislead the reader to believe the proposed project lies outside of the City of Sacramento. The proposed location lies within the city limits of the City of Sacramento. The town of Freeport is located in the unincorporated area of Sacramento County outside of the City of Sacramento. I39-11

An accurate description of the proposed project location is as follows "200 feet downstream of the South Pocket neighborhood." Proximity to the nearest population center should be the primary descriptive reference, especially in a document that claims to attempt to consider environmental impacts on people.

FRWA failed to describe the proposed project's proximity to residences or properly identify the location of the intake facility on a map. DEIR Figure 2-4, labeled as the "Freeport Intake Facility Site Plan," and Figure 2-6, labeled "Freeport Intake Facility On-Site Settling Basins" fail to provide any frame of reference for the reader on the intake facility's location in relation to the nearest landmark or residence. Neither map contains a map scale. Figures 2-4 and 2-6 show a property that can be deduced to be immediately adjacent to South Pocket residences. However, the DEIR/DEIS fails to clearly show the existing residences. I39-12

FRWA fails to provide evidence as to why the project location description focuses on the proximity to the Freeport Bridge and omits any reference to the nearest neighborhood. This significant omission undermines the legitimacy and quality of the DEIR/DEIS as an informational document as required by CEQA and the CEQA Guidelines. I39-13

B. The DEIR/DEIS Fails to Provide Pictures/Illustrations of Associated Structures

Structures associated with the intake facility include an "electrical switchyard, chemical storage and injection facility, surge tanks and air compressors." (DEIR/DEIS at p. 2-7.) The DEIR/DEIS, however, fails to provide any pictures, photographs, or illustrations depicting these associated structures. FRWA also fails to provide technical information about the construction of these structures. Because no information is provided on these separate three (3) structures, the DEIR/DEIS is inadequate. I39-14

C. The DEIR/DEIS Fails to Adequately Describe the Electrical Switchyard Relative to Residents' Home

An "electrical switchyard" is proposed to be located behind City of Sacramento Pocket area residents' homes, approximately 60 feet from their rear fence line. The DEIR/DEIS provides no description of the electrical equipment, the strength or the health hazards.

One of our constituent residents contacted SMUD and asked Paul Omstead, Water & Water Resource Specialist, about his knowledge of this project and its electrical needs. Mr. Omstead said that FRWA had not yet contacted SMUD and that was an unusual circumstance for a project of this size. FRWA failed to provide adequate description of the electrical equipment and analysis of the impacts associated with that equipment. FRWA must address these deficiencies and recirculate the DEIR/DEIS. I39-15

D. FRWA Fails to Adequately Describe the Air Surge Compressor Tanks Located by Residents' Homes

The Air Surge Compressor Tanks are an associated feature at the intake facility site, which is negligibly described in the DEIR/DEIS. These tanks are to be located less than 200 feet from the rear fence line of the private residences. Again, neither the electrical switchyard or the air surge compressor tanks were discussed with residents during any "public outreach" meeting; our first knowledge of these proposed associated facilities came when we read the DEIR/DEIS. FRWA failed to provide the public with an adequate description of these associated features and an analysis of their resulting impacts on the area and neighborhoods. I39-16

3. THE DEIR/DEIS FAILED TO CONSIDER A REASONABLE RANGE OF ALTERNATIVES TO THE PROPOSED LOCATION OF THE INTAKE FACILITY

The alternatives section, along with the mitigation section, is the core of an EIR. (See *Citizens of Goleta Valley v. Board of Supervisors ("Goleta Valley")* (1990) 52 Cal.3d 553, 564.) "The purpose of an environmental impact report is to identify the significant effects on

the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided. (Section 21002.1(a) (emphasis added); see also Section 21061.) In preparing an EIR, a lead agency must ensure "that all reasonable alternatives to proposed projects are thoroughly assessed." (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 717; quoting *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 197; Section 21001(g) (lead agency must "consider alternatives to proposed actions affecting the environment"); *Laurel Heights Improvement Association v. Regents of Univ. of Cal. ("Laurel Heights")* (1988) 47 Cal.3d 376, 400.)

The EIR must "describe a range of reasonable alternatives to the project, *or to the location of the project*, which would feasibly attain most of the basic objectives of the project, and evaluate the comparative merits of the alternatives." (Guidelines, § 15126.6(a).) An EIR's alternatives discussion must focus on alternatives that avoid or substantially lessen any significant effects of the project. (Guidelines, § 15126.6(b); *Goleta Valley*, 52 Cal.3d at p. 556 (EIR must consider alternatives that "offer substantial environmental advantages").) The range must be sufficient "to permit a reasonable choice of alternatives so far as environmental aspects are concerned." (*San Bernardino Valley Audubon Society v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750.) Although there is no rule governing the number of alternatives that must be considered, the range is governed by the "rule of reason." (Guidelines, § 15126.6(f).) The range of alternatives, however, must be selected and discussed in a manner that allows for meaningful public participation and informed decision-making. (Id.)

As discussed in the CEQA Guidelines:

> An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.... The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives." (Guidelines, §15126.6(a) (*emphasis added*).)

In evaluating alternative locations to a project, the CEQA Guidelines provide some guidance.

> The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. (Guidelines, §

15126.6(f)(2).)

The DEIR/DEIS identified four (4) possible pipeline alignments and one intake location as alternatives. (DEIR/DEIS Fig. 2-1.) Thus, the DEIR/DEIS only discusses alternative pipelines but blatantly failed to discusses alternative intake locations within the DEIR/DEIS.

Page 2-5 of the DEIR/DEIS states, "Four sites were investigated for construction of the intake facility." However, the entire minimal description of the investigation is contained in the remainder of that second paragraph on page 2-5. The three other potential intake locations, identified in Figure 2-1 of the DEIR, were eliminated prior to publication of the DEIR/DEIS. They are represented on Figure 2-1 as purple ellipses. These three alternative intake locations are located in a primarily agricultural setting and do not have the same residential impact as the proposed intake site. The proposed intake site appears to be the only one with significant impact on a dense residential area. FRWA fails to provide analysis or comparison of impacts on residents and homes of the three eliminated sites and the proposed intake site. I39-17

Guidelines section 15126.6 (c) identifies alternatives that must be considered even more closely.

> The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.

The three eliminated intake sites could feasibly accomplish the project objectives and avoid significant impacts on South Pocket Neighborhood residents. Clearly, the three alternative sites, located in an agricultural area, would have less significant impacts on people and the environment. FRWA's objections to the alternative intake sites relate to expense. For example, FRWA states "*[t]hese sites would have required construction of a more costly pier or in-river structure rather than a bank-side structure.*" (DEIR/DEIS 2-5.)

This analysis related to expense and neglected possible environmental impact considerations including mitigating significant impacts to the Pocket area. All the other objections to the three alternatives sites are monetarily related. I39-18

CEQA requires a thorough investigation and analysis of alternate proposed intake sites. However, FRWA provided minimal information in the DEIR/DEIS. CEQA clearly states that the first consideration should be environmental impacts, not financial impacts on the sponsoring agency. FRWA must provide a complete discussion and analysis of these alternative intake sites and environmental impacts.

4. THE SOUTH POCKET NEIGHBORHOOD CENSUS TRACT AND REQUIRED "ENVIRONMENTAL JUSTICE" EVALUATION IS MISSING FROM DEIS

Executive Order 12898 requires DEIS's to consider "Environmental Justice" impacts. According to the US Environmental Protection Agency:

> Environmental Justice is the **fair treatment** and **meaningful involvement** of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. **Fair treatment** means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. **Meaningful involvement** means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process, and (4) the decision makers seek out and facilitate the involvement of the potentially affected" (http://www.epa.gov/compliance/environmentaljustice/).

In addressing the topic of environmental justice, the DEIS (pages 10-8 to 10-10) cites income and ethnicity data for census tracts crossed by the project components. FRWA however, fails to include an analysis of Census Tract 40.12, which includes the city of Sacramento Pocket Neighborhood and the proposed intake structure. The Bureau of Reclamation violates its Environmental Justice obligations. I39-19

The population in Census Tract 40.12 is ethnically diverse and largely minority. According to the 2000 Census, the population is 49.7% white, 9.2% African American, .2% American Indian and Alaska Native, 33.2% Asian, .3% Native Hawaiian and Other Pacific Islander, 2.9% Other, and 4.5% mixed race (two or more races). Of this total population, 9.2% identify themselves as Hispanic or Latino.

The community in Census Tract 40.12 has been overlooked by the DEIR in another way as well. This census tract is the only highly populated urban area, which will house the intake structure, and this was not adequately addressed in the DEIR/DEIS. The DEIR/DEIS does note that the period of construction will be extensive for the major facility locations, which include the intake structure, Zone 40 WTP, canal pumping plant, I39-20

and aqueduct pumping plant and pretreatment facility. The DEIR also notes that a significant unmitigatable impact of construction of the intake structure will be the noise levels. The DEIS fails to acknowledge that the South Pocket neighborhood will bear a larger burden from impacts than other surrounding areas which will benefit from the intake facility. I39-21

The DEIR/DEIS also states *"Operating the intake facility is not expected to result in a disproportionate impact on a minority or low income population because of the distance between the facility and residential and commercial areas."* (DEIR/DEIS at p. 10-15.)

This statement misleads the public. Not only is the facility located within 100 feet of the nearest house, but also FRWA concludes that the operational noise from the facility will likely have a significant impact on noise levels in the area.

The DEIS neglected to fairly treat an ethnically diverse, largely minority community. FRWA inadequately addressed issues of Environmental Justice in the DEIR/DEIS. I39-22

As noted earlier, the **meaningful involvement** of residents from the community near the intake structure in the decision making process has been flawed because of the mislabeling of the intake structure as "near Freeport" in public notices. Had nearby residents been advised of the actual proximity of the project to their own homes, they could have become involved in the process at an earlier point in the review process.

5. THE DEIR/DEIS FAILS TO ADEQUATELY IDENTIFY AND ANALYZE THE PROJECT'S CHEMICAL USE AND STORAGE

The DEIR/DEIS's omission of information on chemical use, storage, properties, and impacts, the misrepresentation of "chloramines" as well as the subsequent revelation that sodium hypochlorite 12.5% will be used defies CEQA's intent. The DEIR/DEIS's significant omissions require additional information and analysis as well as recirculation of the DEIR/DEIS to ensure adequate public review of the environmental impacts of the proposed project. I39-23

The DEIR/DEIS mentions two brief mentions of chemical storage and use at the intake facility. The DEIR/DEIS states "Site features would include an intake and pump station, electrical switchyard, chemical storage and injection facility..." (DEIR/DEIS at p. 2-7.) "Chemical injection ports could also be accommodated at the intake and at the turnout to the Zone 40 Surface WTP to introduce chloramines or similar biological growth controls into the pipeline if determined necessary in the future." (DEIR/DEIS at p. 2-12.) The DEIR/DEIS, however, fails to name or analyze any specific chemical in Chapter 2, Project Description, relative to the intake structure. I39-24

The DEIR/DEIS briefly identifies some chemicals to be used during the Project's operation but fails to provide information on the their properties and health impacts from I39-25

exposure. (DEIR/DEIS at p. 15-9.) For example, the reference to "chloramines" fails to provide an accurate description and analysis of its properties and potential impacts. Consultation with U.C. Davis Chemistry Department and Environmental Health & Safety Department (telephone conversation on November 4, 2003) revealed that chloramines are an inactive by-product of the chlorination process and not a useful chemical for the purpose of retarding or eliminating biological growth. Sodium hypochlorite is mentioned in the DEIR/DEIS as part of the Zone 40 Water Treatment plant, but not as part of the main project description. I39-25

Community members learned through public meetings after the release of the DEIR, and from individual telephone conversations with both FRWA staff and City of Sacramento Department of Utilities staff, that the chemical sodium hypochlorite 12.5% will be used by the Project. FRWA failed to provide an adequate description and analysis of its properties and potential impacts in the DEIR/DEIS. I39-26

The CEQA Guidelines advise that a DEIR must provide enough information that decision makers and the public can fully assess environmental impacts of a proposed project. Guideline, section 15147 states:

> The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public.

The omission of chemical identification in the DEIR/DEIS, the misrepresentation of "chloramines" as well as the subsequent revelation that sodium hypochlorite 12.5% is being considered is in full defiance of CEQA intent. FRWA's significant omissions require additional information and analysis as well as recirculation of the DEIR/DEIS to ensure adequate public review of the environmental impacts of the proposed project.

The proposed storage and use of sodium hypochlorite 12.5% immediately behind single-family residences raises questions about the long-term exposure to this chemical in a neighborhood setting. Sodium hypochlorite is classified as a "hazardous material" and regulated by California Occupational Safety & Health Administration (Cal OSHA), California Department of Pesticide Regulation, and the United State Environmental Protection Agency (EPA).

The Material Safety Data Sheets (MSDS) for sodium hypochlorite reveal that it has characteristics that may cause "moderate skin irritation" and "severe irritation" to eyes according to Hill Brothers Chemical Company of Orange, California's MSDS. Hasa, Inc. of Saugus, California emphasizes "eye and skin irritation" and "chemical burns to broken skin" in their MSDS. "May cause eye damage" is a further notation. Hill Brothers' MSDS summary of chronic health hazards states; "Irritating effects increase

with strength of solution and time of exposure." (http://www.knorrsystems.com/docs/106-12.5%25NaOCl.pdf) **(See Attachment 1.)**

All three MSDS sheets note that sodium hypochlorite should not be exposed to extreme heat. Hasa, Inc. recommends storing the chemical in a cool, dry area only. Hill Brothers notes that: heat and acid contamination will produce irritating and toxic fumes. May decompose, generating irritating chlorine gas.
(http://hillbrothers.com/msds/shypo.htm is part of **Attachment 1.**)
Roydent, of Rochester Hill, Michigan bluntly recommends against storing sodium hypochlorite in conditions over 80 degrees F. and, further, states, *"May explode when exposed to extreme heat. Toxic fumes may form upon exposure to acids or heat. (http://www.roydent.com/pdf/EDTASodHypo.pdf* is part of **Attachment 1.**)

I39-27

The DEIR/DEIS fails to provide any information on the chemical or details on chemical storage. Sacramento typically has many days year-round in the spring, summer and fall when the temperature reaches 80 degrees F. or above.

FRWA states it will develop and implement a hazardous materials management plan; however, the entire paragraph description encompasses only three (3) sentences. (DEIR/DEIS at p. 2-47.) FRWA must follow California law and provide a Hazardous Materials Business Plan or Plans –for public review. California Code of Regulations section 25504 sets forth regulations to include an inventory and response plan. FRWA fails to provide this information.

I39-28

A review of the complete lack of chemical information in the environmental document, the subsequent suggestion by FRWA to use sodium hypochlorite after the publication and release of the document, the possible health hazards and obvious health concerns of locating a chemical directly behind homes with children and pets and, lastly, more unanswered questions about the storage of this chemical in extreme heat, require recirculation of the DEIR/DEIS or, at a minimum, recirculation of Chapter 2 Project Description. The circumstances outlined above require a finding that "a new significant environmental impact would result from the project" (Guidelines, § 15088.5(a)(1)) and the DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Guidelines, § 15088.5(a)(4).)

6. THE PROJECT WILL HAVE SIGNIFICANT NOISE IMPACTS

The DEIR/DEIS acknowledges that noise from both the construction of the intake facility and its operation would have a significant impact on the environment. Projected worst-case noise levels during construction would literally result in deafness for the residents of the homes closest to the site if they were exposed to it for several hours. The DEIR/DEIS addresses several ways to minimize the potential impacts, but says the noise impact would still be significant. (DEIR/DEIS at pp. 14-26, 28, 30-31.) The DEIR/DEIS also acknowledges that once the intake structure is operational there would be substantial permanent increase in ambient noise levels above existing levels without the project.

FRWA's conclusion that "it is impossible to mitigate noise to achieve an insignificant level is impossible" lacks analysis.

I39-29

For example, the FRWA DEIR states there will be an increase in noise levels from facility operation, and that the alternatives considered will require long-term operation of major facilities including the intake facility, the Zone 40 Surface WTP, the canal pumping plant, and aqueduct pumping plan and pretreatment facility. (DEIR/DEIS at p. 14-30.) Each of the listed facilities are capable of generating noise levels that could be 5 dB greater than existing noise levels in an area. (DEIR/DEIS at p. 14-30.) As a result, the DEIR/DEIS acknowledges that, the noise impacts will be significant and that: "While implementation of the noise attenuation environmental commitment would minimize this impact, it may not reach a less-than-significant level." (DEIR/DEIS at p. 14-31.)

Effective noise mitigation is possible but it requires extensive research, analysis and significant monetary commitment. FRWA should commit to:

- Mitigate the noise to a "less than significant level", or no greater than City of Sacramento residential standards.
- Design the intake facility to meet maximum noise attenuation standards
- Monitor the construction period noise and operational noise as ongoing self-analysis, which would tell FRWA when they need to mitigate the noise to a less than significant level.
- Restrict hours of Intake facility construction to between 8:30 am and 5pm Monday through Friday.

I39-30

The DEIR/DEIS fails to adequately address the significant noise impacts on the adjacent neighborhoods, as well as evaluate cumulative noise impacts and all potential mitigation.

I39-31

7. THE PROPOSED INTAKE SITE CONTAINS RISK OF SOIL "LIQUEFACTION"

The CEQA Guidelines recommend that potential impacts based on geological factors be addressed in the DEIR. This includes exposing "people or structures to potential adverse effects, including the risk of loss, injury, or death involving:

"i) Rupture of a known earthquake fault....

"ii) Strong seismic ground shaking...

"iii) Seismic related ground failure, including liquefaction...

"iv) Landslides.." (CEQA Guidelines, p.220).

The DEIR addresses geological issues in general but excludes potentially significant impacts because the project components are not on any seismic fault lines. I39-32

The DEIR/DEIS fails to address the liquefaction risk that exists at the preferred site of the intake structure. Liquefaction occurs when saturated soil becomes fluid from ground shaking. I39-33

The preferred site of the intake structure has been owned by the City of Sacramento for many years, and, over the years, several geotechnical reports about the site or the surrounding vicinity have been prepared. One report is particularly relevant. "Foundation Engineering Report: Meadowview Treatment Plant" was prepared in December 1969, and investigated the adequacy of the site for proposed secondary treatment facilities to be added to the existing Meadowview Waste Water Treatment Plant. (See Attachment 2).

The report included information about the quality of the soil and the depth of ground water.

> "The investigation revealed the presence of two distinct soil conditions on the site. An agricultural soil map of the Sacramento area indicates the surface soils on the westerly portion of the site to be Sacramento Silty Clay Loam, while the easterly soil is Alamo (Adobe) Clay. The line of intersection or contact line between these two soil types was determined to pass directly through the proposed building area. The upper soils westerly from the contact line are predominantly loose interbedded silty sands and soft silty clays, which are low strength, potentially compressible materials. The soils easterly from the contact line are predominantly stiff silty clays with occasional thin zones of medium dense to dense sands. These materials have relatively high potential bearing capacity" (p. 1).
>
> "....The ground water table existed at depths of approximately 12 to 13 feet below existing ground surface at the time of field exploration. In general, the water table was observed in the Borings drilled westerly from the contact line immediately upon penetration to those depths, while Borings accomplished easterly from the contact line were initially dry within the upper 17 to 20 feet. In those Borings, water slowly entered each Boring, with an elapsed period of several hours to overnight being required for the ground water to stabilize at the 12 to 13 foot depth" (p. 2).

Based on these findings, the city decided to not build the additional structures on the western part of the site, but, instead, placed them on the eastern part of the site. Moreover the investigating engineers recommended that all future structures be located on the eastern portion of the property.

The land on the western side of the property has a high groundwater level, and the quality of soil is not very firm. The ground in this area has been known to shake during an earthquake. (In fact, during the Loma Prieta earthquake in 1989, residents observed the water tower swaying, and the tower was later retrofitted to better withstand earthquakes.) These are all conditions that could lead to liquefaction.

After reviewing the relevant information, Dr. Richard Hazlett, professor of geology at Pomona College in Claremont, has indicated that the presence of shallow groundwater in the sandy silt and clay bed causes the potential for liquefaction at this site. (See Attachment 3.) Dr. Hazlett states that disregarding this risk would be risky. He further states " it is well-established that general collapse of the ground begins along river and stream banks at seismic intensities as low as VII—and sand and silt volcanoes may erupt with general settling and collapse of heavy structures with poor foundations at Intensity VIII (citation omitted)." Earthquakes with an epicenter on Calaveras or Hayward both are capable of generating shaking that could impact southwestern Sacramento. Dr. Hazlett points out that FRWA has failed to provide adequate information regarding the structure's design and necessary efforts to strengthen the levee on which it is to be built. I39-34

In the DEIR, the proposed layout for the buildings at the intake site places all of the structures on the western portion of the site. The final EIR will need to take into consideration the geotechnical information presented here. In particular, the careful placement of any chemical tanks must be considered. If any underground chemical tanks were to be placed on the loose soil, greater risk of cracking and leaking would result. FRWA must address these risks. I39-35

8. THE PROPOSED PROJECT IS INCONSISTENT WITH LOCAL GOVERNMENT PLANS

A. The Proposed Project Conflicts with City of Sacramento Water Policy

CEQA Guidelines Section 15125(d) provides that inconsistencies with local plans shall be discussed rather than just listed. The Guidelines state "[t]he EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans. (Emphasis added.)

The City of Sacramento General Plan includes the following water supply: goal "To provide and improve water supply facilities to meet future growth of the City and assure a continued supply of safe, potable water."

The DEIR/DEIS states that "The City of Sacramento General Plan Public Facilities and Services Element has an overall goal of providing and maintaining a high quality of public facilities and services for all areas of the City." (DEIR/DEIS at p. 10-4.)

I39-36

The DEIR is misleading and negligent in not discussing in any chapter whether this project will improve or degrade the City of Sacramento Water supply. The DEIR is inconsistent with the City of Sacramento General Plan and its City water supply goals. FRWA fails to address these inconsistencies and potential impacts as described in CEQA Guidelines section 15125(d).

B. FRWA Fails to Address Impacts from the Proposed Intake Site's Location on a Recreational Resource and Scenic Viewshed next to a Scenic Highway

The DEIR/DEIS states:

> The proposed location of the intake facility is in an area designated as a proposed Major Access Point (Freeport Reservoir) in the Sacramento River Parkway Plan. The access point would include restrooms, a lawn, drinking fountain, parking and bicycle-staging area, bicycle access, and a bridge over Freeport Boulevard accessing the Freeport Shores Youth Sports Complex. (DEIR/DEIS at p. 6-13.)

The DEIR/DEIS attempts to consider recreational impacts of the proposed Freeport Regional Water Project, and states the project will coordinate with existing local plans. (DEIR/DEIS, Chapters 6 and 10.) It lists the Sacramento River Parkway Plan (1997) and the Pocket Area Community Plan (1979), without details of how these plans and the project can coexist.

I39-37

The DEIR/DEIS reasons that "*Although the intake facility would fall within the area proposed as a major access point, adequate land would remain available to accommodate the proposed recreation development.* (DEIR/DEIS Page 6-23 (emphasis added).) The DEIR/DEIS concludes that "The recreational impact will be less than significant" and that no mitigation is needed. (DEIR/DEIS 6-23.) The DEIR/DEIS fails to provide adequate analysis of how the impacts on recreation will be less than significant. FRWA failed to provide evidence that it consulted the appropriate City of Sacramento Department of Parks and Recreation representatives to insure that "*adequate land would remain.*"

I39-38

The DEIR/DEIS fails to discuss the project's impacts on the Bill Conlin /Freeport Shores Recreation Complex on SR 160 (Freeport Boulevard), and cooperation with the Caltrans Designated Scenic Highway 160, Freeport Boulevard. In Chapter 12 of the DEIR on 12-2, SR 160 is described incorrectly. It should say that Freeport Boulevard is a 2-lane tree lined local traffic only road in the project area. The DEIR recognizes SR 160 as an officially designated state scenic highway, and concludes that it "*may be affected by the*

I39-39

proposed project alternatives." (DEIR/DEIS at p. 16-14.) The DEIR/DEIS further adds that "*Views of the intake facility would be obstructed from most locations along [] SR 160*", not all locations.

The Sacramento River is also considered a "scenic viewshed" in the City of Sacramento General plan. Development at the proposed intake facility site should be given the same mitigation measures for the Zone 40 Water Treatment Plant, or better. This is not proposed in the DEIR/DEIS.

I39-40

The proposed 40 foot high intake facility on the river will impact the levee bike trail, which serves many local hikers and bikers. The levee trail may be closed or diverted on and off for years around a noisy, busy, dusty construction site. The DEIR/DEIS does state on 12-12 that the level of truck traffic during construction may at maximum be 120 roundtrips per day. A "traffic control plan" will close and open the trail as safety demands or allows. Assuming construction happens, the trail may become a bike path in the shadow of a large noisy structure, which blocks the river view. The path, used by young bikers and fishermen (and women) will be a stone's throw from chemical storage, and sediment basins.

The DEIR/DEIS states "*continued use of the trail and all other nearby recreation facilities would remain accessible.* (DEIR/DEIS at p. 6-18, Impact 6-1.)

I39-41

The proposed project however, conflicts with the Sacramento River Parkway Plan designation of this location as a Major Access Point. This is the City of Sacramento's adopted planning policy. The developed site should include parking, bicycle staging, lawnspace, restrooms, fountains, safety lighting. It cannot be both recreational resource and industrial utility site that they own, and comply with the Parkway Plan. An intake facility would, no doubt, reduce the site's value for recreation purposes.

Alternate intake sites, or significant mitigation to maximize the proposed intake site and the levee trail as a recreational resource, should be reconsidered.

C. FRWA Fails to Include Details of Cooperation with the Pocket Area Community Plan

The DEIR/DEIS states, p 6-13:

> The Pocket Area Community Plan includes the South Pocket Specific Plan. The South Pocket is generally bounded by Florin Road to the north, the City of Sacramento boundary to the south, the Sacramento River to the west, and Interstate 5 to the east. The South Pocket Specific Plan is intended to ensure a healthy and attractive living environment for residents of the area. Policies of the plan include providing suitable access to the Sacramento River,

> interfacing development with the Sacramento River in a manner that promotes the best use of this recreation resource, and ensuring that a continuous park–open space system is provided that links public facilities and activity centers wherever possible.
> The plan designates the proposed intake facility site as a major parkway recreation node. This node will provide a variety of permanent recreation-related improvements such as lawns, picnicking facilities, restrooms, and parking. Also an off-street bikeway is proposed for the levee top along the entire length of the levee. (DEIR/DEIS at p. 6-13.)

In order to comply with the Pocket Area Community Plan's recreational goals, a utility site cannot coexist with a recreational resource. The DEIR/DEIS failed to discuss any inconsistencies between the proposed project and applicable the Pocket Area Community Plan. (See Guidelines, § 15125(d).) I39-42

E. FRWA Failed to Discuss the City of Sacramento Public Facilities Safety Goal

Goal E of the Public Facilities and Services Element (City of Sacramento General Plan Update, pg. 7-2) states that public facilities shall be designed in a manner *"as to ensure safety and attractiveness.* The proposed Freeport Intake Facility site does not meet this standard. I39-43

The intake facility will co-exist with the levee walkway, and bike path and therefore is obliged to come into compliance with City design requirements. There is, however, no discussion in the DEIR/DEIS of the project's compliance.

