

*Dedicated to preserving,
promoting, and experiencing
California's unique rivers.*

January 29, 2021

CABY Regional Water Management Group

comments@cabyregion.org

Re: Comments on update to CABY plan and Alder Reservoir project

Dear Regional Water Management Group:

The California Native Plant Society, Planning and Conservation League, Friends of the River, California Sportfishing Protection Alliance, Sierra Club Mother Lode Chapter, El Dorado Chapter Trout Unlimited, California Outdoors, American Whitewater, American River Recreation Association, and Hilde Schweitzer respectfully submit these comments on the 2021 Update of the Cosumnes American Bear Yuba (CABY) Integrated Regional Water Management Plan (IRWMP).

I. Background

Collectively, we have been deeply engaged in water planning and use in El Dorado County since the 1970s with a specific focus on the South Fork American River. The South Fork of the American River (SOFAR) is one of the premier and most used year-around whitewater recreation waterways in the entire United States. In addition to boaters from El Dorado County, it also draws rafters and kayakers from around the United States and also from many other nations. Such visitation provides a major source of income to El Dorado County businesses. This reach and its tributaries also host important fisheries with rich aquatic and riparian habitats. The watershed as a whole is an important recreation destination and provides forest and woodland habitat for a variety of native species.

The community of stakeholders concerned about water use and protecting resources in the South Fork American River watershed is well known to El Dorado County Water Agency (EDCWA) and El Dorado Irrigation District (EID). As recently as May 2020, we submitted a letter

to EID objecting to their proposal to transfer the point of diversion for an existing water right from Folsom Reservoir to the upper reaches of the SOFAR (Attachment 1). As noted in the attached letter, recreation groups and others agreed in 1996 to drop protests to the water right sought by EDCWA and EID, if the point of diversion was limited to Folsom Reservoir. This agreement was formalized in Decision 1635.

We are concerned about actions that threaten watershed health, stream function, and recreational use of SOFAR and its tributaries. We consider additional water diversions and surface water storage, as proposed by EDCWA in the Alder Reservoir project, threats to these resources.

II. Proposed Alder Reservoir

The EDCWA submitted the Alder Reservoir Project as part of the CABY update process. The Alder Reservoir project is a concept proposal that has circulated in various forms within the water purveyor community in El Dorado County since the 1920s. There are few details and no feasibility reports to support it. The concept project proposed by EDCWA in the 2021 update appears to be the most ambitious version of the project – to create a 175,000 ac-ft surface storage reservoir that would require points of diversion from the upper portion of SOFAR and inundate many miles of a significant tributaries to SOFAR at a cost of \$909 million.¹ The project would also require the granting of additional water rights from SOFAR, a reach for which water rights are already over allocated.

We are opposed to the Alder Reservoir project because of the damaging impacts that it would have on riparian and terrestrial resources, fisheries, and a tourist industry that depends on river flows to support boating and other uses. The EDCWA is well aware of our objections to water diversions in the upper reaches of SOFAR. We have been directly engaged with them on water rights and water infrastructure proposals for over 30 years and actively engaged the agency in the past year about our opposition to changing the point of diversion for an existing water right.

III. The Alder Reservoir Project Is Not Aligned or Consistent with the CABY Plan.

We reviewed the 2021 update for the CABY plan (“Plan”) and find that the Alder Reservoir project is not aligned or consistent with the plan in the several ways.

¹ Alder Reservoir concept paper: <https://www.eid.org/home/showdocument?id=6898>

A. Stakeholders for the Alder Reservoir Were Not Properly Identified Even Though Surface Storage is a Recognized Water Management Conflict.

The Plan (p. 2-10) states that there are “extensive WG-based project development activities within CABY” and that this WG process is used to identify additional stakeholders. The Plan (Ibid.) also states that “CABY also facilitates involvement in response to emerging issues.” It is through these practices that the Plan establishes the identification of issues and stakeholders connected to those issues.

We reviewed the CABY meeting notes from 2016 to present and found no mention of surface water storage. The most recent reference to surface water storage and the Alder Reservoir appears to pre-date 2014. Thus, there is no record in the last five years of discussions among proponents or other stakeholders about surface water storage. There is also no indication that additional stakeholders were identified through the CABY process. Had the Plan been implemented with respect to the development of the Alder Reservoir project, the relevant project work group would have identified additional stakeholders, such as our organizations, who are known to be concerned about water diversions and impoundments. None of our groups were approached by CABY, EDCWA or EID to discuss the Alder Reservoir project.

B. The Alder Reservoir Does Not Following the Consensus Decision Making Process Identified in the Plan.

The Plan (p. 4-5) states that “Working toward consensus (agreement among all participants) is a fundamental principle of the CABY IRWM process.” Because there was no outreach and engagement of stakeholders known to be concerned about diversions from the SOFAR reach, the project development process did not follow the consensus decision making model presented in the Plan. This is especially concerning since parties that are concerned about diversions and surface water storage, such as those submitting these comments, are well known to EDCWA and EID.

C. The Alder Project is not Consistent with the Overarching Project Elements

The Plan identifies seven “overarching project elements” that are “broad priorities to be considered in the development and review of projects.” Three of these elements directly address feasibility – technical, financial feasibility and sustainability, and project costs, availability of financing, and overall economic feasibility. (Plan, p. 12-4) The elements are intended to be integral components of CABY projects, but as we note below these elements are absent from the Alder Reservoir project.

The Alder Reservoir project is not consistent with the Plan’s direction to include feasibility as part of the plan development process, because such an analysis has not yet been completed. The EDCWA only indicates their intention to complete a study in the future in their recently approved strategic plan:

Collaborate with Reclamation, El Dorado Irrigation District, and local entities to secure federal funding for the Alder Creek Water Conservation and Storage Project Feasibility Study.

(EDCWA strategic plan (2021-2025), p. 10)² We also note that despite the lack of a feasibility analysis, the information included in the project list for the Alder Reservoir states that the project is feasible.

D. Integration and the Ahwahnee Water Principles

The Alder Reservoir project does not meet the direction in the 2016 IRWM Program Guidelines and the Plan to develop and foster integration. The program guidelines require structure and processes that provide opportunities for integration. The Plan adopts the five implementation principles from the Ahwahnee Water Principles to satisfy this requirement (Plan, p. 12-12). In reporting how the principles are satisfied, the Plan states:

- Principles two and three, collaboration and integration, encapsulate the core tenets of the Plan's project development strategy, embracing multi-agency collaboration, stakeholder involvement and integrated, regional approaches to water management.
- Principles four and five emphasize community engagement and information sharing, and these have been identified as overarching priorities within CABY's RMS and Programmatic Structure (see Sections 12.2.1 and 12.2.2), which require that all CABY projects include education and outreach, as well as monitoring, data analysis, and measuring and reporting outcomes to improve future practices.

(Plan, p. 12-13). The Alder Reservoir project does not meet the principles from the Plan described above for the following reasons. The Alder Reservoir project is not integrated with other actions in the Plan. Only two other projects are proposed by EID or EDCWA – one to address piping of a ditch and the other to address wastewater treatment. There also is no indication that this proposal is integrated with other measures, e.g., growth management, ground water storage, and use of recycled water, that could increase water security without creating new surface water storage. The project development process for the Alder Reservoir project also lacked collaboration and stakeholder engagement, as required by the Plan. Lastly and as noted above, the Alder Reservoir project was developed in isolation and did not engage stakeholders, such as ourselves who were known to be interested and actively engaged in water diversion and surface water storage issues affecting SOFAR, in the development of the Alder Reservoir project.

² https://www.edwateragency.org/Shared%20Documents/20201125_EDWA_SP_Final_Web.pdf
Comments on the 2021 CABY update and Alder Reservoir (1/29/21)

IV. Biological Information Missing from the Plan and Impacts to Aquatic Species from Alder Reservoir Project

Native rainbow trout (*Oncorhynchus mykiss*) is not mentioned in the biological section of the Plan (pp. 5-18 to 22), nor is Sierra Nevada (mountain) yellow-legged frog (*Rana muscosa*). These are important species to include. In the proposed Alder Creek Reservoir area, Sierra Nevada yellow-legged frogs, a federally endangered species, have been observed residing in the creek in the distant past, and Alder Creek is an important native rainbow trout nursery for the South Fork American River.