9. THE PROJECT WILL IMPACT THE RESIDENT WILDLIFE

The intake facility in the 'preferred alternative' Pocket neighborhood site brings a risk of significant adverse impacts on species of special concern and a threatened species. The DEIR/DEIS fails to provide adequate mitigation to reduce the significant impacts to less than significant. I39-44

For example, two of the protected species found in the project area include burrowing owls and Swainson's Hawks. Neighbors have observed these species on or near the tower, or in our direct neighborhood. Biologists and wildlife professionals should conduct Pre construction surveys to determine current populations. The DEIR/DEIS must include assurance and mitigation for habitat loss.

The Burrowing Owls are listed as "species of concern" in California and are required to have special protection under the law. The Swainson Hawk is listed as "Threatened" by the State of California. FRWA indicated that the species will be significantly impacted from construction and operation of this project and permanent loss of habitat may result. I39-44 cont

The Burrowing Owl Survey Protocol and Mitigation Guidelines prepared by the California Burrowing Owl Consortium in April 1993 concluded that California's burrowing population is clearly in peril and that owls can be affected by disturbance and habitat loss. The Burrowing Owl Guidelines emphasize maintaining the burrowing owls and their resources in place rather than minimizing [project] impacts through displacement of owls to alternative locations. The DEIR/DEIS, however, does not address the length of time these species will be affected by the construction of the intake structure. The protracted period of construction (from 2 to 3 years) means the species could well be displaced permanently, thus, resulting in permanent habitat loss. I39-45

A legislative body of a city or county shall deny approval of a tentative map (or parcel map for which a tentative map was not required), if it finds that the design of the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat. Clearly the proposed water intake project would cause substantial damage to wildlife habitat near and around the Freeport site.

City and County officials have an obligation to adhere to the provisions of CEQA, which protect the wildlife, and the habitat that allows the wildlife to live. The proposed intake site development will significantly impact the habitat of wildlife.

Has the Department of Fish and Game surveyed the proposed intake site land for special status species, like Nesting Western Burrowing Owls and Swainson's hawk foraging habitat on the site? The DEIR/DEIS considers these might be a significant impact (Impact 8-16 and Impact 8-17) at the proposed water treatment plant but not at the intake site. It should be stated that the same mitigations would be appropriate at both sites. I39-46

9. THE DEIR/DEIS CONTAINS SEVERAL INCONSISTENCIES

FRWA's claim to isolate the Intake Facility from the Sacramento Regional Sanitation discharge is unwarranted. FRWA states the intake site must be a certain distance from possible contamination from treated wastewater discharge. The DEIR/DEIS states that "[t]o minimize potential for intake of treated effluent from the SRCSD discharges during a reverse flow event, the intake point would need to be located at least 3,500 feet (ft) upstream from the SRCSD discharge point." (DEIR/DEIS at p. on 2-7.) This statement is inconsistent with other opinions. For example: I39-47

- Personnel at the Sacramento Regional Sanitation Wastewater Treatment Plant stated that there is no such regulation. The 3,500 ft is an arbitrary number.

- Published Regional Sanitation Water Quality Data disputes FRWA's claim that water quality issues dictate this proposed site. Samplings at the Freeport Marina and River mile 44 are very similar to samples taken far up the Sacramento river at Veterans Bridge (view http://www.srcsd.com/cmpman.html)

- Claudia Goss, Communications & Media Officer Sacramento Regional County Sanitation District wrote in an email:

> It is difficult to make a general statement on whether our discharge is better quality than the water in the Sacramento River because there are many variables to consider. There are hundreds of different constituents in both waters including salts, solid particles, nutrients, metals, and organic compounds. Some of the constituents are higher in the river than in the discharge and vice versa. Overall, it can be concluded that the quality of the water in the discharge is compatible with the quality and uses of the river water.
>
> The Sacramento River water is suitable for irrigation without any further treatment. Additional treatment is required before Sacramento River water is suitable for human consumption.
> **(See Attachment 4.)**

I39-47 cont

Because FRWA will send its water to a treatment plant the need to locate the intake relative to potential contamination becomes irrelevant. Additionally, FRWA's statement from DEIR/DEIS 2-7 is inconsistent with to the following statement from DEIR/DEIS 4-15:

> "Infrequently,[1% annually] tidally induced reverse flows can be large enough to result in the upstream reverse transport of treated SRWWTP wastewater effluent to beyond the [proposed] Freeport intake facility. However, [], the intake facility will [] restrict diversions during these periods to avoid diversion of water that may contain treated wastewater from the SRWWTP discharge." (Emphasis added)

I39-48

The DEIR/DEIS also states:

> The potential for FRWP diversions to contain highly diluted treated wastewater is mostly a concern over public perception regarding the quality of the water supply. [Diversions] would occur for only the short period of a few hours (less than 4 hours) even if the intake were operated continuously during the most severe reverse flow events. (DEIR/DEIS at p. 4-16.)

I39-48 cont

The DEIR/DEIS itself states the facility will not run during reverse flow, and "contamination " of the water supply is no more than a public perception problem, even if the facility was built close to the SCRSD discharge point. FRWA should clarify and restate its intentions in this area, perhaps remove this unsupportable claim.

10. THE DEIR/DEIS FAILED TO ADEQUATELY ADDRESS THE POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS ON THE ON SOUTH POCKET NEIGHBORHOOD FROM PILE DRIVING

The Alarm Inspector for the City of Sacramento advised us that the potential for pile driving construction to set off home and auto burglar alarms in close proximity to the FRWA project location is very high. Pile driving will impact glass, break detectors, motion sensors, shock sensors, and proximity alarms.

- As the City never "forgives" false alarms (because of the city alarm ordinance and for obvious reasons) this could get very expensive for homeowners.

- Pile driving will also mean a dramatic increase in calls for service for the City of Sacramento Police Department.

- Any alarms in our area could end up ranking lower in Police Department priority than they normally do, because the alarms could be assumed to be construction related false alarms. The practice would be to do an "all units" broadcast for any patrolman who gets a chance to check the residence/auto. In most instances there would be no response. This would increase the risk to homeowners of actually being a victim, and no police responding.

I39-49

The DEIR/DEIS fails to address the significant impacts from the pile driving on the South Pocket neighborhood. To mitigate the impacts, FRWA should hire an off-duty City of Sacramento Police Department staff to patrol for alarms for the three-year construction period to safeguard our homes and respond to calls. Also, FRWA should

pay for all neighborhood false alarms during the periods of pile driving. Otherwise the South Pocket neighborhood will bear an unfair burden of impacts and costs for this project, without compensation or benefit. I39-49 cont

11. THE PROPOSED PROJECT WILL RESULT IN EXPOSURE TO CHEMICALS FROM SEDIMENT BASIN

Sediment/sludge will contain materials found in the Sacramento River in a concentrated level. Chemicals that can be found in the Sacramento River that are on the Prop 65 list include:

a) Mercury (from mining operations - Yuba River)
b) Compounds washed into the river from farming operations
c) Compounds washed into the river from storm drains

As sludge dries this material may become airborne and be spread around the local area. Sludge will also become airborne dust as a result of it being loaded into transport vehicles. I39-50

12. THE PROJECT WILL RESULT IN ODOR AND INSECTS FROM SEDIMENT BASINS

The DEIR/DEIS presents no significant findings or analysis in relation to the odors or "off-gassing" that will result from the two (2) acres of sediment basins (Figure 2-6). These basins will be located less than 300 yards from single-family homes. In addition, the DEIR/DEIS fails to provide findings or analysis of the secondary effects from these sedimentation basins. For example, the basins may cause an increase in the insect population due to the two acres of standing water. FRWA fails to identify and provide analysis on potential impacts from the sedimentation basins. I39-51

13. THE PROPOSED PROJECT MAY CAUSE RODENT CONTROL PROBLEMS

The DEIR/DEIS presents no significant findings or analysis concerning rodent populations. Rodents have a significant presence in the levee areas and a disruption of their environment would impact the rodents and the residents who live nearby. The DEIR/DEIS fails to identify project impacts on rodent populations and their resulting impact on resident neighborhoods. I39-52

14. THE PROPOSED PROJECT WILL HAVE SIGNIFICANT VISUAL IMPACTS

The Project will have a significant impact on visual resources for residents and the many users of the adjacent levee bike trail. The DEIR/DEIS implies that the City of I39-53

Sacramento Pocket neighborhood residents already have significant visual impacts due to the large water storage tank and the I-5 bridge structure over SR160. The proposed Project's visual effects, however, will have a far greater impact than existing structures, because the I-5 bridge and the water tower existed prior to the neighborhood build out and the project's impacts must be considered cumulatively. The DEIR/DEIS lacks adequate analysis on the visual impacts to both local residents and bike trail users. I39-53 cont

FRWA states in Impact 16-2 that it "is committed to implementing a public process regarding the architectural design of the facility and addressing such issues as visual buffers and lighting standards. Overall, the visual impacts would be less than significant. No mitigation is necessary. (DEIR/DEIS at p. 16-19.) The DEIR/DEIS fails to provide the public assurances of this commitment. A mitigation measure is necessary to insure minimal visual intrusion at the proposed intake facility location. This mitigation should comply and be consistent with local plans and the City of Sacramento Planning Division, South Area team. Buffer vegetation planting, planned by an independent landscape architect should be completed before any proposed intake facility construction begins, to promote maximum growth as soon as possible. I39-54

15. THE PROPOSED PROJECT WILL HAVE IMPACTS ON THE LEVEE INTEGRITY & UNDERSEEPAGE

The DEIR/DEIS lacks information related to Sacramento Area Flood Control Agency (SAFCA) and any SAFCA review of this proposal. Flood control has been, and continues to be, a high priority for Sacramento and its neighborhoods as well. The only significant SAFCA related item we found in the DEIR/DEIS is a hand-written comment card from Mr. Butch Hodgkins, Executive Director of SAFCA, written on April 11, 2002 at the end of one of the public scoping meetings. I39-55

In his April 2002 comments, Mr. Hodgkins recommends that the issue of underseepage be "seriously considered," along with its flood risk. While underseepage is a well-known problem in the Sacramento area causing problems from flooded yards to algae-laden slippery sidewalks, the DEIR/DEIS lacks information regarding underseepage.

16. THE PROJECT WILL HAVE POTENTIAL IMPACTS ON LEVEE EROSION.

The Hydraulic Modeling Report and its accompanying Figures 3-12 indicate the project will increase the potential for levee erosion from increased water velocity. (DEIR/DEIS at 2-Appendix D.) The report states on page 4:

> The higher velocities along the face of the proposed structure will likely produce new erosion and scour unless counter measures are provided. Soil boring information is not available at this time and

> we have assumed that the bed and bank materials are fine-grained sands and silts, which are highly susceptible to erosion.

Additionally, the report states "Localized increases in velocity (0.5ft/s to 0.7 ft/s) may increase the risk of lower bank erosion downstream of the proposed structure."

We are concerned that this hydraulics report is only able to rate the existing levee fortification as fair, as in the following statements also on page 4:

> The existing bank protection throughout this reach consists of cobbles installed by the Corps of Engineers in 1953. No further details about the design, such as layer thickness or type of toe trench, are known. Based upon our visual inspection of the above water portion of this reach, we would rate the overall condition of the existing armor layer as fair.

Being a neighborhood association of residents who live within yards of the Sacramento River levee, we are keenly aware that a breach anywhere generally means flooding for everybody (**please see attached map "Sacramento East Levee Failure in the Pocket Area" Attachment 5**). The DEIR/DEIS fails to adequately address the potential impacts on the South Pocket neighborhood from increased erosion and potential flooding. (See **Attachment 3**). I39-56

17. THE PROPOSED PROJECT HAS POTENTIALLY SIGNIFICANT IMPACTS ON THE SLURRY WALLS

The existing slurry wall in the levee is an additional point of concern. The slurry wall in the area, constructed in approximately 1992, goes thirty (30) feet deep. New regulations prefer a slurry wall depth of sixty (60) feet. With the increased velocity issue, further analysis needs to be conducted on this issue in this specific location. Further, SAFCA, as our flood control agency, needs to exercise its authority in this matter to ensure the safety of the Sacramento region. The DEIR/DEIS fails to provide information or analyze the project's potential impacts on the slurry walls. I39-57

18. THE PROJECT MAY HAVE IMPACTS FROM PIPELINE BREAKAGE

The DEIR/DEIS fails to analyze impacts from potential pipeline breaks, and mitigations measures that can minimize or eliminate this possibility. Rough calculations indicate that a break in the 84-inch pipeline over 15 miles would hold approximately 22,800,000 gallons of water. That amount of water would flood 70 acres to a depth of one foot. The risk is actually greater than that just stated, because a broken pipeline would likely consist not only of water in the pipeline at the moment of the break, but also the continuing water being pumped into the damaged pipeline, until pumping is ceased. The DEIR/DEIS fails to include adequate information and analysis of this potential impact. These deficiencies must be addressed within the environmental document. I39-58

19. THE DEIR/DEIS FAILS TO IDENTIFY THE PROJECT'S SECURITY VULNERABILITY IMPACTS

The Project is vulnerable to vandals or terrorist attacks from physical disruption, bioterrorism/chemical contamination, and cyber attack. The Project proposes security fences and entry alarms on some doors (not specified). However, the exact scope of these measures is not specified clearly enough for total understanding and confidence that this will be a safe facility.

Recent legislation passed in Congress requires that drinking water utilities conduct security vulnerability assessments (P.L. 107-188). This is hereby requested.

The nation's largest water projects, as defined by the Bureau of Reclamation, tend to be heavily secured. However, smaller projects like the one proposed, tend to be less protected and, thus, are potentially more vulnerable to attack, whether by vandals or terrorists. Bioterrorism or chemical threats could deliver massive contamination by small amounts of microbiological agents or toxic chemical, and could endanger the public health of thousands. In preparation for such attack, FRWA should prepare proper emergency preparedness plans that address issues such as redundancy of operations, public notification, and coordination with law enforcement and emergency response officials. I39-59

FRWA has failed to include information describing the Projects level of vulnerability, how the Project will be secured, and monitored.

20. THE PROPOSED PROJECT'S LANDSCAPE PLAN REPRESENTS A SECURITY THREAT

The Project's landscape plan allows for a large area (adjacent to residences), to be concealed in a thick growth of trees and shrubs. This design is a potential threat because the area is easily accessed by street or bike trail, and illicit activity could occur and be concealed from passers-by. The DEIR/DEIS fails to address the security threats from the Project's landscape design. I39-60

21. CONCLUSION AND RECOMMENDATIONS

A. City of Sacramento Design Review and Preservation Board Should Provide Advice on the Intake Facility Design

The DEIR/DEIS states:

- *"T]he City's main interests lie in the design and construction of FRWA project facilities."* (DEIR/DEIS S-2).
- *"Facility design plans would be coordinated with Sacramento County prior to construction." (DEIR/DEIS 16-29)*

I39-61

The DEIR/DEIS fails to include adequate information and assurances regarding the facility's design plans. Pocket area neighbors have been minimally consulted for purposes of public outreach, but the Design expertise of the City of Sacramento's "Design Review and Preservation Board" has not been consulted for their input. They should be formally involved and consulted.

B. FRWA Should Negotiate Publicly for the FRWP Project Intake Site Property with the City of Sacramento

The DEIR/DEIS states that "[t]his environmental documentation may be used to support a real estate transaction for the intake site." (DEIR/DEIS at p. 2-53.) There will be "Principles of Agreement" that seek to solidify terms under which potentially the property may change ownership from the City of Sacramento to FRWA.

FRWA should inform the public and allow for public participation on the "Principles of Agreement" document that will bind FRWA and the City to actions cited therein. Is it a legally binding document by itself? Are there signatories to this "Principles of Agreement" or is it a 'guiding document' only? Will it be a part of the terms of transfer of the city land (sale or otherwise) that the public may only have an opportunity to see when a vote is put to City of Sacramento City Council for the first time? Will the "Principles of Agreement" be a public document. We feel the public should be able to participate and be informed on this Project and all of the decision making processes, including the "Principles of Agreement".

I39-62

These are our current recommendations to include in the "Principles of Agreement":

- FRWA will maintain and fund the maintenance of this intake site property's proposed landscaping, concurrent with FRWA operating of the intake facility.
- FRWA will underwrite the development cost of a state of the art sound wall between the Interstate Highway-5 and the South Pocket neighborhood, and between the Interstate Highway-5 and Meadowview neighborhoods.
- The intention to mitigate can be demonstrated <u>now</u> by FRWA underwriting the cost of planting some proposed large buffer trees immediately to allow significant height be achieved before any construction begins.

- The land will be leased on a 99-year renewable lease, with inspection rights, lapsing back to the city if certain conditions are not kept.
- Include the conditions of sale in "Principles of Agreement", or vice versa, list the "Principles of Agreement" items in the land transfer documents whatever they are.
- Mitigation Monitoring will be a contractual service of a neutral 3rd party, not a service of any principal party to the Water Forum Act, sponsors of the project, or the City of Sacramento, so as to avoid any perceived or real conflict of interest.
- Require that FRWA, as a "good neighbor" purchase an amount of Regional Sanitation's "Recycled Water" for whatever purpose FRWA see fit 1) local donation to "irrigation purposes" 2) supplement the CVP volume of water diverted.
- Require FRWA to build permanent public access ("ramps" or steps) to the levee at the end of several City of Sacramento South Pocket neighborhood streets.
- FRWA, or the City of Sacramento, or both, should publicly disclose existing agreements to date relative to the "proposed intake site" ownership and /or sale by the city to representatives of FRWA. Such disclosure would contribute to good faith "Public Outreach" efforts. Opportunity for "public review and comment should" be provided.
- FRWA will underwrite the development cost of the "Freeport Major Access Point" as detailed in the Sacramento River Parkway Plan.
- FRWA will underwrite the development cost of a state of the art sound wall between the South Pocket neighborhood and I-5.

C. The DEIR/DEIS Should Be Recirculated

CEQA requires recirculation of a DEIR when significant new information is added to the document after notice and opportunity for public review was provided. (Pub. Resources Code, § 21092.1; Guidelines § 15088.5.)

"Significant new information" includes

I39-63

1. Information showing a new, substantial environmental impact resulting either from the project or from a mitigation measure

2. Information showing a substantial increase in the severity of an environmental impact not mitigated to a level of insignificance

3. Information showing that a feasible alternative or mitigation measure that would clearly lessen the environmental impacts of a project, and the project proponent declines to adopt the mitigation measure

4. Instances where the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft EIR was essentially meaningless

I39-63 cont

The DEIR/DEIS must be recirculated, because the following significant new information must be added to the document, such as:

- Census tract 40.12 is the location of the intake facility site and a City of Sacramento neighborhood and was omitted.

- The use of sodium hypochlorite as the major chemical at the proposed intake site after the publication and release of their DEIR document

- A new intake facility site layout based on informal presentations to South Pocket Neighborhood Residents.

The DEIR/DEIS is fundamentally inadequate and conclusory. As a result of the DEIR/DEIS's flaws, a meaningful public review and comment has been precluded. (Guidelines, § 15088.5 (a) (4).) The DEIR/DEIS's fundamental flaws include:

- A description of the proposed intake site, relative to the nearest residences is omitted. Textual and visual representations of this must be in an adequate (D)EIR.

- The DEIR is inconsistent. It states the intake facility will not run during reverse flow, and "contamination " of the water supply is no more than a public perception problem. It also claims the intake site must be a certain distance from possible contamination.

- Prior to publication of the DEIR, three other potential intake locations, identified in Figure 2-1 of the DEIR, were eliminated. Only alternative pipelines have been discussed or identified in the DEIR. No alternative intake facility locations are being advanced through the DEIR. Even in informal discussions, no alternative intake site locations were considered by FRWA. FRWA failed to provide an adequate description of alternatives to a project or to the location of the project. (CEQA Guidelines Section 15126.6 (a)).

- The DEIR fails in its discussion of chemicals at the proposed intake site. It omits identification of chemicals to be used, misrepresents "chloramines" and only in subsequent verbal discussion is sodium hypochlorite 12.5% named as the chemical to be used at the intake facility. Citizens cannot comment on what is not clearly stated.

- The DEIR is misleading and negligent in not discussing in any chapter whether this project will improve or degrade the City of Sacramento Water supply, i.e. inconsistencies with the City of Sacramento General Plan.

- The City of Sacramento planned and budgeted an extension of the Levee bike trail to the City of Sacramento Freeway Shores / Bill Conlin Youth Sports Complex. This will begin and be completed probably before any FRWP construction. A 2- 3-year period of co-existing with possible construction at the proposed intake facility site is a significant impact, which the DEIR minimizes.

- Security Vulnerability Assessments Not Cited in DEIR/DEIS. Congress requires that drinking water utilities conduct such security vulnerability assessment.

- Private "Principles of Agreement" that seek to solidify terms under which potentially the property proposed for the intake site may change ownership from the City of Sacramento to FRWA should be made public in the EIR. This agreement may include design decisions and mitigations for which "public review and comment should be provided".

I39-63 cont

I appreciate the opportunity to comment on this DEIR/DEIS and we anticipate that the Final EIR/EIS will contain significant and substantive responses to these comments. Please enter these comments in the permanent record for this Project. If ongoing negotiations or additional documents are developed different from that in the DEIR/DEIS, please notify us as we reserve the right to submit additional comments on this project again in the future.

Sincerely,

Ted Woodward
7609 El Douro Drive
Sacramento, Ca 95831

Ted Woodward
December 14, 2003

Responses to Comments of Ted Woodward (I39)

I39-1. See the master response to Intake Facility Issues.

I39-2. See the master response to Public Outreach Process.

I39-3. See the master response to Intake Facility Issues.

I39-4. FRWA identified the Carmichael Water District pump and water treatment plant facility as a local, reasonably similar facility in close proximity to a residential neighborhood and immediately adjacent to single-family houses. This facility includes water pumps, compressors, air surge tanks, electrical transformer, and chemical storage facilities.

I39-5. See the master response to Intake Facility Issues.

I39-6. See the master response to Public Outreach Process.

I39-7. See the master response to Public Outreach Process.

I39-8. See the master response to Public Outreach Process.

I39-9. The draft EIR fully disclosed the impacts associated with operations of the project in Chapters 3–21 of the draft EIR. Please also see the responses to "Intake Facility Siting" major issues in Chapter 3 of this document for a more succinct discussion of impacts resulting from intake facility operations, and see the response to the "Public Outreach Process" major issue for more discussion about the public outreach efforts made by FRWA.

I39-10. See the master response to Public Outreach Process.

I39-11. See the master response to Intake Facility Issues.

I39-12. Figure 2-1 in the draft EIR shows the general location of the proposed intake facility in relation to residences.

I39-13. See the master response to Intake Facility Issues.

I39-14. Figure 2-1 in the final EIR/EIS provides a layout of the relative positions and sizes of the different components of the project that are related to the intake facility. A more detailed description of these components has been added to the revised project description included in Chapter 2 of the final EIR/EIS.

I39-15. Figure 2-1 in the final EIR/EIS provides a layout of the relative positions and sizes of the different components of the project that are related to the intake facility. A more detailed description of these components has been added to the revised project description included in Chapter 2 of the final EIR/EIS. Electric power will be provided by existing power sources in the area. The amount of power required by the intake facility, and the associated electric transformers and switches, are typical in an urban area and do not pose an increased risk to area residents. FRWA has coordinated with local electric utilities, including SMUD, regarding this project.

I39-16. Figure 2-1 in the final EIR/EIS provides a layout of the relative positions and sizes of the different components of the project that are related to the intake facility. A more detailed description of these components has been added to the revised project description included in Chapter 2 of the final EIR/EIS.

I39-17. See the master response to Intake Facility Issues.

I39-18. See the master response to Intake Facility Issues.

I39-19. See the master response to Environmental Justice Issues.

I39-20. See the master response to Environmental Justice Issues.

I39-21. See the master response to Intake Facility Issues.

I39-22. See the master response to Environmental Justice Issues.

I39-23. See the master response to Intake Facility Issues.

I39-24. See the master response to Intake Facility Issues.

I39-25. See the master response to Intake Facility Issues.

I39-26. See the master response to Intake Facility Issues. The decision to use sodium hypochlorite does not result in any new impacts.

I39-27. See the master response to Intake Facility Issues.

I39-28. A Hazardous Materials Management Plan (HMMP) will be developed before beginning construction, as required by state law. HMMPs are not required to be included in EIR/EISs.

I39-29. See the master response to Intake Facility Issues. Please note that the potential for significant impacts is not a violation of CEQA. Conclusions in the Draft EIR regarding significance of impacts were conservative, and were also based on an overall evaluation of project facilities. As noted on page 14-34, "because ambient noise levels in some areas could be as low as 35-40 dBA Ldn, each of these facilities would be capable of generating noise levels that could be 5 dB greater than existing noise levels." As shown in Table 14-2, ambient noise levels in the vicinity of the intake site are substantially louder than that, ranging from 43 to 52 dBA. Detailed evaluation of possible design measures for the intake site determined that it would be possible to incorporate noise control measures so that noise generated by the facility will not be at levels above existing ambient noise at the exterior of nearby homes thereby reducing the impact to less than significant.

I39-30. See the master response to Intake Facility Issues.

I39-31. See the master response to Intake Facility Issues.

I39-32. Given the geographic location of the proposed intake site and its proximity to known geologic faults, major seismic activity is unlikely. The potential for liquefaction, which is the result of saturated soil and simultaneous seismic activity, is even less likely. However, the intake facility and all related components will be designed to meet relevant geotechnical and seismic safety standards. The intake structure itself will be constructed on a series of deeply driven piles capable of withstanding potential seismic activity. The other related facilities, including the surge tanks, air compressors, and chemical storage facility, are not substantial in size or weight, and will also be constructed to meet seismic safety standards. While variations in soil type and quality have been identified at the site in previous studies, these soil types are common throughout the Central Valley and can adequately

support the proposed project assuming standard engineering practices are employed.

I39-33. See comment I39-32.

I39-34. See comment I39-32.

I39-35. The draft EIR disclosed impacts related to soils, geology, and seismicity in Chapter 9. Please see the response to the "Intake Facility Issues" major issue for more information about chemical storage.

I39-36. Chapters 3 and 4 of the draft EIR/EIS fully disclose the potential impacts of the FRWP on hydrology and water quality. This includes the sources of surface water available to and used by the City of Sacramento. Overall, the FRWP was found to have relatively minor environmental consequences. Additionally, the City of Sacramento has more senior water rights than the FRWA member agencies, thereby further minimizing any potential impact that the FRWP could possibly have on the City of Sacramento's water supply. The Water Forum Agreement further solidifies protection of the City's water supply.

I39-37. See the master response to Intake Facility Issues.

I39-38. Impact 6-2 has been modified to reflect the potential impact on the Bill Conlin/Freeport Shores recreation complex. Please see response L23-1 associated with comments provided by the City of Sacramento Department of Parks and Recreation.

I39-39. The comment is correct in noting that Freeport Boulevard is a 2-lane highway in this location. Because views of the intake facility would be obstructed from most locations along SR 160, the impact is considered less than significant..

I39-40. A detailed description of the change in views of the intake facility site that will occur is given in Chapter 16 of the draft EIR. In addition, see the response to "Intake Facility Issues" major issue in Chapter 3 of this document for more information.

I39-41. See the master response to Intake Facility Issues.

I39-42. See the master response to Intake Facility Issues.

I39-43. See the master response to Intake Facility Issues.

I39-44. Potential impacts to species of special concern, including burrowing owls and Swainson's hawks, are fully addressed in Chapter 8, "Wildlife," of the draft EIR/EIS. Appropriate mitigation measures are identified where needed. As described in Chapter 8, reconnaissance level surveys were conducted for purposes of preparing the draft EIR/EIS. Additional surveys, as required by state and federal resource agencies, will be conducted prior to construction. This applies to all project components, including the intake facility.

I39-45. See response to I39-44

I39-46. See response to I39-44

I39-47. It is appropriate for a project proponent to develop reasonable criteria to guide development of a project and ensure that the project meets its intended purpose and need. With regard to water quality at the intake site,

FRWA's technical team set a target criterion of finding a site where treated wastewater would reach the site on no more than 20% of the occasions when reverse flow occurs. This would allow the FRWA member agencies to operate the intake facility in a manner that would still meet their purpose and need while not breaching their duty to protect the public's health or be forbidden by regulatory agencies such as the Department of Health Services. Computer modeling revealed that this distance is at least 3,500 feet upstream. Therefore, the 3,500 feet of river closest to and upstream of the SRCSD outfall was excluded from further analysis. Furthermore, the published data referred to in the comment letter does not necessarily reflect conditions during a low-flow, reverse-flow event which is the type of event that could carry waste discharges upstream and is of most concern to FRWA. Despite the fact that the water will ultimately be treated, the FRWA member agencies have a long history of securing, using, and protecting their high-quality sources of water. It is their intent to continue this practice, consistent with state and federal law and the applicable polices of their agencies (Volume 2, Appendix B, page 5-3 of the draft EIR/EIS).

I39-48. See response to I39-47.

I39-49. See the master response to Intake Facility Issues.

I39-50. See the master response to Intake Facility Issues.

I39-51. See the master response to Intake Facility Issues.

I39-52. See the master response to Intake Facility Issues.

I39-53. See the master response to Intake Facility Issues.

I39-54. See the master response to Intake Facility Issues.

I39-55. See the master response to Intake Facility Issues.

I39-56. See the master response to Intake Facility Issues.

I39-57. See the master response to Intake Facility Issues.

I39-58. The pipeline will be designed and constructed according to industry standards to meet all applicable codes and regulations. Furthermore, the pipeline will be buried and operated at a relatively low pressure. The likelihood of a catastrophic failure is extremely remote and is sufficiently addressed through conservative design measures. With regard to water being continually pumped into a damaged pipeline, the intake pumps will be equipped with control devices to cease operation if there is a sudden loss of discharge pressure or sudden increase in flow.

I39-59. See the master response to Intake Facility Issues.

I39-60. See the master response to Intake Facility Issues.

I39-61. FRWA has committed to involve the City of Sacramento and the community in an architectural design process. While the City of Sacramento's Design Review Board does not have jurisdiction over the project, it would be at the City's discretion to involve the Board in the design process.

I39-62. All aspects of the Principles of Agreement relevant to potential environmental effects have been disclosed in the EIR/EIS.

I39-63. Recirculation of the draft EIR/EIS is not required. The State CEQA Guidelines (Section 15088.5) clearly define when recirculation of a draft EIR is necessary. According to the guidelines, a lead agency is required to recirculate an EIR "when significant new information is added to the EIR after public notice of the availability of the draft EIR for public review . . . ." As noted in the guidelines, new information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement.

Examples of "significant new information" requiring recirculation include disclosure that:

A *new* significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;

A *substantial increase in the severity* of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

A feasible project alternative or mitigation measure *considerably different* from others previously analyzed would *clearly lessen the environmental impacts* of the project but the *project's proponents decline to adopt it*;

The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

While several minor revisions have been incorporated into the project since publication of the draft EIR/EIS, these minor changes are generally in response to comments received on the draft EIR/EIS and do not create any *new* significant environmental effects. Similarly, no information has been identified that would indicate that there would be a *substantial increase in the severity* of an environmental impact already disclosed. In fact, additional mitigation measures have been identified that would decrease previously identified significant environmental effects.

The draft EIR/EIS examined more than 100 project alternatives and numerous variations on many alternatives. No new *feasible* alternatives or mitigation measures that would *clearly lessen the environmental impacts* of the project have been identified during the public review process. While several minor variations of the project have been proposed that would make the project more consistent with public desires, they would not clearly lessen the environmental impact of the project as proposed. In addition, FRWA has identified additional mitigation measures that it proposes to adopt to reduce previously identified significant impacts to less-than-significant levels.

Finally, the draft EIR/EIS contains substantial information and the conclusions regarding environmental effects of the proposed project and alternatives are fully supported by the information contained in the draft EIR/EIS.

RECEIVED
DEC 15 2003

Letter I40

Mary V. McDonald, Ph.D.
7754 El Rito Way
Sacramento, CA 95831

December 15, 2003

VIA HAND DELIVERY

Mr. Kurt Kroner
Freeport Regional Water Project
Draft EIR/EIS Comments
Freeport Regional Water Authority
1510 J Street #140
Sacramento, CA 95814

Re: COMMENTS ON FREEPORT REGIONAL WATER PROJECT'S JOINT DRAFT ENVIRONMENTAL IMPACT REPORT/ DRAFT ENVIRONMENTAL IMPACT STATEMENT (State Clearinghouse No. 2002032132)

Dear Mr. Kroner:

Thank you for the opportunity to respond to the Draft Environmental Impact Report for the proposed Freeport Regional Water Project.

Although I applaud FRWA's aim to address significant needs for water in Sacramento County and the San Francisco East Bay, I have major objections to the project as proposed in the DEIR. I believe the proposed water intake facility would be inappropriate next to any residential area. It is far too massive to be placed, as proposed, so close to residences in the Pocket neighborhood.

I also object to the manner in which public outreach was conducted prior to the release of the DEIR: poor communication on FRWA's part resulted in public ignorance regarding the location of the "preferred site" of the intake structure and the size and nature of the facility. This proved a barrier to full participation of area residents in the siting process. I40-1

In addition, I find the DEIR to be deficient in a number of areas, with problems I believe must be rectified in subsequent documents.

Although CEQA requires that the DEIR contain an accurate description of the project, FRWA's description of the project fails in a number of ways.

First, the description of the project's location is misleading. The preferred site of the intake structure is repeatedly described as being "near the community of Freeport" or "6,500 feet upstream of the Freeport Bridge." This leads one to believe that the proposed site is outside of the City of Sacramento, when, in fact, it lies within Sacramento's city limits. An accurate description would describe the site's proximity to the South Pocket neighborhood, the nearest population center, or to the Meadowview water tower, the nearest landmark. FRWA failed both to describe the proximity of the intake structure to residences and to identify its location on a map. I40-2

The DEIR also failed to provide pictures or illustrations of structures associated with the intake structure, i.e., an electrical switchyard, a chemical storage and injection facility, surge tanks, and air compressors. No technical information about the construction of these structures was provided. I40-3

The DEIR also failed to provide an adequate description of the electrical switchyard relative to residences. No description of the electrical equipment, its strength, or potential health hazards was given. I40-4

CEQA requires an EIR to describe a range of reasonable alternatives to the proposed project, or to the location of the project, which could feasibly attain most of the project's objectives, and to evaluate the merits of each alternative. The key question is whether any significant effects from the project would be avoided or lessened by locating the project somewhere else.

FRWA's DEIR identified four possible pipeline alignments, but only one intake location as alternatives. No alternative intake locations were evaluated in the DEIR.

Three other potential intake sites were considered but eliminated prior to publication of the DEIR. These three alternative sites are located in a primarily agricultural setting and would not have the same impact on a dense residential area. The three eliminated intake sites could feasibly accomplish the project objectives and avoid significant impacts on South Pocket residents. FRWA's objections to the three sites were based on expense, not environmental impacts. I40-5

CEQA requires a thorough investigation and analysis of alternate proposed intake sites. FRWA, however, provided minimal information in the DEIR. CEQA clearly states that the first consideration should be environmental impacts, not financial impacts on the sponsoring agency. FRWA must provide a complete discussion and analysis of these alternative intake sites and their environmental impacts.

According to the US Environmental Protection Agency:

> Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. **Fair treatment** means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. **Meaningful involvement** means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making

process, and (4) the decision makers seek out and facilitate the involvement of the potentially affected" (http://www.epa.gov/compliance/environmentaljustice/).

In addressing the topic of environmental justice, the DEIR (pages 10-8 to 10-10) cites income and ethnicity data for census tracts crossed by the project components. Conspicuously missing from the analysis is Census Tract 40.12, the area in the city of Sacramento of the proposed location of the intake structure. This error in itself, though possibly unintentional, constitutes unfair treatment and must be addressed in the final EIR. I40-6

The population in Census Tract 40.12 is ethnically diverse and largely minority. According to the 2000 Census, the population is 49.7% white, 9.2% African American, .2% American Indian and Alaska Native, 33.2% Asian, .3% Native Hawaiian and Other Pacific Islander, 2.9% Other, and 4.5% mixed race (two or more races). Of this total population, 9.2% identify themselves as Hispanic or Latino.

The community in Census Tract 40.12 has been overlooked by the DEIR in another way as well. This census tract is the only highly populated urban area which will house a major facility of the project, the intake structure, and this was not adequately addressed in the DEIR. The DEIR does note that the period of construction will be extensive for the major facility locations which include the intake structure, Zone 40 WTP, canal pumping plant, and aqueduct pumping plant and pretreatment facility. The DEIR also notes that a significant unmitigatable impact of construction of the intake structure will be the noise levels. This is never addressed as a potential unfair impact on the community however. I40-7

The DEIR also states that: "operating the intake facility is not expected to result in a disproportionate impact on a minority or low income population because of the distance between the facility and residential and commercial areas" (p.10-15). This seems patently absurd. The facility location as indicated in the DEIR appears to be within 100 feet of the nearest house, and the DEIR states that the operational noise from the facility will likely have a significant impact on noise levels in the area. I40-8

The DEIR also states that "the impacts of operating the intake facility are not expected to affect the socioeconomic characteristics of the surrounding community" (p.10-15). This overlooks an area of grave concern to community residents: property values. If ambient noise levels are elevated in the area and other features of the intake facility are perceived as noxious, property values are expected to be affected. Two neighborhood families have already sold their homes specifically because of this project. I40-9

In short, the question of **fair treatment** of an ethnically diverse, largely minority community has been neglected.

The **meaningful involvement** of residents from the community near the intake structure in the decision making process has been flawed because of the mislabeling of the intake structure as "near Freeport" in public notices. Had nearby residents been advised of the actual proximity of the project to their own homes, they could have become involved in the process at an earlier point. I40-10

In summary, issues of Environmental Justice have been inadequately addressed in the DEIR.

The DEIR acknowledges that noise from both the construction of the intake facility and its operation would have significant impact on the environment. Projected worst-case scenario noise levels during construction would literally result in deafness for residents of the homes closest to the site if they were exposed to it for several hours. The DEIR addresses several ways to minimize the potential impacts, but says the noise impact would still be significant (DEIR pp. 14-26, 28, 30-31). The DEIR also acknowledges that once the intake structure is operational there would be substantial permanent increase in ambient noise levels above existing levels without the project.

FRWA's conclusion that it is impossible to mitigate noise to achieve an insignificant level lacks analysis. Effective noise mitigation is possible but requires extensive research, analysis and significant monetary commitment. I40-11

Eric Mische and other FRWA staff have taken a group of South Pocket area residents to Las Vegas to visit the site of a pumping facility which is close to sound proof. Should the intake structure be built adjacent to the South Pocket community, I hope FRWA will stick to its verbal agreement to use state of the art sound containment so that the facility is virtually silent. I40-12

My letter has addressed just a few of the problems my neighbors and I have found with the DEIR. I believe these concerns indicate the need to recirculate the DEIR.

I look forward to your response.

Sincerely,

Mary V. McDonald

Response to Comments of Mary McDonald (Letter I40)

I40-1. See the master response to Public Outreach Process.

I40-2. See the master response to Intake Facility Issues.

I40-3. Figure 2-1 in the final EIR/EIS provides a layout of the relative positions and sizes of the different components of the project that are related to the intake facility. A more detailed description of these components has been added to the revised project description included in Chapter 2 of the final EIR/EIS.

I40-4. Figure 2-1 in the final EIR/EIS provides a layout of the relative positions and sizes of the different components of the project that are related to the intake facility. A more detailed description of these components has been added to the revised project description included in Chapter 2 of the final EIR/EIS.

I40-5. See the master response to Intake Facility Issues.

I40-6. See the master response to Environmental Justice Issues.

I40-7. See the master response to Environmental Justice Issues.

I40-8. See the master response to Intake Facility Issues.

I40-9. See the master response to Intake Facility Issues.

I40-10. See the master response to Intake Facility Issues.

I40-11. See the master response to Intake Facility Issues.

I40-12. In the final EIR/EIS, FRWA commits to maintaining operational noise levels at or below existing background noise levels.

Letter I41

From: MORITZ1100@aol.com [mailto:MORITZ1100@aol.com]
Sent: Wed 8/13/2003 11:26 AM
To: Ingrid Norgaard
Cc:
Subject: Freeport water project

Dear Mr. Kroner,

I am a Sacramentan for >30 years and am concerned about the potential for the proposed water project to have a harmful effect on Sacramento and our two rivers. While I read that those suggesting that the removal of 185 mgd of water from the Sacramento River at Freeport will have little to no impact on the flow and availability of water either above or below the point of take off, I can't help but anticipate that such would have a very significant deleterious effect. I wonder if we can't actually duplicate the scenario now. As I do not believe that it is currently feasible to remove such a volume on a sustained basis, for two or three weeks, would not decreasing the output by combination of restricting outflow from Shasta and Folsom have a similar/identical effect? And if so, would it not be wise to do so for an "appropriate" period of time prior to authorizing the proposed project in order to evaluate that effect? If the results are unacceptable then the project should be reconsidered. I41-1

I also have watched with concern the tremendous growth in our area and recognize that supply and demand will dictate when this area can no longer support such development. When we find that the anticipated Sunrise-Douglas project needs water, and if it can't be obtained locally then ground water must be tapped, causing a calculated drop in aquifer level of 160 feet! Perhaps we have reached the limit, not just of water availability but also air quality, garbage sites, road crunch... I41-2

I hope you will consider my concerns recognizing that must be yours as well.

Thank you,
Alan Moritz
Sacramento

Response to Comments of Alan Moritz (Letter I41)

I41-1. Flow in the Sacramento River at Freeport averages over 22,000 cfs (with a range from 6,000 cfs to over 78,000 cfs) and is much larger than the project capacity of 185 MGD (slightly under 300 cfs). Flow in the Sacramento River is typically over 10,000 cfs except in late summer and fall in dry years. During these months, project diversion will be supplied by releases of CVP reservoirs upstream and will not lead to reduction in Sacramento flow. Detailed model simulations of the potential effects of the project in Sacramento River flow are summarized in Chapter 3 and 4 of the draft EIR and discussed in much more detail in Chapters 3 and 4 in Volume 3 (Technical Modeling Appendix). The change in Sacramento River flow averages less than 0.5%.

I41-2. As described in the draft EIR/EIS, growth in the Sacramento County Water Agency Zone 40 Service Area is controlled by the Sacramento County General Plan.

Letter I42

Kroner, Kurt

From: Marcine Crane [marcinecrane@cranerealtyservices.com]
Sent: Wednesday, August 27, 2003 3:40 PM
To: 'k.kroner@frwa.com'
Cc: 'georgiacrane@cranerealtyservices.com'; 'rwaters@cityofsacramento.org'
Subject: Proposed Freeport Regional Water Project

Importance: High

Mr. Kroner,

I have done a rapid/preliminary review of the proposed project and it appears that as proposed the project is considering placing both the intakes into the river and the facility adjacent to a custom residential neighborhood that would likely have an adverse impact to this community. I noted that one of the proposed intake locations was a little further downstream in what appears to be a farm area. While I am not an engineer, it would appear that the downstream location would be better since it also is in line with the proposed transport line and adequate space is available without an adverse impact to a pre-existing community. Additionally, the farm area in that region is a very small location and would not be suitable for many other developments. I look forward to hearing your response. As a local resident that would be impacted by this proposed development and a Realtor I am very concerned about our property values being adversely impacted by governmental actions. In the event that your current proposal becomes fact has the Project made any provisions to conduct a condemnation process so that local homeowners may be made whole for the loss of value due to this project.

I42-1

I42-2

Sincerely,

Marcine Elvin Crane, Jr., MS, CPA, Realtor

1

Response to Comments of Marcine Crane (Letter I42)

I42-1. See the master response to Intake Facility Issues.

I42-2. See the master response to Intake Facility Issues.

Letter I43

Kroner, Kurt

From: Laurie V [ravenmlv@pacbell.net]
Sent: Wednesday, September 10, 2003 11:07 AM
To: k.kroner@frwa.com
Subject: Draft EIR/EIS for the Freeport facility

I do not understand how putting another larger straw in the Sacramento will not cause negative impacts downstream. It seems to me it will cause the X2 to move farther upstream into the Sac, and also entrain more larval fish. The salinity of water downstream will increase and will affect the communities around the delta. I43-1
It may not be in the scope of this EIR/EIS, but very aggressive water conservation measures need to be implemented within the existing development areas and within all new developments. Xeriscaping needs to become the norm. I wonder how many golf courses are planned within the areas served by the Freeport water facilities? Water conservation measures need to be detailed fully within the EIR/EIS, not vaguely alluded to.
Thank You for your Consideration.
L. Vannatter

Response to Comments of Laurie Vannatter (I43)

I43-1. The draft EIR/EIS fully analyzes and discloses the potential impacts of the FRWP. Regarding changes in X2, the X2 modeling results are documented in the Modeling Technical Appendix, Volume III, Section 4.4 (pages 4-51 through 4-63) of the Freeport Regional Water Project Draft EIR/EIS. A summary discussion of the impacts on fish associated with the X2 modeling can be found in Volume I of the Draft EIR/EIS on page 5-26 and are graphically represented in Figure 5-6. For the months of February through June, when the X2 standard is in effect, the FRWP will potentially cause an eastward movement of X2 by about 100 feet on the average. For comparison, the range of isohalines (lines of constant salinity) in that reach of the Sacramento River due to tidal flow are typically a few miles in any single day. Water quality, including salinity, was fully analyzed in Chapter 4, "Water Quality," of the draft EIR/EIS (for example, pages 4-24 through 4-28). The impacts to water quality, including Delta water quality, were determined to be less than significant. The water quality analysis is also supported by data in Volume 3 of the draft EIR/EIS. The average change in chloride concentration at Rock Slough, the location of a drinking water intake most susceptible to changes in Delta salinity, is 0.5 mg/L. For comparison, the drinking water standard is 250 mg/L or 150 mg/L at different times of the year. Furthermore, both SCWA and EBMUD exercise aggressive water conservation and reclamation programs. The draft EIR/EIS summarizes these programs on pages 1-10 through 1-12 for SCWA and pages 1-18 through 1-22 for EBMUD. While golf courses aren't specifically addressed, water demands for SCWA and EBMUD are summarized on pages 1-5 and 1-14, respectively.

Letter I44

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SEP 30 2003

THE FREEPORT REGIONAL WATER PROJECT
Comment Card

Please complete and submit this form to provide comment on the Draft Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the Freeport Regional Water Project. The Freeport Regional Water Authority will provide responses to comments in the Final EIR/EIS. Thank you for participating in this important public review process.

(Please Print)

Date: 9/29/03 Name: Ade Akinsanya Title: Bridge Engineer

Telephone: 916-427-6527 Fax:

Organization: Homeowner E-Mail: aakinsanya@aol.com

Address: 10 El Morro ct

City: Sacramento State: CA Zip: 95831

☒ Yes, I would like to be added to your mailing list to receive newsletters, information mailings, and meeting notices.

Comments: (1) Please provide a detail analysis of pile driving and impact to existing bridge, how will you address cracks to existing homes in the area due vibration and displacement of material during construction. I44-1

(2) Provide data from existing water-intake around the state as to the use of chemical for treating water and impact to the health of the people. I44-2

(3) Please evaluate the visual impact of the in-take from the street level freeway shoulder, and the levee. I44-3

(4) Please provide a detail cost breakdown of all alternatives studies I44-4

Please submit this form to a project representative by October 7, 2003, to ensure ... If mailing, please send to: Freeport Regional Water Authority, c/o ...

FREEPORT REGIONAL WATER AUTHORITY

Response to Comments of Ade Akinsanyu (Letter I44)

I44-1. See the master response to Intake Facility Issues.

I44-2. See the master response to Intake Facility Issues.

I44-3. See the master response to Intake Facility Issues.

I44-4. The Alternatives Screening Report (Volume 2, Appendix B of the draft EIR/EIS) includes an approximate cost for each alternative considered during the screening process. Appendix A of the final EIR/EIS includes the cost of the intake facility at each of the four locations evaluated during the project development phase. Non-cost factors are the primary consideration for purposes of evaluating potential environmental impacts associated with the project.

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THE FREEPORT REGIONAL WATER PROJECT
Comment Card

Please complete and submit this form to provide comment on the Draft Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the Freeport Regional Water Project. The Freeport Regional Water Authority will provide responses to comments in the Final EIR/EIS. Thank you for participating in this important public review process.

(Please Print)

Date: 9/29/03 Name: Darrel H. Woo Title: Citizen
Telephone: Fax:
Organization: E-Mail:
Address: 15 Reef Ct.
City: Sacto State: CA Zip: 95831

☐ Yes, I would like to be added to your mailing list to receive newsletters, information mailings, and meeting notices.

Comments: I cannot opine as to the adequacy of the intake facility design & operation. Unless I missed it, I cannot determine the adequacy of the mitigation measure because of the lack of intake facility description. Furthermore, there is no description of alternative layout to address potential impacts, because of the complete lack of description. I45-1

Therefore, the Final ~~E~~ Environmental Impact Report must provide generic operational ~~design~~ impacts eg ~~noise~~ sound generated by equipment, magnitude created transportation & use of chemicals at the intake facility & provide alternatives to reduce the impacts to levels of less than significance. Safety impacts must be addressed & ~~mitigated~~ anal[illegible] & mitigated. I45-2

A complete FEIR must include a complete project description of the intake facility, describe all operational impacts, analyze impacts for impacts, mitigate those impacts to a level of insignificance if feasible, & justify w[illegible] those impacts not reduced to insignificance are nevertheless reasonabl[illegible]

Please submit this form to a project representative by October 7, 2003, to ensu[illegible]
If mailing, please send to: Freeport Regional Water Authority, c/o [illegible]

FREEPORT REGIONAL WATER AUTHORITY

Response to Comments of Darrel Woo (Letter I45)

I45-1. During the scoping process for this project, FRWA presented several different alternatives and layouts in response to comments received from the public and other sources. The result of this process is the project description presented in the draft EIR/EIS. This is currently the only project description being presented by FRWA and therefore is the project description open for comment during the public review period. As a result of comments received on the draft EIR/EIS, the intake site layout has been modified as described in Chapter 2 and shown in figure 2-1 of this final EIR/EIS.

I45-2. The draft EIR/EIS fully analyzes the potential impacts associated with construction and operation of the FRWP, including the intake facility. Minor modifications are addressed in this final EIR/EIS, including those described in Chapter 2. Refer to the summary table presented at the beginning of this final EIR/EIS for a summary of impacts, mitigation measures, and the significance level of those impacts after mitigation.

Letter I46

Kroner, Kurt

From: Rowlandsix@aol.com
Sent: Monday, December 01, 2003 11:08 AM
To: lnorgaard@jsanet.com
Cc: k.kroner@frwa.com
Subject: comment

It to me is an outrage to think that those of you incharge of such a project would want it in a neighborhood such as ours. We as homeowners have worked very diligently to obtain the privilege of living, and owning in the "Pocket Area". We are against any type of activity that would deface the integrity of our turf. That includes anything from graffiti to unreasonable projects such as the Freeport* Water Project. I urge you to reconsider your proposal and to find a more suitable site for your project. Its impact is certainly unfavorable, and unwelcome in our neighborhood. Perhaps you would consider putting it in your backyard. Lets see how that shoe would fit. (Two more votes against the Freeport* Water Project) Rowland/Connie Cain

I46-1

Responses to Comments of Rowland and Connie Cain (Letter I46)

I46-1. See the master response to Intake Facility Issues.

Letter I47

December 4, 2003

1. My name is William Neuman. I am a civil engineer. I have lived in the pocket area since 1963 and in the south pocket since 1990. I am an emeritus professor of civil engineering at CSU Sacramento. I grew up on this side of the city.

2. I speak in favor of the Freeport Water Authority Project.

3. About once every generation regions in the west require a major water project to respond to growth and needs. (Whether this project is major or not could be debated since it is not in the multi-billion dollar category of truly major projects.)

4. These projects, when they come, along add a great deal to the economic viability of the region they serve. They add to the quality of life of for its residents. This one besides promising to do that also responds to a generation old problem of American River water diversion.
   The Freeport project is particularly good because of its very forward thinking ground water storage component in Sacramento County. It will be invaluable during drought periods - which we know will come again.

I47-1

5. The alternative - no project - is a very bad choice. The argument is: if you don't build it the people won't come.
   We tried that once in Sacramento County with roads. You may remember that there was a transportation corridor with the right-of–way in place. This projects' antis carried the day. The County sold off the right-of-way and now that area is crawling along with even worse traffic that what we have on the I-5 south corridor. The irony of the mistake is that there is not place to put light rail there now. It is a permanent example that "doing nothing" for projects of this type is a failed experiment.

6. The demand for this project's water will come like it or not. When there isn't enough water we all will bear the consequences: desert landscaping, empty swimming pools, dry parks and dry golf courses. It will mean the end of the rich agricultural tradition that has been California's hallmark. I hope we are smart enough to choose to go ahead with this project.

7. As to the impact of the pumping plant, the construction unpleasantrys will be temporary and there are lots of regulations in place about dust, noise and off hour construction light etc. The intake structure as I reviewed the EIR on the web is compared to the levee side warehouses in Locke and Hood. You can argue that the structure as depicted looks like a barn. I think it looks like a barn in earth tones. It doesn't need to be a barn, lines can be softened and architects are clever and creative.

I47-1 cont

8. The pumping plant needs to include a component for the community. This could be an environmental interpretive center component about the uniqueness of its fish screens and what the project does. Even community meeting rooms create local interest, support and buy-in.
   Finally, this parcel with its abandoned waste water treatment tanks is not suitable for much beside infrastructure support use. This is the right land use in the right place and for the greater good of the neighborhood City, County and region.

I47-2

Response to Comments of William Neuman (Letter I47)

I47-1. The commentor's support for the project has been noted

I47-2. As described in Chapter 2 of the draft EIR/EIS, FRWA is committed to working with the City of Sacramento and the local community to incorporate their input into the facility design process. Any interpretive resources would be a result of the design process.

Letter I48

Kroner, Kurt

From: Amedo Ciarniello [aarbt@jps.net]
Sent: Saturday, December 06, 2003 4:29 PM
To: Water project; City of Sacramento ebmud
Subject: the freeport water project

12-6-2003

Gentlemen.
We are totally opposed to the massive industrial water project proposed for the area near our home. Human and environmental impact can't be stressed enough!
God help the greedy builders who would benefit. A four story building on top of the levee! It is an absolute abomination!
We hope a more acceptable alternative is in place.

I48-1

Sincerely

Amedeo Ciarniello
7536 Myrtle Vista Av.
Sacramento, CA 95831-4049

-- Amedo Ciarniello
-- aarbt@jps.net
-- EarthLink: The #1 provider of the Real Internet.

Responses to Comments of Amedeo Ciarniello (Letter I48)

I48-1. See the master response to Intake Facility Issues.

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Letter I49

December 12, 2003

Kurt Kroner
Freeport Regional Water Authority
1510 J Street, #140
Sacramento, CA 95814

Mr. Kroner:

The Executive Summary of the Draft Environmental Impact Report states (Table ES-1, page 5 of 6), that noise levels during both daytime and at night will be "significant and unavoidable" after mitigation measures have been taken. This same table also states that there will be a "significant" increase in noise level from facility operation.

My husband and I live very close to the proposed site for the intake facility. We are retired and, therefore, at home during any and all hours of the day. This leaves us vulnerable to the "significant" noise increase. I49-1

I have a hearing disorder called tinnitus with hyperacusus. This disorder leaves me acutely sensitive to high decibel noise as well as a variety of frequencies. For information about Tinnitus, you can contact the American Tinitus Association at www.ata.org. Upon the advice of my physician, I do not subject my ears to any activities that would threaten my hearing. Were I to do so, I would risk losing what hearing I have. Whether or not the facility operation will harm my hearing is debatable at this point. There is no doubt, however, in my mind that the construction noise will be harmful to me.

Since I am an important part of the environment in this area and your report determines impact to that environment, what are you going to do to mitigate my problem? I look forward to your answer.

Dorothy J. Carroll
7719 Los Rancho Way
Sacramento, CA 95831

Response to Comment of Dorothy Carroll (Letter I49)

I49-1. See the master response to Intake Facility Issues.

Letter I50

Kroner, Kurt

From: Ingrid Norgaard [INorgaard@jsanet.com]
Sent: Monday, December 15, 2003 1:45 PM
To: K.Kroner@frwa.com
Subject: FW: Freeport Regional Water Project

FYI.
-----Original Message-----
From: michael chan [mailto:mjchan@fedex.com]
Sent: Monday, December 15, 2003 12:05 PM
To: info@freeportproject.org; djones@cityofsacramento.org; assemblymember.steinberg@assembly.ca.gov; hfargo@cityofsacramento.org; jyee@cityofsacramento.org; lhammond@cityofsacramento.org; rwaters@cityofsacramento.org; scohn@cityofsacramento.org; ssheedy@cityofsacramento.org
Subject: Freeport Regional Water Project

Mr. Kurt Kroner
Freeport Regional Water Project
Draft EIR/EIS Comments
Freeport Regional Water Authority
1510 J Street #140
Sacramento CA 95814

Dear Mr. Kroner:

Thank you for this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Freeport Regional Water Project (FRWP). I have issues with the comments made in a public meeting that was held on December 4th, 2003 by the representatives of FRWA.

1) 10 Public meetings were held with the residence. Eight of those ten meetings were held within the last 4 months. This project was already made known back in 2001. I ask why were the public meetings were held so late and not done before the Draft was made. Many of the concerns of the public and including those who live near the initial site have made concerns that are not in the DEIR. These issues should have been solved before the DEIR was produced. I50-1

2) Security and Safety- All issues on Security and Safety are not answered. The Draft does not review security of the intake site. It was stated by FRWA representatives that this area would be free to roam and walk for public use. Who will be ensuring the publics safety from terrorism and crime in that area? Who will be responsible for the Drug Trafficking and Graffiti that may occur there? WILL the answer to the public be that they will secure the area and the neighborhood will no longer be able to walk in their neighborhoods? I50-2

What will happen to our future bike/run paths that were part of the Sacramento River Parkway Plan? I request additional information in a supplement DEIR that ensures the local residents safety. I50-3

3) Chemical Site- all issues on Chemicals are not answered. FRWA representatives have not disclosed long term affects of Sodium Hypochlorite to Women and Children in general. FRWA representatives have stated publicly that the sodium hypochlorite will be triple tanked and secured and the neighborhoods would not smell odor. Yet they also have stated publicly that they will need to use the sodium hypochlorite on the outdoor sediment basins. How can they state the above if they are using I50-4

outside to treat the sediment basins? A report by The Women's Foundation of California called "Confronting Toxic Contamination in our Communities" explains how women that are exposed to harmful chemicals in household cleaners such as bleach or glass cleaners may increase their chances of diminished fertility, abnormal fetal development, increased rate of cancers, and other spiraling forms of environmental illness. Sodium Hypochlorite is considered a chemical that is 3 times the strength of bleach. I request there be additional information regarding the affects of Sodium Hypochlorite in a supplemental DEIR. I50-4 cont

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4) Alternate Sites- all issues on alternate sites are not answered in the DEIR. The DEIR does not specifically have details on why the alternate sites were not chosen. In Public meetings, Site A was not chosen because FRWP did not want to include Yolo County in the project even though the public impact would have been less. Yolo County is growing as fast as Sacramento County and may need to partner with other counties to ensure their residents do not have water issues. This could be a win/win situation for all sides if FRWP would to pursue this in a supplemental DEIR. I50-5

<!--[if !supportEmptyParas]--> <!--[endif]-->5) Mitigations- are not answered in the DEIR. An issue I do not agree with is FRWA enforcing their own mitigations. This does not give the residents who are impacted any recourse if they do not agree with the mitigations FRWA does since they are governing themselves. There needs to be a third party who will govern the mitigations. I50-6

One example of mitigation is structure damage in foundation for residents due to the pile driving that has not been properly addressed in the DEIR. Again, mitigations have been verbally discussed but nothing is in writing nor in the DEIR stating what mitigations will be done. I request additional information in a supplemental DEIR regarding mitigation actions. I50-7

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I look forward in hearing your answers to my concerns above.

<!--[if !supportEmptyParas]--> <!--[endif]-->

<!--[if !supportEmptyParas]--><!--[endif]-->

Thank You,

<!--[if !supportEmptyParas]--><!--[endif]-->

Michael Chan
7740 El Rito Way
Sacramento CA 95831

916-424-1930<!--[endif]-->

jmsyd@msn.com

Response to Comments of Michael Chan (Letter I50)

I50-1. See the master response to Public Outreach Process.

I50-2. See the master response to Intake Facility Issues.

I50-3. See the master response to Intake Facility Issues.

I50-4. See the master response to Intake Facility Issues.

I50-5. Chapter 2 and Appendix A of this final EIR/EIS provide additional detail about the intake Facility Issues. Also, see comment letter L21 from Yolo County regarding their position on intake site location.

I50-6. CEQA requires that the lead agency, in this case FRWA, adopt and implement feasible mitigation measures. Therefore, FRWA and its member agencies are the appropriate entities to implement mitigation measures associated with the FRWP.

I50-7. See the master response to Intake Facility Issues.

Letter I51

Kroner, Kurt

From: celisa hidalgo [celisa_hidalgo@hotmail.com]
Sent: Monday, December 15, 2003 4:54 PM
To: k.kroner@frwa.com
Subject: FW: DEIR

>From: "Hidalgo, Ernie@DSS" <Ernie.Hidalgo@dss.ca.gov>
>To: "'celisa_hidalgo@hotmail.com'" <celisa_hidalgo@hotmail.com>
>Subject: DEIR
>Date: Mon, 15 Dec 2003 16:51:54 -0800
>
>December 15, 2003
>
>Eric F. Mische, General Manager
>Freeport Regional Water Authority
>1510 J Street, Suite 140
>Sacramento CA 95814
>
>Dear Mr. Mische:
>
>SUBJECT: Proposed Freeport Regional Water Project
>
>I am providing you with my comments on the above project. The project does
>not belong in a residential area. Though it is in the out skirts of the
>community it is still considered a neighborhood. Though you can a
>cosmetically hide a portion of this industrial site there are still some
>major concerns. Following is a brief summary of areas and issues noted, to
>date, that need to be clarified and addressed.
>
>As residents of the South Pocket community you heard us loud and clear that
>we are not against this project. We are against the location of this
>project. By placing an intake structure and supporting facilities of this
>size and magnitude in a residential neighborhood it will adversely affect
>the quality of life for our entire community. This is this is
>unprecedented. There is not a project of this magnitude in a residential
>neighborhood in either California or Nevada.
>
>As a community we feel there are adequate alternative intake sites for the
>location of this project which were not fully explored. The alternate
>sites, located in agricultural areas, would have fewer impacts on residents
>and homes. According to CEQA, a thorough investigation and analysis of
>alternate proposed intake sites is required. However, minimal information
>was provided in the DEIR. The minute analysis of the other alternate sites
>appears to be entirely related to expense and neglects any possible
>environmental consequences or considerations. All the other objections to
>the three alternative sites are monetarily related. We don't feel our
South

I51-1

I51-2

>Pocket quality of life should be sacrificed in order for FRWA to save the
>equivalent of 1% of the projected project costs.
>
>Benefits and incentives pertaining to Pocket residents and to the city of
>Sacramento (if applicable) should be clarified.
>
>Levee impacts such as subsidence, erosion, scour and seepage or benefits
>such as bank stabilization and protection should be discussed;
>
>A process for establishing a mechanism for the funding of mitigation should
>be put in place;
>
>The potential for third-party liability should be addressed;
>
>Agreements executed for implementation of the project should provide
>flexibility for assuring that unanticipated, as well as anticipated, impacts
>to Pocket residents are addressed; and
>Alternative water use plans during the years free of demand should be clarified
>
>Other areas that need to be discussed in further detail are as follows:
>
> Chemicals,
> Safety
> Increased mosquito population,
> noise increase,
> Increased air pollution as a result of diesel trucks
> Increased traffic during construction
>
>What happens if for some reason this site becomes obsolete in 30 years?

>Who
>is responsible for the clean up? Specifically the chemical storage and the
>intake structure.
>
>Who is responsible in reevaluating the intake structure and the additional
>work that may be required to repair, (cracks, etc) every ---how many years.
>
>I do not feel this project belongs in a neighborhood for the above reasons.
>It is not appropriate for this type of structure to be in a residential
>area. If a complete analysis was provided to the other sites as the one
>provided to this site I am sure you would have other options would be
>available for this project.
>
>Sincerely,
>
>
>
>Ernie Hidalgo
>7747 El Rito Way
>Sacramento, Ca. 95831
>
>

I51-2

I51-3

I51-4

I51-5

I51-6

I51-7
I51-8
I51-9
I51-10
I51-11
I51-12

I51-13

I51-14

I51-15

Response to comments of Ernie Hidalgo (Letter I51)

I51-1. See the master response to Intake Facility Issues.

I51-2. See the master response to Intake Facility Issues.

I51-3. See the master response to Intake Facility Issues.

I51-4. CEQA requires that the lead agency, in this case FRWA, adopt and implement feasible mitigation measures. Therefore, FRWA and its member agencies are the appropriate entities to implement mitigation measures associated with the FRWP.

I51-5. FRWA and its member agencies, SCWA and EBMUD, are responsible for constructing and operating the FRWP including mitigation measures identified in this final EIR/EIS. No third-party liability issues are anticipated.

I51-6. The draft EIR/EIS addresses all anticipated environmental impacts that may result from implementation of the FRWP. However, FRWA would be responsible for unanticipated project-related impacts that may result from project implementation.

I51-7. See the master response to Intake Facility Issues.

I51-8. See the master response to Intake Facility Issues.

I51-9. See the master response to Intake Facility Issues.

I51-10. See the master response to Intake Facility Issues.

I51-11. See the master response to Intake Facility Issues.

I51-12. See the master response to Intake Facility Issues.

I51-13. FRWA does not anticipate that the site will become obsolete within 30 years. Regardless, FRWA would be responsible for maintaining the site in an appropriate condition as long as it owns the site and facility.

I51-14. As described under response I51-13, FRWA is responsible for the long-term operation and maintenance of the site.

I51-15. As described under response I51-13, FRWA is responsible for the long-term operation and maintenance of the site.

Kroner, Kurt

Letter I52

From: Ingrid Norgaard [INorgaard@jsanet.com]
Sent: Monday, December 15, 2003 4:42 PM
To: K.Kroner@frwa.com
Subject: FW: The Water Project

-----Original Message-----
From: Alan Hockenson [mailto:ahockenson@navigantconsulting.com]
Sent: Monday, December 15, 2003 4:41 PM
To: info@freeportproject.org
Subject: The Water Project

My name is Alan Hockenson and I would like to comment on the EIR for the proposed Freeport facility. My residence is at 1104 Rio Cidade Way and will be within easy earshot of the proposed pumping facility. These comments are not going to be as detailed as I would like but there is a massive amount of information to comment upon. Instead of making specific comments, I will make general comments that should still be addressed.

Background

I work as a consulting engineer and have worked closely with joint powers agencies in Northern California or over 20 years. As a result I am familiar with how they work. The Freeport Water Authority receives its powers from its member entities and can take whatever action one or more of its members designates to it. The only reason it was formed was because of the resistance that East Bay Municipal Utility District (EBMUD) has recieved over the years trying to access its rights to federal water, primarily from the American River. This project would not be proposed if it wasn't for EBMUD wanting water from the Sacramento Region.

Fairness to Residents

Obviously, residents from the American River Canyon objected to this project when it was proposed there. After all, that was the previously preferred alternative for the project. It made sense because the canal that will transport water south from Sacramento (as with the current proposal) extends to the American River and would not require the construction from the Sacramento River eastward for several miles. There is less construction impact associated with the water conveyance portion of this project in that case.

I'm not trying to pit one neighborhood against another . . . it is just that we should be afforded the same rights and considerations. The same objections that we have are the same that we have. No amount of measures could be taken to mitigate the impacts of this project will be sufficient to be acceptable. The reason why is because no one needs to suffer as a result of this project. The project as proposed should be completely away from citizens as there are many locations where the project could be sited without impacting the public. Why do you prefer to put it where you propose? I'll tell you why. I52-1

Growth Inducing Projects Required Governmental Support

EBMUD is a special type of public utility, just as we have SMUD in Sacramento. They were formed by the legislature and run the risk of abolisment at the stroke of the legislature. EBMUD wants water to promote growth. Sacramento County also wants water to promote growth in the eastern (arid) portion of the county. The hidden support is by that of the City of Sacramento that currently owns the land for the preferred alternative. Why is the City staff so eager to approve the project at the preferred site? The reason is that there is an intended land swap between the City and the County that would allow the County to own the land for the project and the City would be swapped for similar land adjacent to the Sacramento River near Sacramento Metropolitan Airport. The land would be used to place an additional pumping station to support growth in Northern Sacramento. So the I52-2

motivation is the same for all three parties to this project, EBMUD, the County, and the City . . . water to develop land. I52-2

As we have all to painfully learned, existing residents take a back seat to the developers who propose growth whenever there is a conflict between the two. As shown at the Sacramento City Council meeting on December 9, 2003, only the council members representing districts south of the American River agressively participated in the discussion. Those on the north side, Treathaway, Sheedy, Cohen, and Mayor Fargo really didn't challenge the project because their regions will benefit from the project. They don't care what damage is done to our neighborhood as long as they benefit.

The City doesn't speak for the Residents near the Project

As noted above, the City is internally conflicted. Similarly, EBMUD and the County obviously support the preferred alternative or it would not be the preferred alternative. Therefore, the residents must speak for themselves. If indeed the preferred alternative is pursued further, EBMUD or whoever is acting on behalf of the project should commence preliminary discussions with each and every landowner that is affected from the construction and operation of the water intake facility. Potentially, there could be eminent domain processes as the project constitutes a "taking" without proper compensation to the affected residents. Benefits to the City and County have no means to flow to those individuals impacted. And remember, anybody who may consider the residents as NIMBYs (Not in my back yard) opponents to the project have every right to complain. This project can easily be located at a site that is in no one's back yard. I52-3

Another Alternative

In speaking with EBMUD staff, I understand there have been over 100 alternatives reviewed. Some represent more capital cost; some represent more operating cost; and some have stigma (i.e. alternatives below the outflow of the Sacramento Regional Wast Treatment Plant. I have not looked at all the alternatives, but if you haven't looked it this site, please explain why this shouldn't be the front runner based upon all its got going for it.

The is plenty of land adjacent to the collection of Folsom Prisons. I believe there is actually three prisions a the site. There is plenty of governmental land. The local residents (in the prison) aren't looking to make that there permanent home. It is adjacent to the lake for water access. The intake is at a higher elevation that would require less pumping energy to transport the water to the Folsom South Canal. The pipeline could be routed along El Dorado Hills Blvd that really needs widening anyway. Finally, once the water is siphoned over the ridge between the counties, it would benefit the distribution of the Sacramento County portion of the water supply. I52-4

Water Conveyance

If indeed, one of the four alternatives proposed by FRWA continues to be pursued, then I would say the routing of the water conveyance system near the Water Treatment Plant is preferrable to digging up Meadowview Road and other roads to the east. My preference would be to have the Intake Facility sited at a different location. However, the farther the Intake Facility can be sited away from the preferred alternative to the south, the better. I52-5

No Resale of Water

Any water taken as a result of this project should be only for the use of the original entities withdrawing the water. In other words, under no condition should excess water be pumped and sold to a third party not actually consuming such water at a facility located within the jurisdiction of the project proponents. To do so would be a "bait and switch" tactic that is offensive at a minimum. Therefore, pumps should only be operated for the purpose of actual water used. Pumps should not run 24 hours per day/7 days per week just because there is water to pump. I52-6

Noise Generation

I have heard the discussions and arguements regarding the ambient noise levels and the fact that the new Intake Facility would be operated to be less than the ambient environment. Please consider that the ambient noise I52-7

levels are being created by I-5 traffic. The traffic noice can be intermitent in nature and there are periods when it is reduced. To have it replaced by the moaning and groaning of pumps is patently unfair. Besides, the nature of the sounds caused by traffic and those by pumps have different characteristics. Different reciepters can be sensitive to new and different noise threshholds despite the guidelines being followed by the project proponent. Impacts can still be generated that are not sufficiently mitigated. The conclusion is to relocate the project to another site that are not near the public is the solutions. I'm sure that's what the American River folks recommended and we deserve no less. I52-7

In Summary

I don't trust the City. I don't trust the County. I don't trust EBMUD. All because developers want to develop and they need the water so they can make money. Nothing in this project provides direct compensation to the impacted residents. That's why I see this as an eminent domain situation. The problem is the same as it was on the American River. No payment or benefit to governmental bodies, City, County, or otherwise, compensates the residents for the obvious reduction in the quality of life this project would inflict upon them.

This has been a nice try . . . but for the third time (I believe a downtown access to the American River was also investigated) this project needs to find a home where it doesn't have such a substantial impact on the individual landowners it affects. Projects that do nothing more an induct growth must sacrifice no one in order to become reality.
Just spend a few extra dollars and make it happen.

Response to Comments of Alan Hockenson (Letter I52)

I52-1. See the master response to Intake Facility Issues.

I52-2. As described in Chapter 20 of the draft EIR/EIS, the FRWP is intended to support existing development within the EBMUD service area during times of drought and to support existing development and future growth within the SCWA Zone 40 service area consistent with the approved Sacramento County General Plan. The County of Sacramento and the City of Sacramento are currently negotiating both the sale of the proposed FRWP intake site that the City owns and the sale of a parcel of County-owned land near the airport to the City that could be used for an additional City water intake structure.

I52-3. FRWA has met numerous times with Pocket Area residents. Please see the master response on Public Outreach. Additionally, all potential impacts that may result from the project are fully analyzed in the draft EIR/EIS with modifications described in the final EIR/EIS. Appropriate mitigation is identified where needed and will be implemented by FRWA. FRWA is negotiating the purchase of the land for the intake facility with the City of Sacramento.

I52-4. As described in the Alternatives Screening Report (Volume 2, Appendix B of the draft EIR/EIS), diverting water from the American River is highly controversial and would be contrary to the intent of the Water Forum Agreement. While the specific site identified in the comment was not looked at in detail, most relevant aspects of it are considered in the evaluation of a diversion at the Folsom South Canal (pages 7-1 through 7-13). Furthermore, constructing facilities to deliver water from the suggested diversion point to the Folsom South Canal would have increased environmental impacts compared to the diversion at Folsom South Canal alternative.

I52-5. The preferred alternative (Alternative 5) routes the pipeline relatively close to the SRCSD WWTP, thereby avoiding construction on Meadowview and Mack Roads. With regard to the siting of the intake facility, please see the master response to Intake Facility Issues.

I52-6. There are currently no plans for use of the unused capacity of the FRWP facilities other than the small quantities described in Chapter 2 of this final EIR/EIS. These facilities may provide additional regional benefits in the future by enabling regional water supply solutions. However, no such plans have been identified at this time, and any such future plan will be required to provide a new source of water (EBMUD's CVP contract does not allow for diversion of water in normal and wet years, when excess capacity would generally be available) and will undergo appropriate separate environmental review.

I52-7. Consistent with CEQA and NEPA, impacts of a project are measured against existing conditions. Noise generated by I5 is a component of the existing conditions. However, it should be noted that the intake site is very quiet at night which is also part of the existing condition baseline. FRWA has committed to keeping operational noise levels at or below existing background levels. Regarding the intake site location, please see the master response to Intake Facility Issues.

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DEC 17 2003

December 15, 2003

Letter I53

Mr. Kurt Kroner
Freeport Regional Water Authority
1510 J Street, #140
Sacramento, CA 95814

Re: Draft EIR/EIS

Dear Mr. Kroner,

I am opposed to the current process involving the Draft EIR/EIS and therefore oppose the current construction and implementation plans that constitute the "Freeport Project". I am a mediator for the Center for Collaborative Policy and the current Environmental Justice Coordinator for the California Bay Delta Authority. I write this letter as a resident of Sacramento, California living in the Pocket community.

The Freeport Project is a large scale, multi year effort that will permanently affect the communities in which it is to be constructed. It may provide important and worthwhile benefits to millions of water users in this region. The project could also pose serious environmental and economic threats to the community and beyond. It is conceivable that the value of proposed groundwater and other natural resource benefits may well change over time based on better research, better science and better water management practices. Each of these descriptions provides a scenario with ample justification for any public participation process that seeks to explain, promote and develop this project be open, transparent, and inclusive at every stage. I53-1

Environmental justice is firmly entrenched in Federal and State law. It requires that a process of inclusion and collaboration is established between the entity seeking an environmental action, and the community where the action is to take place. The four key domains of environmental justice that must be practiced are first, **knowing the community** well enough to understand their needs as well as your own. Second, **understand the cumulative impacts** of the prosposed action as well as other (past) actions in the community. Third, engage the community in a dialogue to fully **understand and explain the benefits and burdens** – from all sides. Fourth, do all of this through a **process that is meaningful, fair and** just. This necessitates that some key decision-making must be shared by all stakeholders in the process. This current process is flawed by failing to embrace or foster environmental justice through a more collaborative process. I53-2

There would be no Freeport Project without the successful outcomes from the "Water Forum" Agreements. What made agreement possible over the course of the eight year Water Forum? Agreement came through strategic, open and transparent process. The process was professionally facilitated with a stakeholder-based, consensus-building framework. A similar approach and methodology ought to be part of the public participation process of the Freeport Project. Without that, the communities of Pocket and Meadowview, along with many other residents across this county, will fail to understand and accept the Freeport Project. This community is sophisticated in its understanding of both policy and process. They demand a more respectful and inclusive decision-making process than the current one. This is expected for all capital and other important community projects in Sacramento region. Take heed! I53-3

Until the draft EIR/EIS establishes that it has fulfilled its legally mandated requirements to incorporate environmental justice in its process, I will urge all elected officials and conscientious residents to oppose the Freeport Project, and to specifically challenge legality and validity of the EIR/EIS in draft or final form.

Respectfully,

Ken McGhee

Responses to Comments of Ken McGhee (I53)

I53-1. See master response to Public Outreach Process.

I53-2. See master response to Environmental Justice Issues.

I53-3. See master response to Public Outreach Process.

Letter I54

To whom this may concern,

Regarding Freeport Regional Water Authority proposed Regional water project.

On behalf of my family, Valley High, South Sacramento residents **WE OPPOSE** the project described in your outlines for the following reasons.

1. **Concerns regarding lack of communication with the residents and business' living, working and commuting around the proposed project area.** Discussing with neighbors in my area they had no idea this large scale construction was going to even proceed in the near future. **We recommend before the start of this project that there would be more notification given to area residents and business' since I'm the only voice out of the Valley High area that was notified of this project!** I54-1

2. **Disruption of area roadways/highways (congestion), schools, business', hospitals, surrounding neighborhoods, future business expansion around Consumnes / Bruceville / Power Inn areas due to construction.** I54-2

3. **Loss of home values because of construction and 185 MILLION GALLONS OF WATER FLOWING UNDERGROUND THROUGH THE COMMUNITY NEAR THEIR HOMES (personally if I would of known about this project, my family & I would of NOT purchased this home in this area).** I54-3

4. **Safety concerns of the project. Examples, Piping issues (longevity pressure cracks on piping) settle ling of ground after installation. Emergency procedures if piping were to crack because of a natural disasters. What compensation do the home owners receive?** I54-4

5. **Rodent infestation, noise from construction sites and dynamite blasting. Buildings being damaged due to construction (dynamite blasting). Will there be any compensation for damages?** I54-5

Lastly we can (given the time) go on regarding our concerns. Again we recommend that MORE notification be given to area residents and business'.

More people need to know about this project in the infected areas were they live.

Ruben & Carmella Bravo (Valley High residents)
6771 Bodine Circle
Sacramento, Ca. 95823 (916) 689-6468

Joe & Rozina Parkhurst (South Sacramento residents)
8181 Marion Oaks Court
Sacramento, Ca. 95828 (916) 869-6142

Response to Comments of Ruben and Carmella Bravo and Joe and Rozina Parkhurst (Letter I54)

I54-1. See the master response to Public Outreach Process.

I54-2. See the master response to Intake Facility Issues.

I54-3. See the master response to Intake Facility Issues.

I54-4. The pipeline will be designed and constructed according to industry standards to meet all applicable codes and regulations. Furthermore, the pipeline will be buried and operated at a relatively low pressure. The likelihood of a catastrophic failure is extremely remote and is sufficiently addressed through conservative design measures. With regard to water being continually pumped into a damaged pipeline, the intake pumps will be equipped with control devices to cease operation if there is a sudden loss of discharge pressure or sudden increase in flow. FRWA will also carry out a long-term inspection and maintenance program to address the potential for pipe leakage. There is no basis to expect that homeowners will be affected by these activities and, therefore, no need to provide compensation.

I54-5. See the master response to Intake Facility Issues. Additionally, no dynamite would be used in construction of the preferred alternative. The draft EIR/EIS did discuss the use of dynamite associated with the Enlarge Pardee Reservoir component of Alternative 6. However, this alternative is not being pursued at this time.

Letter I55

December 15, 2003

Kurt Kroner
Freeport Regional Water Authority
1510 J Street, Suite 140
Sacramento, Ca. 95814

Dear Mr. Kroner:

Please consider this my public comment concerning the Freeport Regional Water Project Draft Environmental Impact Report.

After reviewing the documents and discussing the matter with other persons, I have several concerns.

I have been informed the EIR scheduled water deliveries and use of the pipeline to deliver water from the Folsom South Canal to the Mokelumne River are erroneous and that East Bay MUD is aware of the inaccurate numbers and projections. I55-1

East Bay MUD and its representatives through the Freeport regional water project have represented to local members that the pipeline would be used approximately 3 days per year. We believe this to be false. We believe water transportation will be nearly continuous. I55-2

There is information that East Bay MUD intends to use the Folsom South Canal Pipeline Project to deliver water nearly continuously to the Mokelumne River, utilizing existing contract rights to draw American River water outside, separate and apart from any agreement with the Freeport Regional Water Project and Agency. I55-3

I have received information that there are negotiations for the sale of water to other public agencies and a private water agency, Thames in Stockton, that involve deliveries through the Folsom South Canal Pipeline Project. I55-4

There is a concern that the current project plan number 5 is but one piece of a more sophisticated water delivery set up thought out the San Joaquin Valley. A global water network is not discussed in the Environmental Impact Report and as such it appears that East Bay MUD and the Freeport Regional Water Project are attempting to "piece meal" this matter together in order to avoid mentioning the larger scale projects within the current Environmental Impact Report. I55-5

Informal discussions with preservation groups such as Friends of the River and Delta Keepers raise concerns that such omissions of multiple projects being under taken by East Bay MUD, such as this, maybe attempt to violate Cequa reporting regulations and in fact are an attempt to disguise the scope of one massive project and disguise it as smaller projects or various stages of future projects under considerations. I55-6

I would appreciate the matters of adjoining future water projects under consideration in the San Joaquin Valley and negotiation of sales of American River or Sacramento River water through the pipeline be specifically and fully addressed.

The scale and cost of this project is enormous and will affect millions of people. As such this project and all related activities should be candidly and openly discussed.

Very Truly Yours,

Timothy J. Reinarts
12394 Clay Station Road
Harold, CA 95638

Response to Comments of Timothy Reinarts (Letter I55)

I55-1. Deliveries to EBMUD are subject to CVP contract terms and conditions. The environmental effects of the project are analyzed using computer models. The draft EIR/EIS relies on the best information and modeling tools available to conduct impact analyses. Reclamation and FRWA employed the best available technology to assess the potential effects of implementing the FRWP and alternatives through extensive computer modeling of the entire CVP and SWP. This modeling tool, CALSIM II, is the only available and accepted tool for such modeling and has been subjected to rigorous review and refinement. Reclamation and the California Department of Water Resources (DWR) developed this model and fully accept the results of the model. The FRWP modeling was conducted in close coordination with Reclamation and has been made publicly available. Reclamation and DWR have reviewed and accepted the results. In addition, the modeling has been discussed extensively with U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NOAA Fisheries). No major issues with modeling assumptions or approaches have been identified by these agencies, which collectively share actual responsibility for managing the CVP, SWP, and fisheries resources. Furthermore, deliveries to EBMUD are limited by the CVP contract terms and conditions. EBMUD uses its best judgment to determine the delivery schedule in the impact analysis in the draft EIR. Incidentally, the schedule assumed is likely to give close to the high-end estimate of potential impacts. At any rate, other delivery schedules within the CVP contract limitations and project capacity are unlikely to give substantially different results.

I55-2. As described in Chapter 1 of the draft EIR/EIS, EBMUD only requires water from the FRWP during periods of drought. On average this would be approximately 3 out of every 10 years. During these periods, the canal pumping plant would operate periodically for several months during the year. Other than the small quantity of water described in Chapter 2 of this final EIR/EIS, during nondrought years, the canal pumping plant would only operate for purposes of maintenance and very infrequently for scheduled major maintenance at Pardee Dam and Reservoir.

I55-3. The purposes of the project are fully described in Chapter 1 under "Purpose and Need" (page 1-3). The purposes are to provide water to SCWA and EBMUD. SCWA and EBMUD water supply contracts for the water that will be delivered through the FRWP are also described in Chapter 1 (pages 1-6 through 1-9 and 1-15 through 1-18, respectively). The intended uses of the FRWP are fully disclosed in the draft EIR/EIS and there are currently no plans for use of the unused capacity of the FRWP facilities. These facilities may provide additional regional benefits in the future by enabling regional water supply solutions. However, no such plans have been identified at this time, and any such future plan will be required to provide a new source of water and will undergo appropriate separate environmental review as required by CEQA and NEPA.

I55-4. See response I55-3 above.

I55-5. See response I55-3 above.

I55-6. See response I55-3 above.

Letter I56

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DEC 1 6 2003

Kenneth Koyama
7759 El Rito Way
Sacramento, CA 95831

Freeport Regional Water Authority,
1510 J Street, #140
Sacramento, CA 95814

Dear Freeport Regional Water Authority:

My family and I have lived in our house on El Rito for 14 years. I share the same comments as my neighbors regarding the noise, dust, chemical storage, security, and incompatible land uses related to the water pump project. I also share the same concerns regarding the thorough analysis of the alternate sites. I56-1

I have specific comments on the air quality and specifically concerning the impacts from the construction phase of the project. I believe the draft Environmental Impact Report inadequately identifies potential impacts to localized air quality during the construction phase.

I have background on air quality and diesel emission issues. I am a program manager at the California Energy Commission in charge of the heavy duty vehicle and new technologies program. I56-2

Page 12-12 - The draft EIR fails to project the number of truck trips on to the site except to assume that on average they expect 6 truck trips per day. I understand that at peak times, 125 truck trips will occur at the site. The draft EIR should provide a worse case impacts scenario that would include these 125 truck trips particularly on the localized area.

Page 13-22 – The draft EIR states that "the construction contractor shall incorporate measures to address NO_x and CO emissions into the construction management plan for the project." No mention is I56-3

made of the more toxic particulate matter (PM) emissions. Because these trucks will be heavy duty diesel vehicles, we should expect significant localized emissions of PM depending on the types of trucks coming on to the site. I56-3 cont

Diesel emissions have been designated as toxic air contaminants by the California Air Resources Board and are known to cause health impacts to the young and old. Just this past October, the ARB restricted diesel school bus idling since "children are more vulnerable than adults to diesel air pollutants because they have higher inhalation rates, narrower airways, and less mature immune systems."

My neighborhood is full of young families.

Page 13-22 - The draft EIR suggests that the construction company will "achieve a fleet-averaged 20% NO_x reduction and 45% particulate reduction compared to the most recent California Air Resources Board fleet average." This oddly phrased statement, I assume, means that the construction company will use trucks and other heavy-duty equipment with engines that will be cleaner than average.

I know what is available in the heavy-duty vehicle engine category. I believe that the draft EIR needs to include specific levels of engine emissions that the construction companies will use. If the construction company will be required to use the cleanest equipment available, they should be required to meet specific emissions requirements. Truck engines prior to 1988 were unregulated for PM. I56-4

ARB has adopted a diesel risk reduction program, which calls for the use of particulate filters to further limit PM emissions. The cleanest heavy-duty trucks are natural gas powered trucks, followed by a 2003 new diesel engine with a particulate filter.

Until we see the specific engine, idling times, ingress & egress roads, plume dispersion, and grams of emissions at the site, we should consider the EIR incomplete. As it is written now, it does not provide enough information to determine if the impacts are or can be mitigated.

Page 13-22 – The draft EIR states that off road equipment will be monitored with an opacity indicator. This measures the density of visible smoke and does not measure PM 2.5, the real bad actors of the toxic air emissions from diesel engines. Although I agree with the opacity monitors and the quick fix of the equipment, a better fix would be to use newer engines using low sulfur diesel and particulate filters. I56-5

Page 13-22 - The draft EIR states that off road equipment such as the diesel pile drivers will use alternative fuels whenever feasible. Although they may plan to use biodiesel as the alternative fuel, this will not mitigate PM emissions to a great extent, unless the engine has been modified and certified to use biodiesel. In fact I believe that unless the engine and fuel have been certified by the ARB, this mitigation measure may not be allowed. I56-6

In summary, I believe that draft EIR inadequately describes the impacts from the construction phase of the project. Because of the lack of specificity of the impacts, the mitigation measures may not be enough to address the impacts. I56-7

Sincerely,

Kenneth Koyama

Kenneth Koyama

Responses to Comments of Kenneth Koyama (Letter I56)

I56-1. See the master response to Intake Facility Issues.

I56-2. As noted on page 12-12 (last paragraph under "Freeport Intake Facility") of the draft EIR/EIS, the analysis assumes that overall round-trip truck trips at the intake site would average 22 trips per day throughout the duration of construction. The highest number of construction-related truck trips daily would occur during the discharge piping/other structures phase of activities, averaging 120 round-trips per day for 5 days' duration. The analysis did not directly consider the "worst case" because of the short duration of such an event and because the environmental commitments adopted by FRWA would minimize potential effects. As noted in the draft EIR/EIS, FRWA is committed to minimizing traffic disruptions as much as possible and intends to adopt the environmental commitments outlined in Chapter 2 of the draft EIR/EIS, which include implementation of a traffic control plan (page 2-45). It is important to note that truck traffic associated with the intake facility will access the site from Freeport Boulevard and will not be directed through the Pocket area neighborhood.

I56-3. All vehicles will be required to comply with the mitigation measures outlined in Chapter 13 of the draft EIR/EIS. Mitigation Measure 13-1 fully complies with the requirements of the Sacramento Metropolitan Air Quality Management District (SMAQMD). The SMAQMD has reviewed the draft EIR/EIS (see letter L14) and found the analysis to be thorough and complete, as well as consistent with the latest procedures established by the district. FRWA is fully committed to implementing the stringent air quality requirements established by Mitigation Measure 13-1. It is not feasible to specifically identify emission requirements. However, the requirements set forth in Mitigation Measure 13-1 require that heavy-duty off-road vehicles be much cleaner than average, which will generally require that the construction fleet be made up of newer vehicles that have modern emission systems. It should also be noted that most of the emissions identified in Impact 13-6 are related to truck traffic throughout the entire construction area. Only a relatively small portion of total emissions will be derived from off-road heavy construction equipment at the intake facility site.

I56-4. See response to comment I56-3 above. As noted, Mitigation Measure 13-1 is in full compliance with the requirements of the SMAQMD, which is responsible for monitoring and enforcing air emission rule in the project area. FRWA is fully committed to minimizing emissions to the extent feasible.

I56-5. See response to comment I56-3 above.

I56-6. The SMAQMD is responsible for determining the acceptability of any alternative fuels proposed to be used to minimize emissions. FRWA will coordinate with the SMAQMD closely.

I56-7. FRWA believes that the analysis in the Draft EIR/EIS is adequate and appropriately characterizes potential environmental effects, as well as identifying appropriate mitigation measures that have been approved by the SMAQMD.

Chapter 9

Responses to Form Letter Comments

Preserve the Pocket! Say NO! to the Freeport Water Project

Dear FRWA Board,

Letter FL01

I strongly oppose the proposed water intake facility being considered for construction on the Sacramento River levee in the South Pocket area. An industrial project of this magnitude does NOT belong in or near a residential neighborhood. Not enough consideration was given to the proposed alternative site locations as outlined in the Draft Environmental Impact Report for the project.

9-1

Response to Comments of Preserve the Pocket (Letter FL01)

FL01-1. See master response to Intake Facility Issues.

Letter FL02

South Pocket Preservationists

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The Freeport Regional Water Authority (FRWA) proposes an intake pumping facility on the Sacramento River levee by the South Pocket neighborhood, a 15 mile pipeline through the Meadowview and Valley Hi neighborhoods and a water treatment plant near Florin and Excelsior.

We, the undersigned, urge all our representatives to use all their powers to maintain the quality of life in the South Pocket area, which means:

* Resisting the sale or transfer of the city owned land where the intake site is proposed immediately adjacent to the South Pocket Neighborhood homes.

* Criticizing, if not rejecting , the DEIR as written (the potential impacts to our community have NOT been properly addressed by the DEIR/EIS.

* Demanding complete disclosure by FRWA of satisfactory detail how FRWA will mitigate the :
  * **Probable 3 years of loud construction noise.**
  * **Storage of Sodium hypochlorite immediately adjacent to South Pocket Neighborhood homes.**
  * **Lifelong operational noise from huge intake pumps.**
  * **Loss of property value in the Pocket Area.**

FL02-1

	Name	Signature	Address	Phone
	DONNA HOLLINGSHEAD		6400 Haversine	422-2420
	DICK HOLLINGSHEAD		6400 Haversine	" "
	RICK GRAHAM		458 DEER RIVER	392-9428
	LORI WACKER		" " "	" "

Response to Comments of South Pocket Preservationists (Letter FL02)

FL02-1. See master response to Intake Facility Issues.

Chapter 10

Responses to Comments from Public Hearings

Chapter 10

Public Hearing Comments on Draft EIR/EIS

Oral comments received during public hearings have been summarized and responses are provided below. Copies of the full transcripts for all meetings held in September 2003 as listed below are available at the FRWA offices (1510 J Street, #140, Sacramento, CA 95814). A link to the video of the December 9, 2003 Sacramento City Council meeting is available at the Freeport Regional Water Project website (www.FreeportProject.org) or on video at the City of Sacramento main library.

September 4, 2003 – Meadowview Community Center, Sacramento, CA

September 9, 2003 – Herald, CA, Herald, CA

September 10, 2003 – East Bay Municipal Utility District, Oakland, CA

September 11, 2003 – Wildhawk Golf Course Clubhouse, Sacramento, CA

September 24, 2003 – Private Residence on El Rito Way, Sacramento, CA

September 29, 2003 – Lisbon Elementary School, Sacramento, CA

December 9, 2003 – Sacramento City Council Hearing Room, Sacramento, CA

September 04, 2003—Sacramento, CA (Meadowview Community Center)

Kurtis Tilletschal, Antioch Baptist Church, 7650 Amherst Street, Sacramento

Comment: What are the long-term and short-term impacts of the project to this community and how long will those impacts last?

Response: See the master response for Intake Facility Issues.

Comment: What construction-related mitigation measures will be implemented for the Sacramento community and who will implement them? The document says no mitigation.

Response: See the master response for Intake Facility Issues.

Comment: Why is the intake facility located so close to a populated area?

Response: See the master response for Intake Facility Issues.

Comment: Why didn't you choose the alternative that ran the pipeline through the unpopulated, agricultural area?

Response: See the master response for Intake Facility Issues.

Keith Herron, Meadowview Development Committee, 1036 E. Landing Way, Sacramento

Comment: What are the current water district areas and zones and the demands for those areas?

Response: The boundaries and water demands for each of the FRWA member agencies are described in Chapter 1 of the draft EIR/EIS.

Comment: Are there any pending current agreements with regard to compensation for the use of water and payment for construction? Is the City of Sacramento receiving any compensation for that agreement?

Response: FRWA is negotiating with the City of Sacramento for the acquisition of the portion of the city property proposed to be used for the intake facility. In addition, FRWA will fully comply with city requirements regarding construction-related mitigation measures. The water supplies to be used by the FRWA member agencies are not owned or controlled by the City; therefore, no compensation is appropriate.

Comment: The project eventually takes the majority of the water to the southwest area. Why did you choose the Freeport water facility—was it just based on cost or was there some other reason?

Response: See the master response for Intake Facility Issues.

Comment: What are the connection constraints with regard to the Folsom Canal? Do you have to connect in the northernmost portion of the Folsom Canal since you are taking the water south?

Response: The current proposed connection location is the most appropriate location. The distance between the Sacramento River and the Folsom South

Canal increases substantially farther south, and connecting at a more southerly location would result greatly increased pipeline length and associated greater disruption and environmental effects.

Comment: What were the factors in determining the alternatives? You listed them there, but it was very vague and it was not very specific.

Response: See the master response for Intake Facility Issues.

Comment: Regarding public review and comment, I want to make sure that the document is available everywhere. I tried to get one at the City Planning Commission and I could not get one. Also I'd like to see more information on the public participation schedule. Some local residents did not know about the public meetings.

Response: See the master response for Public Outreach Process.

Comment: The document does not mention the specific length of the construction period, the number of working days, and the hours of operation.

Response: The likely construction periods are discussed in Chapter 2 of the draft EIR/EIS (pages 2-34). In addition, FRWA has committed to a number of measures as part of the project description (see Environmental Commitments on pages 2-44 through 2-51) that will ensure that construction-related effects are minimized to the maximum extent practicable.

Comment: The project appears to disproportionately impact low-income and minority environmental justice populations. There was a brief paragraph in Chapter 10 on environmental justice but I don't think it addressed environmental justice adequately. Federal law states that you have to avoid, if possible, and disclose if not possible, if you're going to have a disproportionate impact on minority or low-income residents, and I didn't see that in the report.

Response: See the master response for Environmental Justice Issues.

Comment: With regards to noise level, the document shows existing noise levels but does not predict expected noise levels.

Response: See the master response for Intake Facility Issues.

Comment: If new noise levels are greater than 5 decibels, that could be an issue. Studies have shown that property values that are affected by noise level, particularly if it's an increase of five decibels or more, would depreciate in value by 6%. I want to know how you plan to mitigate for those changes in property values.

Response: See the master response for Intake Facility Issues.

Paul Olmstead, SMUD, P.O. Box 15830, Sacramento

Comment: I am concerned with water quality for our new Cosumnes Power Plant near Rancho Seco. SMUD uses American River water and we are concerned that water coming from Sacramento over to the canal, where SMUD will take water for its new power plant, will be of poor quality since it will be coming from the Sacramento River.

Response: See responses to written comments from SMUD (Letter L11).

Bob Nelson, SMUD, 6301 S Street, MSB355, Sacramento

Comment: I am concerned with water quality for new power plant near Rancho Seco (Cosumnes Power Plant): SMUD uses American River water; concerned that water coming from Sacramento over to FSCC, where SMUD will take water for new power plant, will be of poor quality since coming from Sacramento River. These issues are not addressed in the document.

Response: See responses to written comments from SMUD (Letter L11).

Georgia Crane, Resident, 7749 El Douro Drive, Sacramento

Comment: I am concerned about the impact of this project on my property value. This issue needs to be addressed.

Response: See the master response for Intake Facility Issues.

Comment: The freeway noise around my property has increased over the last 15 years and this project will increase noise levels even further.

Response: See the master response for Intake Facility Issues.

Comment: During flood season, we've had problems with potential flooding in the area where the intake facility will be located. That area, at the levee bend, is very vulnerable and weak. I'm concerned about that the project will increase erosion in that area and, therefore, increase the risk for flooding.

Response: See the master response for Intake Facility Issues.

Comment: This project will supplement the East Bay area during dry periods, taking water from our area. What impact is that going to have on our water supply? Is it going to create rationing for us now?

Response: The City of Sacramento's water rights are senior to Reclamation's. Therefore, the city generally has access to its full water supply even during dry periods. The FRWP will not affect the availability of water for the city.

Nathan Cox, Resident, 7767 El Rito Way, Sacramento

Comment: This project played a role in my neighbors selling their property over issues related to the future effect of the project on local water quality. The future effect of the project on current property values was not addressed in the document.

Response: See the master response for Intake Facility Issues.

Comment: With respect to the issue of the flooding and the potential liability involved, I think this project is being done at the lowest cost to the City and the relative agencies. There should be more flexibility involved here and concern for the project's impact on local residents.

Response: See the master response for Intake Facility Issues.

Jocelyn Graves, Resident, 7557 Skelton Way

Comment: I want to know how you were doing your notification because I live in the community and I never got a notice that these meetings were going on.

Response: See the master response for Public Outreach Process.

Comment: If there is a leak in that treatment plant, what's going to happen?

Response: The intake facility will be continuously monitored. Any mechanical malfunctions will be rapidly detected and repaired. Because no water will be stored at the site and most of the facilities will be underground, it is unlikely that any facility failure would result in surface flows.

Comment: I also had a concern about the flooding and I want to know what you're going to do for this community for all the disruption during construction. Construction through 2010 is a long time. And whatever you decide to do for this community, I would like it to be in writing.

Response: See the master response for Intake Facility Issues.

Comment: I would like to know if you are going to put any type of sound wall around the treatment plant or other mitigation to address noise impacts.

Response: See the master response for Intake Facility Issues.

Comment: It seems as though you've already decided that this project is going to happen. If the community doesn't want this, at what point, if you had to, would you intervene with eminent domain rights?

Response: FRWA is negotiating with the city for acquisition of the necessary property to construct and operate the project. FRWA does not plan to exercise its eminent domain authority.

Comment: After you gather all this information, are you going to come back to us and have a community meeting to answer questions?

Response: See the master response for Public Outreach Process.

Ken McGhee, CALFED Environmental Justice Coordinator/Meadowview Resident, 761 Minnie Way, Sacramento

Comment: I am concerned about potential environmental justice issues related to project. Environmental justice is a concept that protects everyone from undue impacts of projects, and I think it's important to take that deep into consideration in this part of the community that's been impacted by the project.

Response: See the master response for Environmental Justice Issues.

Sedrick Ghosten, Resident, 2175 Florin Road, Sacramento

Comment: What does significant mean? What does it mean in relation to mitigation.

Response: Under the California Environmental Quality Act (CEQA), public agencies generally may not approve a project with one or more impacts identified as "significant," unless those impacts are mitigated to a less-than-significant level, or such mitigation is found by the public agency to be infeasible. Under CEQA, lead agencies are responsible for determining what degree of impact should be considered "significant."

Comment: It is best that we do as much communication and informing up front to explain the project and the issues to the community. You need to involve the members of the community rather than presenting the project as though it's already approved. It is a very beautiful community and they want to embrace it, but they need to understand what's going on.

Response: See the master response for Public Outreach Process.

Janine Kelly, Resident, 7719 Los Rancho Way, Sacramento

Comment: I'm concerned about rodents during construction. We live very close to the river and we have rats, we have mice, we have all kinds of critters that are coming and going. And if you disrupt their environment, they're going to spread and they're going to come over to our houses. So you need to address the rodent problem.

Response: See the master response for Intake Facility Issues.

Comment: I'm concerned about the dust control. We live in an area with a lot of open fields so we already get a lot of dust. And I'm concerned about how much that will be increased.

Response: See the master response for Intake Facility Issues.

Comment: I'm concerned about the noise level during construction and operation. What kind of type of noise will be made and how loud will it be? Also, the existing freeway noise should have been checked during a peak traffic period. Calling something significant and unavoidable tells me that the project proponents are not concerned about the impact and its effect on local residents.

Response: See the master response for Intake Facility Issues.

Comment: Will the levee bike path be kept open during construction? My husband uses it daily.

Response: During portions of the construction period, the path will be inaccessible, but a temporary detour will be provided. See the master response for Intake Facility Issues.

Comment: Will the integrity of the levee be maintained to prevent flooding?

Response: See the master response for Intake Facility Issues.

Comment: Why did you choose to build the project in a populated area versus an unpopulated portion along the Sacramento River?

Response: See the master response for Intake Facility Issues.

Marcine Crane, Resident, 7749 El Douro Drive, Sacramento

Comment: I am concerned about noise pollution.

Response: See the master response for Intake Facility Issues.

Comment: I am concerned about visual impacts.

Response: See the master response for Intake Facility Issues.

Comment: I am concerned about the impact of the project on my property value. Will the project proponents compensate me for the decrease in value due to this project? Community impacts need to be addressed.

Response: See the master response for Intake Facility Issues.

Comment: What are the other state/federal funding sources that we would be working with as interested residents if we need to address the funding issues to stop the project, if we have to get to that point?

Response: No federal or state funds are currently anticipated to be used for the FRWP. The project will be entirely locally funded by EBMUD and SCWA.

Yvette Jones, Resident, 7705 Los Rancho Way, Sacramento

Comment: The benefits, other than to groundwater, are unclear. The document is too difficult to understand.

Response: The purpose of the project is described in Chapter 1 of the draft EIR/EIS. As noted in that section, the purpose of the project is to provide facilities to SCWA to allow the conjunctive use of surface water and groundwater to meet the demands within the Zone 40 and to provide facilities to reduce the effects of severe droughts within the EBMUD service area.

Comment: Is this project really about urban sprawl and funding suburban development?

Response: The project purpose, as described in Chapter 1 of the draft EIR/EIS, is to provide surface water facilities to be used in conjunction with groundwater to meet projected water demands within the Zone 40 area, consistent with the Sacramento County General Plan growth projections.

Comment: The alternatives really don't vary that much. You need to reasonably look at other areas that are unpopulated.

Response: See the master response for Intake Facility Issues.

Robert Lorbeer, Resident, 7751 El Rito Way, Sacramento

Comment: You've not talked to our community about this project. You've had some private meetings but have not met with the affected community.

Response: See the master response for Public Outreach Process.

Comment: From looking at the document, I cannot understand what the impacts are going to be. You do not care about the community.

Response: See the master response for Public Outreach Process. The Executive Summary of the draft EIR/EIS described the anticipated impacts of the project alternatives in a simplified format.

Comment: The EIR did not address impacts on recreational facilities. You have not addressed the walkway. People go up there and walk up and down that all of the time. The EIR shows picture of boats going up and down the river.

Response: See the master response for Intake Facility Issues.

Comment: You're talking about a dam. I have no idea where that dam is.

Response: A new dam would be constructed only under Alternative 6. This new dam would be located on the Mokelumne River immediately downstream of EBMUD's existing Pardee Dam.

Greg Lauck, Resident, 7722 Los Rancho Way, Sacramento

Comment: How many eyesores can we put in this space? We already have the water tower.

Response: See the master response for Intake Facility Issues.

Comment: You're asking people to make comments, but the details that we've been given so far are so vague that we can't make comments because we're not educated enough on this thing to be able to make a comment.

Response: See the master response for Public Outreach Process. See also Chapter 2 of this final EIR/EIS. Substantial public outreach was conducted for the project and the public review period was extended twice and encompassed approximately 5 months, significantly longer than required by law. FRWA is committed to minimizing effects to the extent feasible and has incorporated additional measures into the project as described in Chapter 2 of this final EIR/EIS.

Gwen Jackson

Comment: I did not get notified about the meeting.

Response: See the master response for Public Outreach Process.

Comment: I have a concern certainly about a disproportional amount of burden for construction. With the light rail, widening Cosumnes River Boulevard and then this project. It would be a lot of construction. All of these projects have traffic issues, pollution and dust. In addition, these projects will all affect property values during construction.

Response: See the master response for Environmental Justice Issues and Intake Facility Issues. FRWA is aware of these other projects and has been coordinating with the agencies on a regular basis. FRWA is committed to minimizing any combined effects to the extent feasible. However, the construction schedules for all of these projects have not yet been finalized and it is speculative to predict the timing of construction at specific locations at this time.

Shari Kawelo, Resident, 7755 El Rito Way, Sac

Comment: I am concerned about the decrease in my property value as a result of the project and my overall quality of life. There will be visual impacts from the project as viewed from my home. There will be dust, noise, and more rodents.

Response: See the master response for Intake Facility Issues.

Comment: The six alternatives don't list an alternate location for the intake facility; just pipeline alignments.

Response: See the master response for Intake Facility Issues.

Comment: I am concerned about integrity of the levee.

Response: See the master response for Intake Facility Issues.

Cheryl Stith, Member, Antioch Progressive Baptist Church, Sacramento

Comment: The document is very difficult to review, even when you work in the field. It's an awful lot of detail, and awful lot of charts, an awful lot of information. You need to improve the way you communicate the project's risks and benefits to people.

Response: Projects such as the FRWP are inherently complex. FRWA made every effort to make the documents as reader-friendly as possible. FRWA is committed to ongoing communication with the community and welcomes additional opportunities to further explain the project.

Comment: Improve communication about the project in general.

Response: See the master response for Public Outreach Process.

Comment: Improve communication regarding funding for this project

Response: The project is entirely locally funded by SCWA and EBMUD.

Matt Kelly, Sacramento Building and Construction Trades Council, Sacramento

Comment: Sacramento Building and Construction Trades Council supports project; it will provide jobs for Sacramento area residents.

Response: FRWA appreciates the support of the council.

Josephine Blick, Resident, 2257 Pierre Avenue, Sacramento

Comment: Will local people benefit from this project? Will there be jobs for the people in this community, or will people commute from Folsom and everywhere else?

Response: FRWA is committed to providing jobs for local residents. The details of such a program are currently in the development phase.

September 9, 2003—Herald, CA (Herald Fire Department)

Bob Nelson, SMUD, 6301 S Street, MSB355, Sacramento

Comments are similar to those made on September 4, 2003.

See responses to written comments from SMUD.

Gene Robinson, 9980 Calvine, Sacramento

Comment: How are the funds generated for the Freeport Regional Water Authority Agency?

Response: Funding for the FRWP is from SCWA and EBMUD.

Comment: It looks like you're selecting a route that goes along streets that are less developed than others that are more developed, so that you're not tearing up a lot of paving that the taxpayers have already paid for. I approve of that.

Response: The commentor's preferences are noted.

Comment: I would suggest that you obtain the treatment plant property before someone else gets there ahead of you.

Response: SCWA has obtained options for two parcels suitable for the treatment plant. See Chapter 2 of this final EIR/EIS for additional details.

Georg Kuhnke

Comment: I'm particularly concerned about traffic and transportation, not only during the construction timeframe, but potentially afterwards, because of maintenance that has to be going on at the terminus facilities. The trucks that are going to be using the roads in the local area are going to be doing significant damage to all of the roadways. They're going to be impacting school routes, not just bicycle routes, and school routes are not specifically mentioned. So that's a very major safety issue.

Response: FRWA recognizes the importance of safety during construction. FRWA has incorporated environmental commitments into the project (draft EIR/EIS page 2-45) that would minimize construction hazards. FRWA will also

coordinate and comply with all normal local agency requirements regarding construction activities.

Comment: I'm concerned about noise impacts a couple thousand feet away from the future plant during operation. The noise level will be higher than the current background noise level.

Response: See Chapter 2 of this final EIR/EIS. FRWA has incorporated additional mitigation into the project to ensure that changes in noise levels at nearby residences will be less than significant.

Ruth Mulrooney, 27300 Elliott Road

Comment: The document does not address the benefits and impacts to San Joaquin County.

Response: Potential impacts within San Joaquin County are disclosed in the appropriate chapters of the draft EIR/EIS. FRWP-related issues within San Joaquin County are related primarily to project construction. Chapters 7 through 17 disclose construction related effects as appropriate.

Comment: I am in favor of Alternative 6 because of its recreational benefits. This is the first time it has been discussed - why was it not mentioned in earlier meetings?

Response: Alternative 6 was discussed during the scoping meetings for the FRWP held during spring 2002.

Kathy Diaz-Cretsu, McKinley Road, Sacramento

Comment: Under Alternative 6, If Pardee is expanded we would not have to bring water from the Canal down to the lakes, which would mean significant savings. What are the benefits to Sacramento County residents to share this water and engage in this partnership with EBMUD?

Response: The projected costs of Alternative 6 are higher than the projected costs for Alternatives 2–5. By engaging in a joint project, both SCWA and EBMUD realize cost savings.

Comment: The residents in the northern part of the county are probably paying more of this expense. And as you mentioned, any water going south of the Bradshaw facility is not going to be really benefiting them. So why are we doing this? I want transparency about that.

Response: The FRWA member agencies have agreed on an equitable cost allocation that shares the costs of joint facilities, while each member agency is responsible for its independent facilities.

Comment: The document does not discuss the impacts to the Herald area. It should discuss how the canal looks now and how it will look once the new facility is in place.

Response: Visual impacts of the canal pumping plant are disclosed in Chapter 16 of the draft EIR/EIS. Any impacts would be highly localized and would not affect the visual character of the general vicinity. FRWA is committed to designing facilities that are consistent with the surrounding areas to the extent feasible.

Comment: I would like to know if there are any comparable pumping facilities like the one you're proposing to build off Clay Station that we could visit so we can hear it. I want to have more details on how this facility is going to affect this part of the county.

Response: FRWA has identified the Carmichael Water District pump and water treatment plant facility. This facility is a local facility within a residential neighborhood and immediately adjacent to single-family houses. This facility includes water pumps, compressors, air surge tanks, electrical transformer, and chemical storage facilities. EBMUD also operates a pump plant in Danville that would serve as an example of a reasonably similar facility.

Comment: I would like to have information on the details of the construction and operation process, such as access roads that will be used by equipment and machinery.

Response: Construction aspects of the project are described in Chapter 2 of the draft EIR/EIS. Additional details will be developed during final design. FRWP is committed to maintaining communication with local residents during project construction.

Comment: I don't think the format that has been used to present the project is user friendly.

Response: Projects such as the FRWP are inherently complex. FRWA made every attempt to simplify the information and is committed to continuing to work with local residents during project design and construction.

September 10, 2003—Oakland, CA (East Bay Municipal Utility District)

Colin Taylor, SMUD, Sacramento

Comment: If you take Sacramento River water and pump it into the Folsom South Canal, the quality of the water used by SMUD's facilities will be significantly impacted. There's a lot of solids, dissolved solids and other things in Sacramento River water that are not in the Canal water from the canal itself and from the south fork of the American River. If our water quality is decreased, we will not be able to use this water and we would not be able to maintain our NPDES permit. I would think we may have to close Rancho Seco Lake and our new Cosumnes power plant relies on clean water.

Response: See responses to written comments by SMUD (Letter L11) in this final EIR/EIS.

September 11, 2003—Sacramento, CA (Wildhawk Golf Course Clubhouse)

David Hu, USFWS

Comment: Why does the water have to go through the Mokelumne Aqueduct? This is a lot of water, and there's an impact throughout the delta.

Response: The purpose of and need for the project are described in Chapter 1 of the draft EIR/EIS. FRWA explored numerous alternatives as part of the environmental documentation process (see Appendix B in Volume 2 of the draft EIR/EIS). Alternatives involving diversions farther downstream were found to be infeasible and would not reduce potential environmental effects compared to the alternatives considered in the draft EIR/EIS.

Paul Olmstead, SMUD, P.O. Box 15830, Sacramento

Comment: The project will have an adverse economic impact on SMUD's operations. Because of the project's impact on the water that will be used by the new power plant, the plant may need to be shut down, which could affect regional power generation supplies and power reuse opportunities.

Response: See responses to written comments by SMUD (Letter L11) in this final EIR/EIS.

George Waegell

Comment: What impacts will the sewage treatment plant have on the quality of the water coming out of the Freeport plant? Because of high tide and low flow, the tides may bring up sewage from the discharge on the sanitation pump.

Response: Issues related to water quality, including the possible effects of the Sacramento Regional County Sanitation District outfall on FRWP diversions, are disclosed in Chapter 4 of the final EIR/EIS. Overall, based on the analysis in the draft EIR/EIS, no significant impacts related to the outfall are anticipated.

Sandy Need

Comment: The Wildhawk Silver Springs area uses groundwater. Will residents from the Vineyard Road area receive water from the pipeline? There are wells proposed in the Wildhawk area that will use Rancho Cordova water and we are

concerned about quality of the well water in Wildhawk/Silver Springs. People don't know they are on wells in that area already. They might think the pipeline being built in their area is for their use.

Response: The Wildhawk area is within the Zone 40 area. The area will therefore be served surface water from the FRWP facilities.

September 24, 2003—Sacramento, CA (Private Residence on El Rito Way)

Councilman Robbie Waters

Comment: To mitigate impacts associated with noise, land use, and property values, move sediment tanks and settling ponds to different area of site; leave "structure" (i.e. water tower) where it is.

Response: Please see Figure 2-1 of the final EIR/EIS for revised intake site layout.

Jack Lawson

Comment: Since the soccer field would be relatively cheap to construct, you could move the facility further south and relocate the soccer field.

Response: This option has been discussed with the City of Sacramento. The city has determined that it is not acceptable.

Yvette Jones

Comment: I see that we're going to distribute water down to the South Bay, but how does it truly benefit Sacramento, how does it benefit the local residents?

Response: As described in Chapter 1 of the draft EIR/EIS, the project will prevent potential groundwater overdraft in Sacramento County and provide surface water to support development consistent with the Sacramento County General Plan.

Comment: Why can't the intake structure be moved further south, into the delta, or into agricultural areas that don't affect local residents?

Response: Alternatives involving a Delta diversion were discussed in Appendix B, Volume 2 of the draft EIR/EIS. Such alternatives were found infeasible and were not environmentally preferable to the alternatives considered in the draft EIR/EIS. In addition, only EBMUD's portion of the FRWP could be met with such an alternative. SCWA needs would still require a diversion and pipeline facility similar to the FRWP.

Ernie Hidalgo

Comment: Address why an alternative in a populated area that would disrupt residents is "preferred" over an alternative that would impact a recreational area. I think the interests of the populated area needs to be considered more so than an area that is only going to be used a fraction of the time, where the homeowners are there a hundred percent of the time.

Response: It is important to note that Alternative 6 includes a diversion facility at the Freeport intake location. Only EBMUD's needs would be met by enlarging Pardee Reservoir. An SCWA-only facility would result in impacts essentially identical to a joint project intake facility.

Kim Stepanick

Comment: The EIR/EIS does not address noise generated from intake facility and its affect on local residents.

Response: See the master response for Intake Facility Issues.

Comment: The EIR/EIS does not address the project's impacts on local property values.

Response: See the master response for Intake Facility Issues

Comment: Mitigation is needed to lessen the severity of the noise and property value impacts on local residents.

Response: See the master response for Intake Facility Issues

Mike Hieronimus

Comment: The EIR/EIS does not consider an underlying line break for the pipeline. If there is no isolation in the valves, the water in the pipeline could drain into the Pocket area.

Response: The pipeline will be designed to meet all current engineering design standards and practices. Isolation valves will be provided at appropriate locations along the pipeline as will outlets to drain water remaining in the pipeline. A berm also exists between the intake site and the Pocket area. Water will not be allowed to flow into the Pocket area in the event of a pipeline failure.

Eleanor Alvarez

Comment: I am concerned about the project's impact on noise levels in the local area. The intake facility is going to add to the existing noise level from I-5.

Response: As described in Chapter 2 of this final EIR/EIS, FRWA has committed to additional engineering design measures that will ensure that the intake facility will not increase noise levels at nearby residences as compared to ambient levels.

Comment: I am also concerned about odor from intake facility.

Response: See the master response for Intake Facility Issues

Comment: You seem to have already made a decision on the project without our input.

Response: See the master response for Intake Facility Issues.

Leonor Alvarez

Comment: Real estate agents should have disclosed the impacts of this project when we were sold our home; the real estate agent should also disclose information to potential homebuyers.

Response: Real estate rules of disclosure are not a CEQA or NEPA issue. Regarding the potential effect on property values, see the master response for Intake Facility Issues

Comment: This project will impact my property value.

Response: See the master response for Intake Facility Issues

September 29, 2003—Sacramento, CA (Lisbon Elementary School)

Bob Nelson

Comment: The EIR/EIS did not address significant impacts of the project on water quality in the Folsom South Canal. These significant impacts will adversely affect our facilities at Rancho Seco and Rancho Seco Lake and our Cosumnes Power Plant for which groundbreaking is imminent.

Response: See responses to written SMUD comments in this final EIR/EIS.

Bill Scott

Comment: FRWA is using an inflated baseline for noise to measure it against ambient noise. Will that be taken into consideration? Vibrations from additional noise from the project are going to have a significant impact on local residences.

Response: As described in Chapter 14 of the draft EIR/EIS, noise measurements were taken continuously over a 3-day period (including a weekend) to capture the full range of ambient noise. Subsequent measurements were taken during the public review period and all recorded higher noise levels than those reported in the draft EIR/EIS. The measurements used for the analysis are therefore considered reasonable and appropriate. Both noise and vibration effects were considered in the draft EIR/EIS analysis. Through detailed engineering analysis completed during the public review period, FRWA has identified, and committed to implement, additional measures that would reduce noise impacts to a less-than-significant level. See Chapter 2 of this final EIR/EIS for additional details.

Denis Ishisaka

Comment: How many chemicals will be released in the air in the event of an accident at the intake facility? Many kids participate in activities in Marriott Park, which is less than a quarter mile away from the facility.

Response: The only chemical to be stored at the site would be sodium hypochlorite. This chemical is a liquid and would be stored in a triple-containment facility in compliance with all state and federal regulations. It would not be possible, even in a catastrophic incident, for this chemical to be discharged from the intake facility site. See Chapter 2 of this final EIR/EIS for additional details.

Comment: What is the noise impact on residents that live 0.5 miles away from intake facility?

Response: FRWA has committed to implement additional measures that have been identified during the public review period to ensure that noise from the intake facility will not exceed ambient noise levels. See Chapter 2 of this final EIR/EIS for additional details.

Comment: You have not done enough to communicate with local residents.

Response: See the master response for Public Outreach Process.

Catherine Pisani

Comment: I am concerned about drilling at the bend in the levee, which could affect the levee at its weakest point.

Response: Project construction will require the approval of the state Reclamation Board, which is responsible for the integrity of the levee at the project site. FRWA will be required to demonstrate that the project will not result in reduced flood protection or weakened levees. The current plan is to build a new levee around the intake facility prior to the start of construction to ensure that the integrity of the levee is maintained.

Comment: I am concerned about the use of chemicals at the intake facility and the potential for the use of something stronger than chlorine and ammonia sulfate in the future. We won't be notified if stronger chemicals are used and the chemicals could have effects on children in area.

Response: There is no potential to introduce chemicals other than sodium hypochlorite at the intake site. The sole purpose of any chemicals is to inject into the pipeline to prevent biological growth within the pipeline, similar to the use of chlorine in potable water. The water is ultimately to be used as drinking water and therefore excessive chemical usage is not desirable. Also, see master response for Intake Facility Issues.

The only chemical to be stored at the site would be sodium hypochlorite. This chemical is a liquid and would be stored in a triple-containment facility in compliance with all state and federal regulations.

Mary Savage

Comment: Draft EIR ignores impact on property values, neighborhood quality of life, effect of possible mosquitoes from holding pools, and odors from holding pools at intake facility.

Response: See the master response for Intake Facility Issues

Alan Hockenson

Comment: The local residents receive all the impact but none of the benefit.

Response: As noted in Chapter 1 of the draft EIR/EIS, one of the primary purposes of the project is to prevent groundwater overdraft in Sacramento County, which benefits the entire population.

Comment: Why are local residents being sacrificed when there are plenty of alternatives that won't affect people?

Response: FRWA considered well over 100 alternatives to the FRWP. These alternatives are discussed in Appendix B, Volume 2 of the draft EIR/EIS. FRWA is fully committed to working with the local community to resolve as many issues as possible.

Rebecca Baumann

Comment: I am concerned about the intake facility's impact on local noise, aesthetics and quality of life.

Response: These issues are discussed in Chapters 14 and 16 of the draft EIR/EIS. FRWA is committed to reducing impacts at the intake site to the extent feasible. See Chapter 2 of this final EIR/EIS for additional details.

Comment: The document does not adequately address impacts to recreationalists who use the bike path along levee.

Response: This issues was discussed in Chapter 6 of the draft EIR/EIS. Because any such impacts would be temporary and because FRWA has committed to maintaining a detour around the project construction site, the impact was found to be less than significant.

Comment: The benefits of this project will be realized by East Bay residents but the adverse effects are on Sacramento residents.

Response: It is important to note that SCWA will receive approximately three times as much water (68,000 acre-feet) on an average annual basis as EBMUD (23,000 acre-feet). As noted in Chapter 1 of the draft EIR/EIS, one of the primary purposes of the project is to prevent groundwater overdraft in Sacramento County, which benefits the entire population.

Yvette Jones

Comment: The benefits of this project will not be realized by people who are affected by the project. You did not look at impacts on a neighborhood level, especially the impacts on property values.

Response: See the master response for Intake Facility Issues.

Robert Lorbeer

Comment: The document states that impacts will be on a rural agricultural area and are mitigated. But the impacts are on populated areas and are not mitigated.

Response: The draft EIR/EIS notes numerous impacts on both rural and urban areas. FRWA is committed to reducing impacts at the intake site to the extent feasible and has identified additional measures to reduce impacts since publication of the draft EIR/EIS. See Chapter 2 of this final EIR/EIS for additional details.

Comment: The project should take the tide schedule into account and shut off the pumps when the water flows up the river.

Response: Potential effects of reverse flows on water quality were described in Chapter 4 of the draft EIR/EIS. In addition, FRWA has proposed an environmental commitment in the draft EIR/EIS (page 2-51) that requires coordinated operations between the FRWP and the Sacramento County Regional Sanitation District's operations. No significant impacts were identified.

Comment: The document should visually represent all of the proposed facilities and buildings.

Response: See Chapter 2 and Figure 2-1 of this final EIR/EIS for additional details regarding project facilities at the intake site.

Kim Stepanick

Comment: The intake facility could be located south of the preferred site where you wouldn't impact people. You picked one study site and rushed to make a decision on it.

Response: The proposed intake site was selected based on detailed engineering and environmental evaluations. See Chapter 2 of this final EIR/EIS for additional information.

Comment: Provide additional detail on what 60 or 80 decibels sounds like so that I can judge the document's conclusions on existing noise near the intake facility.

Response: Additional information on noise levels was provided in Appendix C of the draft EIR/EIS (Figure 1). That figure indicates that 60 dBA is equivalent to the noise level created by the movement of people inside a residence with no TV or radio; 70 dBA is equivalent to normal speech heard at a distance of 15 feet; while 80 dBA is equivalent to a typical home garbage disposal in operation. It is important to note that higher sound levels will occur sporadically and intermittently only relatively close to the site and only when numerous pieces of heavy equipment are operated simultaneously. As noted in Chapter 14 of the draft EIR/EIS, construction-related noise impacts at the intake facility site were identified as significant and unavoidable. FRWA has proposed mitigation measures to reduce such impacts to the extent feasible.

Kathi Windheim

Comment: The Final EIR/EIS should have a summary that describes the anticipated noise due to the project and demonstrate the effectiveness of proposed mitigation measures (e.g., noise shielding, moveable barriers, etc.).

Response: Anticipated construction noise levels were discussed in Chapter 14 of the draft EIR/EIS. Although these impacts were identified as significant and unavoidable, FRWA has committed to reducing these impacts to the extent feasible. Because implementation and effectiveness of these measures will vary widely depending on the specific circumstance, it is not possible to determine the precise effectiveness of these measures. Regarding operational noise, see the master response for Intake Facility Issues.

Al Duran

Comment: I am concerned about operational impacts, such as noise and odors, given the project's proximity to residences. The Draft EIR/EIS does not clearly demonstrate the project's impacts on local residences and how it will mitigate such impacts.

Response: See the master response for Intake Facility Issues.

December 9, 2003—Sacramento City Council

Butch Hodgkins, SAFCA

Comment: Because of the concrete materials used to construct the intake, the intake will improve the integrity of the levee in that area.

Response: The commentor's opinion on the flood control aspects of the project is noted.

Keith De Vore, SCWA

Comment: I am in favor of the project because of its benefits to the customers served by my agency and EBMUD.

Response: The commentor's support for the project is noted.

Cyrus Apar, City Engineer, Rancho Cordova

Comment: I support the project on behalf of Rancho Cordova.

Response: The commentor's support for the project is noted.

Leo Winternitz, Executive Director, Water Forum

Comment: I recognize the neighborhood concerns regarding the construction and operation of the project and I believe that site-specific impacts should be mitigated.

Response: See the master response for Intake Facility Issues.

Comment: I am in favor of the project because it will stabilize the groundwater basin in Sacramento County; which could benefit the Cosumnes River and protect the American River.

Response: The commentor's support for the project and recommendation to protect American River resources are noted.

Joe Sullivan, Sacramento County Tax Payers League

Comment: I support the project and the Water Forum. We should strive to protect the groundwater in Zone 40.

Response: The commentor's support for the project is noted.

Mary McDonald, Pocket Resident

Comment: I oppose the intake location. The size of the facility is unprecedented in residential neighborhoods - the city has never put an industrial site so close to homes. The pumps are the horsepower of 9 locomotives and 40 ft. high.

Response: See the master response for Intake Facility Issues.

Emma Jimenez, Pocket Resident

Comment: I oppose the intake location.

Response: The comment is noted. See the master response for Intake Facility Issues.

Comment: The poor communication by FRWA resulted in public ignorance because the project was described as "near the community of Freeport".

Response: See the master responses for Public Outreach Process and Intake Facility Issues.

Michael Chan, Pocket Resident

Comment: The document's alternatives analysis is inadequate. It does not consider alternate locations for the intake and Site A is not thoroughly analyzed in the DEIR. The DEIR, therefore, does not meet CEQA requirements for the contents of an alternatives analysis.

Response: See the master response for Intake Facility Issues.

Comment: The Pocket Neighborhood is not against the project. It is against the location chosen for the intake facility.

Response: The comment is noted. See the master response for Intake Facility Issues.

Laura Knepple, Pocket Resident

Comment: I oppose the intake location.

Response: The comment is noted. See the master response for Intake Facility Issues.

Comment: The project, including its size, encourages future development; it is, therefore, growth-inducing. Growth-inducement is an issue that should be considered in the EIR. Why do you need such a large facility if you aren't taking the water every year?

Response: Growth-related effects are addressed in Chapter 20 of the draft EIR/EIS.

Robert Lorbeer, Pocket Resident

Comment: I oppose the intake location. Construction is not short-term – it will take years to construct and the noise and smells will continue throughout the operation of the project.

Response: See the master response for Intake Facility Issues.

Comment: The project has environmental justice impacts - why was it relocated from the gated communities of American River to a minority community? Also, the DEIR leaves out census tract 40.12.

Response: See the master response for Environmental Justice Issues.

Comment: The document is inadequate and should be redrafted and resubmitted to the public.

Response: See the master response for Intake Facility Issues.

Comment: The project should be built in Yolo County to give people jobs.

Response: See the master response for Intake Facility Issues.

Comment: The City needs to mitigate for impacts to residents.

Response: See the master response for Intake Facility Issues.

Ron Stork, Friends of the River

Comment: I am glad that FRWA delayed the review period of the DEIR and listened to community concerns; this shows that FRWA is working to try and make the site location an asset to the community.

Response: The commentor's support for the project is noted.

Clyde MacDonald, Interested Party

Comment: It would be great if the project could end the 30-year fight with between SCWA and EBMUD.

Response: The commentor's support for the project is noted.

Comment: I support the project and doing what you can to take care of neighbors. American River Parkway users will thank you.

Response: The commentor's support of the project and recommendation to protect American River resources are noted.

Frank Cirill, SARA

Comment: The City Council participated in the EBMUD lawsuit and urges support of project.

Response: The commentor's support for the project is noted.

Comment: The Consultant will address community concerns through mitigation of environmental impacts.

Response: The commentor's support for the project is noted. See the master response for Intake Facility Issues.

Comment: FRWA should provide residents with the answers that are requested.

Response: See the master response for Public Outreach Process.

Earl Withycombe, Water Forum Delegate from Environmental Council

Comment: I support the WF Agreement principles and think that the DEIR is adequate.

Response: The commentor's support for the project is noted.

Jim Jones, SARA Board Member

Comment: I commend the City Council for recognizing the importance of protecting the American River and I support the project.

Response: The commentor's support of the project and recommendation to protect American River resources are noted.

Comment: The residents that will be affected by the project have legitimate concerns and those need to be addressed.

Response: See the master response for Public Outreach Process.

Comment: The City and County should have been more proactive in reaching out to the community.

Response: See the master response for Public Outreach Process.

Yvette Jones, Pocket resident

Comment: Environmental justice is a concern and was not adequately addressed in the DEIR; census tract information was omitted in Draft and public participation was sacrificed. Residents will be disproportionately impacted.

Response: See the master response for Environmental Justice Issues.

Comment: There are short-term construction impacts with no benefit.

Response: See the master response for Intake Facility Issues.

Comment: Property values will decrease during construction phase and during operation.

Response: See the master response for Intake Facility Issues.

Comment: The project will have impact the area's visual quality because the intake facility will detract from views.

Response: See the master response for Intake Facility Issues.

Shari Kawelo, Pocket Resident

Comment: I did not receive advanced notice of the project when I purchased my home last year.

Response: See the master response for Public Outreach Process.

Comment: I am concerned about the chemicals that will be used to construct and operate the project. If it's not dangerous, why do you need triple containment? The DEIR does not address what chemicals will be used or stored, which is a violation of CEQA. Also, if sodium chloride is not dangerous why do you need to triple contain it?

Response: See the master response for Intake Facility Issues.

Comment: The Draft should be re-circulated because it is inadequate.

Response: See the master response for Intake Facility Issues.

Raul Jimenez, Jr., Interested Party

Comment: I am not against the project but I am opposed to the location of the intake facility in a residential neighborhood. The project will create noise and vibration during pile driving and construction traffic.

Response: See the master response for Intake Facility Issues.

Sarah McClatchy Kane, Pocket Resident

Comment: I am concerned about security for my neighborhood during construction; vehicle and residential alarms will be activated due to construction/vibration, which will eventually effect police response times due to enormous calls for service.

Response: See the master response for Intake Facility Issues.

Comment: The project site will invite criminal activity in neighborhood.

Response: See the master response for Intake Facility Issues.

Bonnie Bartholomew , Pocket Resident

Comment: FRWA conducted poor public outreach for this project.

Response: See the master response for Public Outreach Process.

Comment: I oppose the intake location.

Response: The comment is noted. See the master response for Intake Facility Issues.

Frank Albert, Alma Vista Neighborhood

Comment: Although construction will be an inconvenience, FRWA is doing a pretty good job of mitigating concerns of neighborhood residents.

Response: The commentor's support for the project is noted. See the master response for Intake Facility Issues.

Comment: FRWA should address security of site.

Response: See the master response for Intake Facility Issues.

Alan Wade, SARA President

Comment: I support the project because the benefits of the American River need to be protected at any cost.

Response: The commentor's support for the project and recommendation to protect the American River resources are noted.

Jack Sole, Water Forum Environmental Caucus

Comment: If this project doesn't go forth, EBMUD can go back to the American River near Nimbus.

Response: See the master response for Intake Facility Issues.

Comment: I understand residents' concerns of construction noise and dust, but the benefits of the project outweigh its disruption.

Response: The commentor's support for the project is noted. See the master response for Intake Facility Issues.

Michelle McCormick, Vice Chair, Sacramento County Parks Commission

Comment: The biggest injustice would be if the American River Parkway were to be disturbed as a result of project implementation.

Response: The recommendation to protect American River resources is noted.

Comment: You need to give Pocket residents the utmost consideration and address their concerns.

Response: The comment is noted. See the master responses for Public Outreach Process and Intake Facility Issues.

Bill Kelly, Local 39

Comment: I urge the Council to support the project because of its benefits to the community, including the jobs it will create.

Response: The commentor's support for the project is noted.

Leonor Alvarez, Pocket resident

Comment: The name of the project is misleading.

Response: The comment is noted. See the master response for Intake Facility Issues.

Comment: I will lose money in home by $35,000 and I am trapped by the location of the project.

Response: The comment is noted. See the master response for Intake Facility Issues.

Comment: The dimensions of the intake facility are too large to put in a residential neighborhood.

Response: See the master response for Intake Facility Issues.

Comment: The project will result in economic, Sacramento River, and environmental impacts.

Response: See the master response for Intake Facility Issues.

Comment: There was no public participation for this area. We were misinformed.

Response: See the master response for Public Outreach Process.

Comment: I support the project, but want FRWA to find another location for the intake facility.

Response: The comment is noted. See the master response for Intake Facility Issues.

Ted Woodward, Pocket Resident

Comment: The proposed intake location has a Sac River Parkway access point; this should be looked at.

Response: See the master response for Intake Facility Issues.

Comment: The Principles of Agreement for the intake facility location between the city and FRWA should be negotiated in a public forum.

Response: All necessary aspects of the Principles of Agreement are included in the final EIR/EIS.

Comment: I do not think FRWA should be involved in mitigation monitoring.

Response: FRWA is the CEQA lead agency, and mitigation monitoring is its legal responsibility.

Comment: The land (where the intake facility will be built) should be leased, not sold, to FRWA.

Response: The comment is noted.

Comment: The DEIR should be re-circulated because it is inadequate.

Response: See the master response for Intake Facility Issues.

Manny Hernandez, Interested Party

Comment: I am against the proposed location of the intake facility site. Locating the facility farther north could avoid a highly populated area.

Response: See the master response for Intake Facility Issues.

Comment: Would the levees be weakened during construction of the intake facility?

Response: See the master response for Intake Facility Issues.

Comment: Impacted homeowners should be compensated due to property values being lowered.

Response: See the master response for Intake Facility Issues.

Comment: The DEIR's alternatives analysis is inadequate because it did not consider or thoroughly explain other intake sites. A case hasn't been made for this intake location; neighborhood concerns have not been taken into consideration during the selection of this location.

Response: See the master response for Intake Facility Issues.

Lesley Cox, Pocket Resident

Comment: I don't support the project in its current location.

Response: The comment is noted. See the master response for Intake Facility Issues.

Comment: The FRWA did a poor job of considering economic impacts in the DEIR; property values could decrease 6-10% as a result of this project.

Response: See the master response for Intake Facility Issues.

Comment: Will there be compensation for residents during construction?

Response: See the master response for Intake Facility Issues.

Comment: I am concerned about construction impacts, like noise, dust, and chemicals, especially for residents with medical conditions.

Response: See the master response for Intake Facility Issues.

Keith Herron, Meadowview Development Committee

Comment: I don't support the project location.

Response: The comment is noted. See the master response for Intake Facility Issues.

Comment: The project and the DEIR is a violation of Title VI of the Civil Rights Act and Executive order 12898, which requires project proponents to consider disparate impacts to minorities. Businessmen and white people are supportive of this project whereas 65% of the homes within a mile of the project are owned by minorities.

Response: See the master response for Environmental Justice Issues.

Comment: I am concerned about the project's traffic, including the impact to levels of service, property values, aesthetic impacts, noise, vibrations, and destruction of man made or natural resources.

Response: For concerns regarding the intake facility, see the master response for Intake Facility Issues. More generally, impacts associated with aesthetics, noise and vibration, and traffic, and associated mitigation measures are fully disclosed in Chapters 16, 14, and 12, respectively, of the draft EIR/EIS.

Dave Butler, Sac Metro Chamber

Comment: I support this project.

Response: The commentor's support for the project is noted.

Jim Ray, McKay and Somps

Comment: I encourage support of the project.

Response: The commentor's support for the project is noted.

Comment: The FRWA should resolve residents' issues.

Response: See the master responses for Public Outreach Process and Intake Facility Issues.

Matt Kelly, Sacramento Building Trades Council

Comment: I support the project.

Response: The commentor's support for the project is noted.

Comment: Residents need to realize this is a short-term construction project with short-term impacts.

Response: The commentor's support for the project is noted.

James Morgan, 9459 Alcosta Way

Comment: I support the project and understand that EBMUD could go back to taking water from the American River if this project doesn't work out.

Response: The commentor's support for the project is noted. See the master response for Intake Facility Issues.

Comment: I appreciate the concerns of local residents who will be affected by the project. Residents should try and work with FRWA to come up with best design possible.

Response: The commentor's support for the project is noted. See the master responses for Public Outreach Process and Intake Facility Issues.

Rena Atise, Vice President of Meadowview Neighborhood Committee

Comment: I do not approve project because it will impact neighborhoods and children.

Response: The draft EIR/EIS fully analyzes the impacts on people and the environment. In particular, see Chapters 13, "Air Quality," 14, "Noise," 15, "Public Health and Safety." Additionally, FRWA has included numerous environmental commitments in the project description to minimize potential impacts (see Chapter 2 of the draft EIR/EIS). Also, see master responses to Environmental Justice Issues and Intake Facility Issues.

Comment: I oppose the location of the pipeline, which will be on Meadowview; why do we need that?

Response: See the master response for Environmental Justice Issues.

Comment: Eight thousand homes are located within a half mile of the Freeport Project but there are no plans currently to compensate impacted homeowners; home values will decrease.

Response: See the master response for Intake Facility Issues.

Comment: The levees are weak and this project will weaken them further.

Response: See the master response for Intake Facility Issues.

Comment: I have noise and dust concerns.

Response: See the master response for Intake Facility Issues.

Comment: FRWA is not telling us the whole story.

Response: See the master response for Public Outreach Process.

Steve Benson, President of Meadowview Neighborhood Committee

Comment: Benefits will go to project proponents, but not to local residents. We want some benefit for the inconvenience the project will cause.

Response: See the master response for Intake Facility Issues.

Comment: The project will create noise, dust, and traffic impacts in Meadowview area.

Response: The draft EIR/EIS fully analyzes the impacts associated with noise, dust, and traffic. Please see Chapters 14, "Noise," 13, "Air Quality," and 12, "Traffic and Transportation." Additionally, FRWA has included numerous environmental commitments in the project description to minimize potential impacts (see Chapter 2 of the draft EIR/EIS). Also, see master responses to Environmental Justice Issues. It should also be noted that the preferred alternative substantially avoids developed portions of the Meadowview community, thereby avoiding and minimizing potential impacts.

Paul Hutton, South Pocket Resident

Comment: I am against the intake location but not against the project.

Response: The commentor's support for the project is noted. See the master response for Intake Facility Issues.

Comment: The analysis of the intake facility's impacts in the DEIR was inadequate.

Response: See the master response for Intake Facility Issues.

Comment: I am concerned about the reverse flows issue. What does "infrequent" flows mean?

Response: Impact 4-2 in the draft EIR/EIS (page 4-15) describes the issues associated with and potential frequency of reverse flows. Additionally, FRWA's technical team set a target criterion of finding a site where treated wastewater would reach the site on no more than 20% of the occasions when reverse flow occurs. This would allow the FRWA member agencies to operate the intake facility in a manner that would still meet their purpose and need while not

breaching their duty to protect the public's health or be forbidden by regulatory agencies such as the Department of Health Services. Computer modeling revealed that this distance is at least 3,500 feet upstream. Therefore, the 3,500 feet of river closest to and upstream of the SRCSD outfall was excluded from further analysis.

Comment: FRWA should consider other intake facility locations based on the feedback received from the public.

Response: See the master response for Intake Facility Issues.

Rebecca Baumann, South Pocket Area

Comment: The Pocket area is rich in natural resources (wildlife and habitat) and I want to preserve what is left of open space. We need to protect animals and preserve river views.

Response: See the master response for Intake Facility Issues.

Comment: The project will cut off a bike trail from continuing on to Isleton.

Response: See the master response for Intake Facility Issues.

Comment: I don't want "people trees/landscaping" (redwood trees, etc.), but what is indigenous to the area.

Response: See the master response for Intake Facility Issues.

Sharon Jensen, Pocket Resident

Comment: Where was the public process for our neighborhood? We should form a Save the South Pocket area.

Response: See the master response for Public Outreach Process.

Comment: The project will result in environmental impacts - the sheer size of intake is incompatible with the existing land uses in the local neighborhood because of noise impacts, chemical storage, and habitat impacts.

Response: See the master response for Intake Facility Issues.

Bill Camp, Executive Secretary of Sacramento Central Labor Council

Comment: It is important to move forward on the proposal/project.

Response: The commentor's support for the project is noted.

Phil Reynolds, Member of Partners Local 46/Member of Carmichael Planning Commission

Comment: I appreciate the concerns of local residents as well as FRWA representatives and I support moving the project forward.

Response: The commentor's support for the project is noted.

Kenneth Koyama, Pocket Resident

Comment: The DEIR does not adequately address air quality impacts during the construction phase. The level of diesel emissions is not quantified in DEIR. The DEIR needs to include specific levels of engine emissions from heavy-duty vehicles (idling times, plume dispersion and grams of emissions at the site).

Response: See the master response for Intake Facility Issues.

Comment: The DEIR fails to adequately estimate truck trips to the site – there is a gross discrepancy between average (6 trips) and peak trips (120 trips). The DEIR should use a worst case scenario to estimate impacts.

Response: As noted on page 12-12 (last paragraph under "Freeport Intake Facility") of the draft EIR/EIS, the analysis assumes that overall round-trip truck trips at the intake site would average 22 trips per day throughout the duration of construction. The highest number of construction-related truck trips daily would occur during the discharge piping/other structures phase of activities, averaging 120 round-trips per day for 5 days' duration. The analysis did not directly consider the "worst case" because of the short duration of such an event and because the environmental commitments adopted by FRWA would minimize potential effects. As noted in the draft EIR/EIS, FRWA is committed to minimizing traffic disruptions as much as possible and intends to adopt the environmental commitments outlined in Chapter 2 of the draft EIR/EIS, which include implementation of a traffic control plan (page 2-45). It is important to note that truck traffic associated with the intake facility will access the site from Freeport Boulevard and will not be directed through the Pocket area neighborhood.

Comment: DEIR does not adequately address impacts during the construction phase of project and the mitigation measures are not enough to address the impacts.

Response: See the master response for Intake Facility Issues.

W.A. (Bill) Scott, Pocket Resident

Comment: The DEIR should include more information and detail on mitigation measures.

Response: See the master response for Intake Facility Issues.

Comment: I am concerned about noise impacts, including constant vibrations. How will these impacts be mitigated?

Response: See the master response for Intake Facility Issues.

Comment: Will the settling basins be lined? How will you prevent seepage?

Response: See the master response for Intake Facility Issues.

Comment: I am opposed to shortening the bike path. You could put in stairway for residents.

Response: See the master response for Intake Facility Issues.

Comment: Property values will be affected by the project at least during next 3 years.

Response: See the master response for Intake Facility Issues.

Ken McGhee, Pocket Resident

Comment: You should go back and host facilitated stakeholder meetings with community members.

Response: See the master response for Public Outreach Process.

Ernie Hidalgo, Pocket Resident

Comment: I oppose the intake location.

Response: The comment is noted. See the master response for Intake Facility Issues.

Comment: I am concerned about noise, visual impacts, chemicals, traffic, safety, air pollution, odor, graffiti, mosquitoes, private party and residential impacts, bike path disruption, and increase in terror threats in community.

Response: See the master response for Intake Facility Issues.

Comment: Money shouldn't be used as criteria to determine site location.

Response: See the master response for Intake Facility Issues.

Comment: I want FRWA to provide a full list of pros and cons regarding each site analyzed.

Response: See the master response for Intake Facility Issues.

Appendix A

Structure Siting Summary

THE FREEPORT REGIONAL WATER PROJECT

INTAKE STRUCTURE SITING SUMMARY

NOVEMBER 2003

FREEPORT REGIONAL WATER AUTHORITY
Sacramento County Water Agency
East Bay Municipal Utility District

Freeport Regional Water Project
Intake Structure Siting Summary

The Freeport Regional Water Authority (FRWA) is proposing the Freeport Regional Water Project (FRWP) to meet the basic project purpose and other purposes summarized below in "Project Purpose/Objectives and Need." FRWA is the lead agency under the California Environmental Quality Act, and the U.S. Department of the Interior, Bureau of Reclamation (Reclamation), is the lead agency under the National Environmental Policy Act. The FRWP will be funded, designed, constructed, and operated by FRWA and its member agencies.

The FRWA agencies (i.e., Sacramento County Water Agency [SCWA] and East Bay Municipal Utility District [EBMUD], together with the City of Sacramento, an associate member) have undertaken extensive water supply planning studies over many years. In recent years, efforts of all three entities have focused on specific project alternatives along the lower American and Sacramento Rivers. Previous studies in the late 1990s explored a joint project with all three entities along the lower American River. However, with the formation of the Sacramento Water Forum and substantial concerns about water availability and flows in the lower American River, all three FRWA entities agreed to pursue water supplies from the Sacramento River. This mutual support of a Sacramento River diversion provides a solution to a 30-year debate between EBMUD and the Sacramento community and allows both agencies to exercise their contractual rights.

The City of Sacramento is currently expanding and updating its current intake on the Sacramento River just downstream of the confluence with the lower American River. This location was also examined as an alternative to meet SCWA and EBMUD needs. However, there is not sufficient capacity at this location to meet the needs of SCWA and EBMUD. Therefore, an extensive evaluation of other potential sites that were feasible and capable of meeting the project objectives was undertaken.

The analysis determined that the site needed to be located between approximately the town of Freeport and the Pocket area. There are no practicable locations upstream (north) because of development and lack of east-west alignment opportunities for the required pipelines. Opportunities are similarly limited to the south (downstream) because of existing development, lack of east-west alignments, pipeline distances required to meet the project objectives, and water quality concerns associated with the Sacramento Regional County Sanitation District Waste Water Treatment Plant (SRCSD WWTP) outfall in the river.

Within the general area determined to be feasible, four alternative locations were examined in detail. Environmental concerns, engineering, water quality, and costs were the key factors considered. Each site had some constraints associated with it. Based on the detailed analysis conducted and described in this report, it was determined that the only practicable location is the city-owned property between Interstate-5 (I-5) and the Sacramento River. The site contains a large, highly visible water tower, a stormwater pumping station capable of pumping approximately 400 cfs into the Sacramento River, and an abandoned wastewater treatment facility. The site is owned by the City of Sacramento Department of Utilities and has long been considered suitable for public water facilities. The other sites explored had more significant environmental, engineering, and/or water quality limitations associated with their implementation.

Introduction

The FRWA was created by exercise of a joint powers agreement between the SCWA and EBMUD. FRWA's basic project purpose is to increase water service reliability for customers, reduce rationing during droughts, and facilitate conjunctive use of surface water and groundwater supplies in central Sacramento County. This document describes the need of each of the FRWA agencies, as well as the process undertaken to define an appropriate project to meet FRWA's purpose in general, and a feasible intake location in particular.

Freeport Regional Water Authority Member Agencies

Sacramento County Water Agency

SCWA provides water to areas in central Sacramento County. SCWA is responsible for providing water supplies and facilities throughout these areas, including the Laguna, Vineyard, Elk Grove, and Mather Field communities, through a capital funding zone known as *Zone 40*.

The long-term master plan for Zone 40 envisions meeting present and future water needs through a program of conjunctive use of groundwater and surface water. SCWA presently has a contract with Reclamation for 22,000 acre-feet (af) of water. SCWA has subcontracted 7,000 af of this entitlement to the City of Folsom. Central Valley Project (CVP) water for SCWA is currently delivered through the City of Sacramento's intake and treatment facilities based on SCWA need and available city capacity. SCWA's CVP contract also allows it to divert at the location identified as *Freeport* on the Sacramento River south of downtown Sacramento. This site is on the Sacramento River just south of Pocket Road, west of Freeport Boulevard, and south east of the residential neighborhood known as "South Pocket." SCWA expects to be able to provide additional anticipated surface water entitlements to serve Zone 40 demands, including an

assignment of a portion of the Sacramento Municipal Utility District's (SMUD's) existing CVP water supply contract, potential appropriative water rights on the American and Sacramento Rivers, and potential transfers of water from areas within Sacramento Valley. Total long-term average Zone 40 water demand is estimated to be 109,500 af per year (AFA). Long-term average surface water use is expected to be 68,500 AFA.

East Bay Municipal Utility District

EBMUD is a multipurpose regional agency that provides water to more than 1.3 million municipal and industrial customers in portions of Contra Costa and Alameda Counties in the region east of San Francisco Bay (East Bay). EBMUD obtains most of its supply from Pardee Reservoir on the Mokelumne River, with the remainder collected from local runoff in East Bay terminal reservoirs. On July 26, 2001, EBMUD and Reclamation entered into an amendatory CVP contract that sets forth three potential diversion locations to allow EBMUD to receive its CVP supply. One of these locations is on the Sacramento River in the vicinity of the Town of Freeport, the same site described above. EBMUD's CVP supply is 133,000 af in any 1 year, not to exceed 165,000 af in any consecutive 3-year period of drought when EBMUD total system storage is forecast to be less than 500,000 af. Total long-term average surface water use is estimated to be 23,000 AFA, with a maximum annual diversion rate of 99,000 AFA. Subject to certain limitations, the contract also provides for a delivery location on the lower American River, and EBMUD retains the opportunity to take delivery of water at the Folsom South Canal should other alternatives prove infeasible.

City of Sacramento

The City of Sacramento has joined FRWA as an associate member. The city's main interests are in the design and construction of FRWA project facilities that may be located in the city or on various city properties or rights-of-way. A city representative sits on the FRWA Board of Directors as a nonvoting member.

Project Purpose/Objectives and Need

The FRWP is intended to contribute to meeting the objectives of SCWA and EBMUD. The need for the project and its primary purposes and objectives are described below.

Needs

The project is needed because:

- SCWA and Sacramento County have concluded that:
  - reliance solely on groundwater to serve development authorized in Sacramento County's General Plan will deplete the central county groundwater aquifer, resulting in shallow wells drying up, degradation of groundwater quality, increased pumping costs, land subsidence, and potential changes to local floodplains, and
  - the provision of surface water is necessary to meet the anticipated demand;
- EBMUD forecasts water shortages during drought periods, based on maintenance of existing Mokelumne River basin supply, or catastrophic events exacerbated by increased flows for senior water right holders, resource protection, and increasing population.

Purposes/Objectives

The project's primary purposes and objectives are to:

- support acquisition of additional SCWA surface water entitlements to promote efficient conjunctive use of groundwater in its Zone 40 area, consistent with the Sacramento Area Water Forum Agreement and County of Sacramento General Plan policies;
- provide facilities through which SCWA can deliver existing and anticipated surface water entitlements to Zone 40 area;
- provide facilities through which EBMUD can take delivery of a supplemental supply of water that would substantially meet its need for water and reduce existing and future customer deficiencies during droughts; and
- improve EBMUD system reliability and operational flexibility during droughts, catastrophic events, and scheduled major maintenance at Pardee Dam or Reservoir.

Planning Processes Background

Both SCWA and EBMUD, in close coordination with the City of Sacramento, have been involved in lengthy planning processes leading up to the identification of the FRWP as a feasible project. Below is a summary of these processes.

East Bay Municipal Utility District

Since signing the original CVP contract with Reclamation in 1970, EBMUD has pursued obtaining water supplies from the American River to supplement its current customer needs. In 1972, the Environmental Defense Fund challenged EBMUD's contract with Reclamation in a lawsuit that was later joined by the County of Sacramento. The lawsuit alleged that delivery of the water from the Folsom South Canal would be an "unreasonable" use of American River water. In June 1988, the California State Water Resources Control Board adopted findings that EBMUD's contract is a reasonable use of American River water. On June 2, 1990, after a lengthy trial, Alameda County Superior Court Judge Richard Hodge affirmed those contractual rights, subject to a specific set of conditions known as the "Hodge Decision."

During this timeframe, EBMUD updated its Water Supply Management Program. The purpose of the 1993 Updated Water Supply Management Program was to provide an adequate water supply at the projected year 2020 level of development, with rationing limited to 25% of normal water demand levels during drought. Nearly 200 alternatives were considered during the preparation of the Updated Water Supply Management Program.

As a result of the Hodge Decision and the Updated Water Supply Management Program, EBMUD proposed the Supplemental Water Supply Project to take delivery of its American River entitlement consistent with the Hodge Decision, in order to decrease existing and future customer deficiencies during droughts and to enhance the reliability of the East Bay's water supply.

The environmental impacts of the Supplemental Water Supply Project were analyzed in the 1997 *East Bay Municipal Utility District—Supplemental Water Supply Project Draft Environmental Impact Report and Environmental Impact Statement* (1997 Draft EIR/EIS). EBMUD and Reclamation received numerous comment letters during the public comment period. A recirculated environmental impact report and environmental impact statement (REIR/EIS) on the Supplemental Water Supply Project was prepared in 2000 and included additional alternatives for evaluation. The selection of additional alternatives for evaluation in the REIR/EIS was based in large part on comments and suggestions made by the City of Sacramento, County of Sacramento, and other Sacramento area interests during the 1997 Draft EIR/EIS public review period and during subsequent discussions following the completion of the public comment period. A strong emphasis was made by the City of Sacramento regarding its reservations on the feasibility of constructing a pipeline through the downtown metropolitan area of Sacramento.

The additional alternatives included an EBMUD–Only Lower American River Delivery (intake upstream of I-5), a Sacramento River Delivery (intake at the City of Sacramento Water Treatment Plant), Freeport East Delivery (intake at the City of Sacramento site with the pipeline running east to the Folsom South

Canal), Freeport South Delivery (intake at the City of Sacramento site with the pipeline running south along I-5 to the Mokelumne Aqueducts), and a Bixler Delivery (located in the Delta just east of the town of Brentwood).

Based in large part on comments received during the public review period for the REIR/EIS, Reclamation and EBMUD developed and adopted an Amendatory Contract that specified three potential water delivery locations. These locations are:

- the Sacramento River approximately 1 mile north of the town of Freeport,
- the lower American River at a location approximately 4 miles upstream of the confluence with the Sacramento River, and
- a diversion from the Folsom South Canal, if neither of the other two sites can feasibly be completed.

Sacramento County Water Agency

The framework for SCWA's planning process lies in its participation in the Sacramento Area Water Forum and the preparation of the updated Zone 40 Water Supply Master Plan.

Sacramento Area Water Forum Agreement

Public agencies in the Sacramento area have been involved in a cooperative effort known as the Sacramento Area Water Forum (Water Forum), designed to explore acceptable project alternatives that could bring additional high-quality water to Sacramento County, the City of Sacramento, and entities in Placer and El Dorado Counties. The common goal is to provide a safe, reliable water supply for the entire region, while preserving fish, wildlife, recreational, and aesthetic values along the lower American River.

The Water Forum is a diverse group of business and agricultural leaders, citizen groups, environmentalists, water managers, and local governments in the Sacramento area. In 1995, these groups were joined by water managers in Placer and El Dorado Counties. The members of the Water Forum developed a Water Forum Proposal for the effective long-term management of the region's water resources. The Water Forum Proposal was analyzed and reviewed in an EIR prepared and certified by the City and County of Sacramento. To signify approval of the proposal, 40 Water Forum members signed the Water Forum Agreement in April 2000.

To achieve the Water Forum goals, all signatories of the Water Forum Agreement are committed to support and, where appropriate, participate in seven elements of the agreement. These elements are:

- increased surface water diversions,
- actions to meet customers' needs while reducing diversion impacts on the lower American River in drier years,
- support for an improved pattern of fish flow releases from Folsom Reservoir,
- lower American River habitat management,
- water conservation,
- groundwater management, and
- participation in Water Forum successor effort.

SCWA participated in the Water Forum process and is a signatory to the Water Forum Agreement. The Water Forum Agreement supports SCWA's pursuit of additional water supplies and includes SCWA's need for increased surface water diversions. SCWA's "Purveyor Specific Agreement" also commits it to certain limitations on its use of water supplies. SCWA agreed to divert surface water at or near the mouth of the American River or from the Sacramento River.

This agreement is consistent with the 1999 P.L. 101-514 (Fazio) Contract issued by Reclamation to SCWA, which allows a Sacramento River diversion location, including one in the vicinity of river mile (RM) 46.5, which is near the city-owned site. The contract also allows diversions at the intake for the Sacramento River Water Treatment Plant owned by the City of Sacramento and at other locations at the discretion of Reclamation.

During the process of finalizing the Fazio Contract, Reclamation petitioned for and received from the State Water Resources Control Board a new Point of Diversion on the Sacramento River in the vicinity of the site owned by the City of Sacramento Department of Utilities adjacent to the Pocket Area neighborhood. The petition process is a public quasi-judicial process that allows for public protest, legal briefs, and settlements.

Zone 40 Master Plan Update

The 2002 Zone 40 Water Supply Master Plan, prepared by the SCWA with the Water Forum Agreement (January 2000) as its foundation, provides a flexible plan of water management alternatives that can be implemented and revised as availability and feasibility of water supply sources change in the future. The Zone 40 Master Plan describes the studies performed and presents the findings, conclusions, and recommendations to meet future water demands in the Zone 40 study area through the year 2030.

The Zone 40 Master Plan presents the results of various studies such as assessment of future water needs, including projected demand, demand management, and availability of supply. The Master Plan also defines and evaluates alternative water management options, including treatment requirements, the supply components and capital facilities, and presents the evaluation and selection of the recommended alternative. Financing methods and an implementation plan, including program management recommendations, are also discussed.

Based on the alternative evaluation process included in the Zone 40 Master Plan, the FRWP is selected as the preferred alternative.

Summary of Water Supply Planning Processes

The City of Sacramento, County of Sacramento, and EBMUD have together studied numerous potential joint and individual project alternatives for obtaining surface water supplies from the lower American and Sacramento Rivers. After exploring all of the technical, institutional, environmental, and regulatory considerations, all three entities have determined that the city-owned property on the Sacramento River near Freeport is the most viable location for a new water intake facility to meet Sacramento County and EBMUD needs. The city has maintained ownership of that property, as well as property to the east across Freeport Boulevard that is currently in use as a park facility, specifically to support a new intake facility, and also a new water treatment plant, on the properties.

In its comment letter on the 2000 REIR/EIS, the City of Sacramento noted,

> The Sacramento River-Freeport alternatives (Alternatives 6 and 7 in that document) avoid the potentially significant construction, pipeline, alignment, and water quality impacts associated with the other alternatives… Accordingly, the Sacramento River-Freeport alternatives are environmentally preferable….

Similarly, the County of Sacramento stated in its comments on 2000 REIR/EIS that, “All factors ….. focus on the Sacramento River at Freeport … as the proper preferred alternative.”

Recent Milestones

In 2000, a document titled *Principles of Agreement between City of Sacramento, County of Sacramento and EBMUD* specified the city-owned site as the diversion location for the joint project that was then under consideration.

In January 2001, the City of Sacramento, County of Sacramento, Reclamation, and EBMUD signed a Memorandum of Agreement stating that the city, county, and EBMUD shall jointly work to construct a diversion structure near the city-owned property approximately 1 mile north of the Town of Freeport. Furthermore, the agreement stated that the project shall be referred to as the Freeport Regional Diversion Project (later modified to read the Freeport Regional Water Project). The agreement was signed by the following parties:

- City of Sacramento—Heather Fargo, Mayor; Robert P. Thomas, City Manager;
- County of Sacramento—Roger Niello, Chairperson; Terry Schutten, County Executive;
- EBMUD—John Coleman, President; Dennis Diemer, General Manager; and
- Reclamation—Lester Snow, Regional Director.

In February 2002, a ceremony was held adjacent to the city-owned site to announce the formation of the Joint Powers Authority (the FRWA) between EBMUD and the SCWA. The City of Sacramento is a supporting member of that agency. The meeting was attended by numerous elected officials from EBMUD, Sacramento County, and the City of Sacramento.

In March 2002, a Notice of Preparation and Notice of Intent for the FRWP EIR/EIS was issued and sent to an extensive mailing list that included public agencies, elected officials, community groups, and many residents in the project areas.

The 2003 FRWP Draft EIR/EIS (2003 Draft EIR/EIS) was published in August 2003. The comment period was originally scheduled to end on October 8 but has been extended until December 15, 2003, to provide additional time for the public to comment and to address those concerns.

Recent Planning Efforts

As a part of preparing the 2003 Draft EIR/EIS, FRWA prepared the *Alternatives Screening Report for the Freeport Regional Water Project* and conducted numerous technical evaluations. The alternatives screening report was intended to reconfirm the conclusions of the water supply planning processes described above and identify a reasonable range of alternatives to include in the 2003 Draft EIR/EIS. The technical evaluations were intended to support the screening process and more clearly define the proposed FRWP.

Alternatives Screening Process

The development of potential project alternatives was based on information regarding EBMUD's and SCWA's existing facilities and capabilities, as well as on the results of extensive planning efforts initiated by each agency (described above) and by the environmental scoping process implemented for the FRWP. Many alternatives have been fully examined by each agency during the past 15 years. Each alternative that was previously described and analyzed and rejected as infeasible because of significant institutional, technical, or environmental issues has been reviewed to determine whether any changes in circumstances warrant a reevaluation of the alternatives.

FRWA's alternative screening analysis was intended to identify a reasonable range of alternatives to include in the draft EIR/EIS. The screening analysis considered various types of project alternatives, ranging from local river diversions, enlarged reservoir storages, new reservoir storages, groundwater use (including banking/exchange), and desalination. Multiple intake sites were represented by various alternatives considered in the alternatives screening analysis, including sites on the lower American River, the Sacramento River, and the Sacramento–San Joaquin Delta. The alternatives considered in the 2003 Draft EIR/EIS include a no-project alternative, four Sacramento River diversion alternatives, and a Sacramento River/Enlarge Pardee Reservoir alternative. The four Sacramento River diversion alternatives involve the diversion of water from the Sacramento River to the Mokelumne Aqueducts. All four of these alternatives include an intake site on the Sacramento River, just upstream from the town of Freeport; each intake site has a different pipeline alignment from the river to the aqueducts. The Sacramento River/Enlarge Pardee Reservoir alternative involves diversion of water from the Sacramento River to Sacramento County and enlargement of the existing Pardee Reservoir. This alternative includes an intake site on the Sacramento River, at the same location as the four Sacramento River diversion alternatives.

Technical Evaluations

As a result of identifying a surface water supply project with a diversion structure near Freeport as a feasible alternative, FRWA conducted several technical evaluations to better define the FRWP in general and, in particular, identify a suitable location for the necessary water intake structure. Results of the first evaluations were included in Technical Memorandum No. 1, dated October 22, 2001 (TM No. 1), which investigated alternative intake sites between the SRCSD WWTP discharge pipeline and the southern edge of the Pocket Area. Considerations in that analysis included:

- proximity to the SRCSD WWTP outfall,
- profile and elevation of river bottom,

- property ownership, and
- accessibility for operation and maintenance vehicles.

With limited detail, the city-owned site was selected for the purpose of the memorandum, which was to determine whether a pier, or in-river, intake structure was better suited and whether a pumping plant should be integral to or separate from the intake. Using the criteria above, it is logical that within the limits of the TM No. 1 study area, the city site is best for the following reasons.

- It is the farthest from the WWTP outfall. This distance minimizes the impact on diverted water quality.
- It is at the outside of a bend in the river, with the deepest part of the channel relatively near shore. Flows are fastest at the outside of bends, minimizing sedimentation and increasing the flow velocity parallel to the fish screens, which makes the fish screens more effective.
- The land is publicly owned, eliminating the need to acquire private property.
- The site is readily accessible from public roadways using public land.

A second memorandum, Technical Memorandum No. I-1 (draft), dated June 25, 2002 (TM I-1), is an update of the October 2001 memorandum. Its preparation was motivated primarily by the City of Sacramento changing its level of project participation from a full-fledged project partner to an interested party with no financial interest in the project. Because the owners of the preferred site (City of Sacramento) were no longer as actively involved, the FRWA agreed to reevaluate alternative intake sites.

The evaluation criteria and study area used in TM I-1 were more extensive than in TM No. 1. TM I-1 investigated potential sites between the SRCSD WWTP outfall and the City of Sacramento's combined sewer overflow (CSO) upstream of the Pocket. The general evaluation criteria included (i.e., were not limited to):

- proximity to SRCSD and CSO outfalls and marinas (e.g., water quality),
- river depth and cross section,
- right-of-way and property acquisition issues,
- site accessibility,
- recreation impacts,
- hydraulics (e.g., movement of river water),
- operation and maintenance issues,
- construction impacts, and
- cost.

Major Considerations

An initial screening of potential sites was performed based primarily on water quality and potential sources of contamination. The potential sources of contamination are documented in Technical Memorandum No. 3, Sacramento River Watershed Sanitary Survey 2000 Update. Three primary items were considered:

- keep the site sufficiently upstream of the SRCSD outfall (Figure 1) to limit shutting down the intake during reverse flow events,
- locate the site sufficiently downstream of the CSO discharge to ensure full mixing of sewer discharges and river water, and
- avoid the potential fuel spills and solid and sanitary waste disposal associated with marinas.

This initial screening greatly reduced the number of possible locations.

On occasion, when river flow is low and tides in the Pacific Ocean are high, water in the Sacramento River in the project vicinity can flow northwards (i.e. backwards, upstream). Should the SRCSD WWTP be discharging at those times (and it typically discharges constantly), the reverse flow in the river could cause treated wastewater to reach the intake. Therefore, the farther upstream from the outfall the intake is located, the better. The reverse flow events are typically of such duration that treated wastewater reaches a limited distance upstream of the outfall. FRWA's technical team set a target criterion of finding a site where treated wastewater would reach the site on no more than 20% of the occasions when reverse flow occurs. Computer modeling revealed that this distance is at least 3,500 feet. Therefore, the 3,500 feet of river closest to the SRCSD outfall was excluded from further analysis.

Locating the intake within any reasonable distance downstream of the WWTP outfall would be a breach of the member agencies' duty to protect the public's health and could be forbidden by regulatory agencies such as the Department of Health Services. The waste discharges carried by reverse flows that FRWA is attempting to avoid are infrequent events, yet are still of great concern. Downstream of the outfall, those waste discharges will be continuous and impossible to avoid.

In addition to the water quality issues posed by the SRCSD WWTP, the City of Sacramento operates a CSO that serves a portion of the City and County of Sacramento. Under most conditions, the combined flow of the sewers is directed to the SRCSD WWTP and is treated (secondary treatment) before discharge to the river. On occasion, however, storm flows are so great that the capacity of the WWTP is exceeded, and the excess flow is diverted to a series of smaller treatment plants, which treat the water to a lesser degree (primary treatment) than the SRCSD WWTP before discharge to the river. On even less frequent

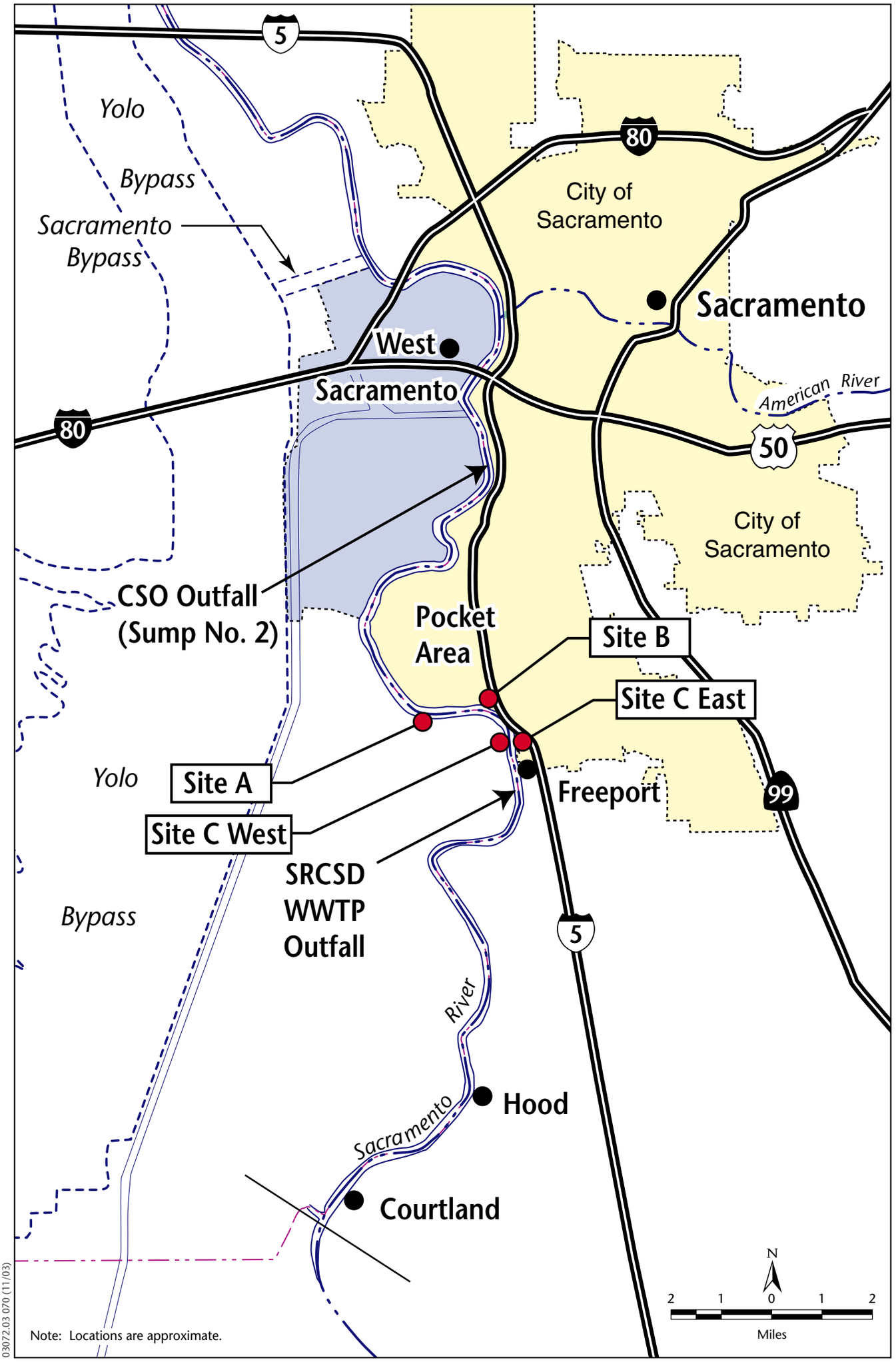

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Figure 1
FRWP Intake Site Limitations

occasions, the capacity of both the WWTP and the primary treatment facilities is exceeded, and raw sewage combined with storm drainage is discharged to the river with no treatment at all. It is these events that are of concern to the FRWA.

The only way to avoid completely the effect of untreated CSO discharges on the intake would be to locate it upstream of any untreated CSO discharge sites, which would require relocating the intake upstream of Sump No. 2, which is west of William Land Park. Locating the intake upstream of Sump No. 2 would add at least 5 miles to the length of the pipeline, running through some of the most densely developed parts of Sacramento. Conservatively, project construction costs would increase by at least $20 million, if a vacant site with sufficient room could be found. The permanent environmental impacts associated with a site this far upstream would be at least as much as the preferred site, but the construction impacts would be much greater. An additional environmental impact would result from the increased electrical power required to pump the water through the longer pipeline required.

As an alternative to placing the intake upstream of any untreated CSO discharge, FRWA tried to find a location where untreated discharges would mix fully with river water before reaching the intake. If untreated discharges could not be completely avoided, the next best thing is to make sure the discharges are as diluted with river water as possible. Computer modeling indicated that approximately 9,000 feet of river length was necessary for full mixing.

It was also a criterion to locate the intake a similar distance below any marinas, which might be the source of fuel spills or other waste discharges. These criteria limited the study reach to approximately 3,500 feet above the SRCSD discharge to approximately 9,000 feet below Sump No. 2. This stretch of river extends from Chicory Bend (RM 54.6) to the northern limits of the developed portion of Freeport (RM 46.7).

The only undeveloped areas on the left bank (looking downstream) within this water quality–constrained reach are the preferred site and a site approximately 3,000 feet downstream of the preferred site, near the northern limits of development in Freeport. Potentially suitable sites with less development exist on the right bank.

After public health and safety were addressed, several engineering criteria were applied to the site selection. The first of these criteria is river geometry. In general, deep water and fast-flowing water are desirable. The pumps must be placed under water, and naturally deep water provides this pump submergence and minimizes environmentally harmful and costly dredging. High-flow velocities across the intake minimize sedimentation accumulation and improve the functioning of the required fish screens. The high velocities help to sweep sediment past the intake. Sediment buildup can interfere with the flow of water to the pumps, causing noisy operation and possibly damage to the pumps. Buildup can also damage the pumps as a result of erosion and create locally

higher velocities of flow through the fish screens. Fish screens protect fish best with even, slow flow through the screens.

Deeper, faster-flowing water is found at the outside of bends. Within the reach defined by water quality constraints, five bends exist: Oak Hall Bend (RM 53.7), Clay Bank Bend (RM 52), Garcia Bend (RM 51), RM 48.8, and Freeport Bend (RM 47.2).

The outside of Oak Hall Bend is on the left bank. Dense development (the Greenhaven area) exists adjacent to the river, and no vacant sites are available. Construction of an intake at that site would require obtaining private property and constructing approximately 4 miles of additional pipeline (approx. $15 million) through a very densely populated area. This bend is the only one on the left bank in the study area, other than the preferred site, and is either inferior or equivalent to the preferred site in every evaluation criterion.

The three bend sites on the right bank all have some similarity with respect to the evaluation criteria: they all have comparable levels of adjacent development, and they all require additional pipeline length and an expensive river crossing. The biggest difference between these sites is the length of pipeline added to the project. Therefore, only the site requiring the least additional pipe (RM 48.8) will be addressed herein, and all the other right-bank bends will be considered to have flaws of relatively greater magnitude.

Site-Specific Considerations

As a result of the major considerations described above, four sites were identified as having the most potential and warranting further consideration. These sites are addressed as sites A, B, C (East Bank), and C (West Bank) in TM I-1 and in the discussion below. Table 1 provides additional summary information.

Site A

The site at RM 48.8 was addressed as Site A in TM I-1 (Figure 2). It is in a good location for river geometry but has a number of flaws, mostly caused by its location on private property and the presence of the county roadway (South River Road) on top of the levee.

FRWA strongly prefers to avoid acquiring privately owned land, and as much of the project as possible will be located on public land. Approximately 5–10 acres of private land would be required for constructing an intake on Site A. In addition, some 1,500 feet of South River Road along the levee would have to be relocated, requiring the acquisition of another 2–2.5 acres of private land. The additional 10,000 feet of pipeline required would also have to be located on private land (approximately 11 acres of permanent easement). All of the land is

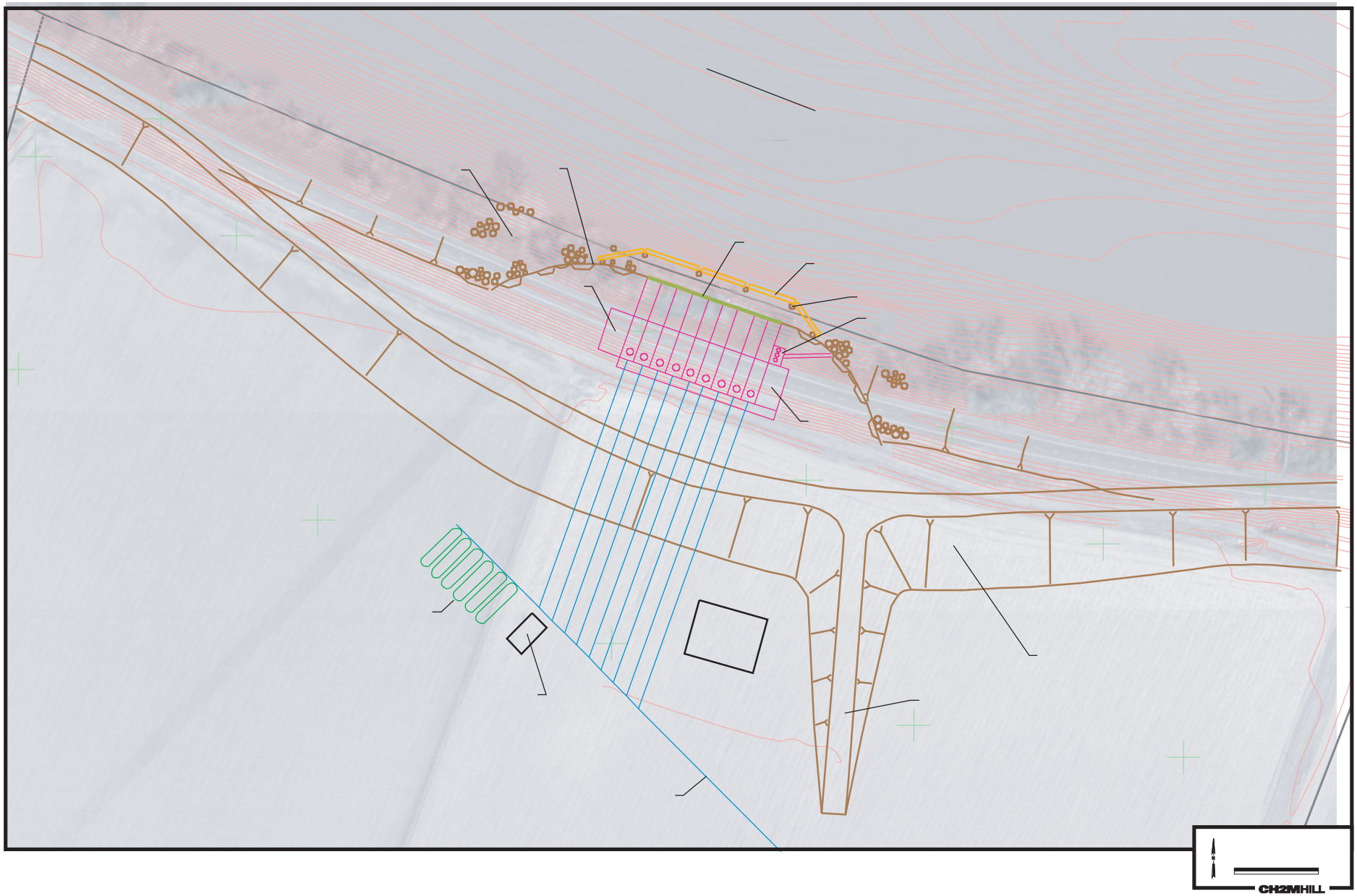

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Figure 2
Site A

currently used for agriculture, which is a rapidly disappearing land use in the Sacramento area.

Constructing the intake on the right bank would create relatively greater visual impacts than the preferred site. The intake would be generally more visible from the Pocket side of the river and visible to many more people. It would be very difficult, if not impossible, to mask the intake with landscaping on the river side.

Site B

Site B is the preferred site and is located at the City of Sacramento site owned by the Department of Utilities. Site B is similar to Site A in that it satisfies most of the criteria for a bank side intake structure, including those regarding water quality and river geometry. Additionally, it has several advantages over Site A. Site B:

- would require a shorter pipeline,
- would not require the pipeline to cross underneath the river,
- would not require realignment of any roadways, and
- is located on public property owned by the City of Sacramento.

Construction of a bank side intake structure at this location could also increase the integrity of the flood control levee, which is an important consideration for the Sacramento region.

Site C (East Bank)

Site C (East Bank) is located on the left bank (east side) of the river, approximately 3,500 feet upstream of the Freeport Bridge and approximately 3,000 feet downstream of the preferred site. It is as close to the WWTP outfall as the FRWA feels is prudent. This section of the river is straight, and preliminary investigations concluded that this location should provide adequate sweeping flows across the facility to reduce potential maintenance dredging at the site. However, further evaluation identified several flaws relative to the preferred site, the most notable of which is that it is not on the outside of a bend. As a result, the high-velocity flows, which are so important for minimizing sediment deposition and aiding in protection of fish, are not present near the bank. The deepest water in this straight stretch of river is near the center of the river. Accessing that deep water would require extensive, environmentally harmful dredging, likely on an ongoing basis.

Because of its proximity to the WWTP, diversions would have to be interrupted as a result of reverse flow events and discharges from the WWTP more

frequently than for any upstream site. Also, the location of a stormwater outfall just upstream of this site would increase impacts to water quality in the event of spills within the urban drainage area. To maintain a safe level of water quality, the stormwater outfall would likely require monitoring or relocation downstream of this site.

Also, the site would require relocation of an extensive portion of the railroad and Highway 160, a well-traveled state highway, and the available options for modifying the levee to accommodate the intake structure are very limited. Private land would have to be acquired for construction of the intake, and relocation of the railroad and highway would also require the acquisition of private land.

While the above information is generally applicable to both a bank side intake and a pier intake, or in-river, structure, some conditions are applicable only to a pier intake structure. The following information is applicable only to the pier intake considered at Site C (East Bank).

A pier intake structure could affect flood control as a result of higher water surface elevations caused by the structure being placed in the river because it is relatively narrow at this location. Additionally, the long-term performance and integrity of the levee could be endangered because of the high potential for scour around the pier, which would potentially further erode/undercut the levee section. (It should be noted that a bank side intake, which is different than a pier intake, can actually strengthen the levee.) Also, physical conditions could result in poor hydraulic performance, and the potential for the design of fish screens to meet resource agency criteria for protected fish species would be problematic. Finally, this section of the river is narrow, and a pier intake structure could result in a hazard to recreation along the river.

Site C (West Bank)

Intake Site C (West Bank) is located on the right bank (west side) of the river, directly across the river from Intake Site C (East Bank). This site was also considered for both a bank side structure and a pier, or in-river, structure. Given the proximity of these two sites, Site C (West Bank) had identical issues to Site C (East Bank), with two exceptions. For Site C (West Bank), levee modifications and widening necessary for locating a structure at this site would require the realignment of South River Road (a well-traveled levee road). The realignment of South River Road would be difficult because of the project's right-of-way needs, limited existing right-of-way, existing high bank, and necessary vertical and horizontal curve changes. The site would also likely result in the permanent relocation of two nearby residences. Private land would have to be acquired for construction of the intake, and relocation of South River Road would also require the acquisition of private land. In addition to these negative factors, Site C (West Bank) would require the pipeline to cross underneath the river, which poses additional environmental risks and construction costs.

Cost Summary

Technical Memorandum I-1 presented preliminary estimated construction costs for selected intake site alternatives. All estimates included the costs necessary to construct intake facilities at the respective sites, including roadway and railroad locations, if required, and include the costs of the discharge pipeline from the intake sites to a common point on the east side of Interstate 5, just east of Site C.

preliminary estimated construction costs for alternative intake sites and intake configurations	
Site A – Pier Type	$84,118,000
Site A – Bank Type	$75,760,000
Site B – Pier-Type	$69,236,000
Site B – Bank Type	$60,230,000
Site C (East Bank) – Bank Type	$66,875,500

Conclusion

In conclusion, Sites C and D were eliminated for numerous reasons. Primarily as a result of their location along a straight stretch of river with shallow shores, their proximity to the regional WWTP, and the need to relocate heavily used roadways and acquire private property.

Site A was eliminated because of its slightly greater environmental impacts, the longer pipeline and river crossing that would be required, and the need to relocate a heavily used roadway and acquire private property.

Site B was selected as the preferred site because of its ability to better meet the identified criteria, ability to minimize impacts on the environment, and location on public property owned by the City of Sacramento (i.e., does not require acquisition of private property).

Table 1. Freeport Regional Water Project: Intake Location Comparison Matrix

Criteria	Site A: Yolo County West Bank Site	Site B: City of Sacramento Utility Yard East Bank Site	Site C: East and West Banks Upstream of Freeport Bridge
Water Quality/Proximity to Storm Water Outflows	Close downstream proximity to stormwater/sewage outfall (Sump 32) and Marina.	Close proximity but upstream of stormwater outfall (Sump 28).	Downstream of stormwater outfall (Sump 28).
Water Quality/Reverse Flow	Least likely to have operational disturbance from reverse flow events (<1% of events with reverse flow).	Possible operational disturbance from reverse flow events. (2% of events with reverse flow)	Most likely to have operational disturbance from reverse flow events (8% of events with reverse flow).
General Location	Outside bend of river, wide river cross-section, sufficient depth.	Outside bend of river, wide river cross-section, sufficient depth.	Straight stretch of river, relatively narrow river cross-section, not optimal.
Sedimentation/Scour	Good site for intake due to sweeping flows on outside bend of river. Stable levee and river section.	Good site for intake due to sweeping flows on outside bend of river. Stable levee and river section.	Sweeping flows not present, resulting in build-up of sediment.
Groundwater Movement	Possible impacts due to pipeline placement.	No anticipated impacts.	No anticipated impacts.
Land Availability/Facility Access	Requires purchase of several parcels of land. Requires removal of existing homes and farmland. Pipeline requires multiple easements. Limited access from freeway.	Site is undeveloped and suited for proposed land use. Temporary and permanent access from Freeport Blvd. Good access from freeway.	Requires purchase of land. Requires removal of residential or commercial structures.
Road Alignment/Traffic Impacts	Greater levee impacts. Requires more than 1,500 ft of levee changes to accommodate road realignment.	Levee inspection road and bike/pedestrian path minor realignment as part of levee modification.	Greater levee impacts. Requires levee changes to accommodate road realignment and railroad realignment.
Proximity to Residents	Individual farmhouses in vicinity may require relocation due to road realignment. Various impacts during construction.	Adjacent to existing housing tract. Various impacts during construction.	Individual houses in vicinity may require relocation due to road realignment. Various impacts during construction.
Noise	Can be mitigated by buildings and associated sound dampening measures.	Can be mitigated by buildings and associated sound dampening measures.	Can be mitigated by buildings and associated sound dampening measures.
Visual Impacts	Intake facility visible. Site layout could allow for substantial visual screening of facilities from neighboring residents.	Intake facility visible. Site layout allows for substantial visual screening of facilities from neighboring residents.	Intake facility visible. Site layout less likely to allow substantial visual screening of facilities from neighboring residents.
Construction Impacts	Many impacts can be mitigated; noise impacts remain significant. Construction up to a year longer due to road and levee realignment work.	Many impacts can be mitigated; noise impacts remain significant.	Many impacts can be mitigated; noise impacts remain significant. Construction up to a year longer due to road and levee realignment work.
Agricultural Production	Impact existing farm production. Permanently removes farmland from service.	None.	None.
River Crossing Risk	River crossing could cause increased flooding hazard, possible subsidence during tunneling and possible voids in ground as result of tunneling.	No river crossing.	River crossing (Site C West only) could cause increased flooding hazard, possible subsidence during tunneling, and possible voids in ground as result of tunneling.
Operations/Maintenance	Potential dredging needs.	Potential dredging needs.	Dredging needs.

City Utility Site Impacts	None.	Site can be utilized without impeding current operations.	None.
Recreation Impacts	Potential hazard to boating/waterskiing.	Potential hazard to boating/waterskiing. Existing bikeway currently ends near the site, but can be routed around the site to maintain access.	Potential hazard to boating/waterskiing.
Institutional Considerations	Subject to permitting and approval by Yolo County; No SWRCB water right at this location; Subject to CVP contract amendment for EBMUD; Subject to CVP contract amendment for SCWA Fazio Contract; Subject to Caltrans and Yolo County road re-alignment approval.	Subject to purchase agreement with City of Sacramento.	1. Subject to Caltrans and City of Sacramento road realignment approval. 2. Subject to State railroad realignment approval.
Cost	$75 million.	$60 million.	$66+ million.