According to the Rainbow Trout Monitoring Plan of Project 184 relicensing process (ECORP 2002), the biomass of rainbow trout in lower Alder Creek was highest of any stream in the license area in 1998-2001 (74.6 lbs/surface acre). If this nursery is disconnected from the South Fork American River by a reservoir, the biological integrity of aquatic species in both Alder Creek and the larger watershed will be impacted.

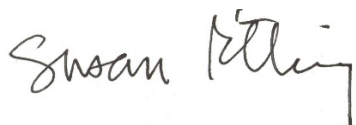
V. Conclusion

We agree with the statement in the Plan that:

... additional surface water storage should only be considered after all other conservation measures are exhausted, and the need for the facility (and its cost-benefit) can be conclusively documented.

(Plan, p. 9-7) The Alder Reservoir project was not developed using the processes and structures presented in the Plan to ensure integration, consensus decision making, community engagement, and collaboration. Because of these deficiencies we ask that the Alder Reservoir project not be included in the project list for the updated Plan.

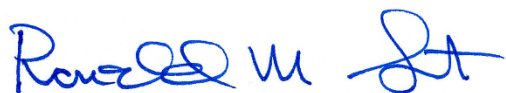
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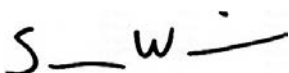
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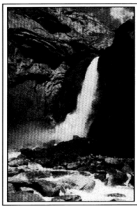
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*Dedicated to preserving,
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May 15, 2020

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Attn: Brian Deason, Environmental Resources Supervisor
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Via electronic mail

Re: Comments of the California Sportfishing Protection Alliance, Sierra Club Mother Lode Chapter, Foothill Conservancy, American River Recreation Association, Planning and Conservation League, American Whitewater, California Outdoors, California Native Plant Society, Save the American River Association, Friends of the River, and Hilde Schweitzer on the Notice of Preparation of an Environmental Impact Report for the proposed modification of Water Right Permit 21112

Dr. Mr. Deason:

The California Sportfishing Protection Alliance, Sierra Club Mother Lode Chapter, Foothill Conservancy, American River Recreation Association, Planning and Conservation League, American Whitewater, California Outdoors, California Native Plant Society, Save the American River Association, Friends of the River, and Hilde Schweitzer respectfully submit these comments in response to the April 17, 2020 Notice of Preparation of an Environmental

Impact Report (EIR) for El Dorado Irrigation District's (EID) proposed modification of Water Right Permit 21112.

I. Background (A deal is a deal.)

EID proposes to add points of diversion and rediversion to its existing Permit 21112 and to extend time to put water to beneficial use under the Permit from the current time limit in 2020 to 2040.

The State Water Resources Control Board (State Water Board) issued Permit 21112 in Water Rights Decision 1635 and amended the Permit in Water Right Order 2001-22. Permit 21112 allows EID to divert up to 17,000 acre-feet per year (AFY) from the South Fork American watershed. Under the Permit, EID stores water in three storage reservoirs high in the watershed: Lake Aloha, Caples Lake, and Silver Lake. At present, the sole point of direct diversion and rediversion in the South Fork American watershed downstream of these storage reservoirs is Folsom Reservoir. There is history behind this sole lower-watershed point of diversion and rediversion.

The South Fork of the American River is one of the premier and most used year-around whitewater recreation waterways in the entire United States. In addition to boaters from El Dorado County, it also draws rafters and kayakers from around the United States and also from many other nations. Such visitation provides a major source of income to El Dorado County businesses.

About three decades ago, the El Dorado County Water Agency, on behalf of EID, applied for a water right to divert 17,000 acre feet of water annually from several locations on the South Fork upstream of Chili Bar Dam. The reach of the South Fork American downstream of Chili Bar Dam is the most heavily used section of whitewater on the river. Thus, many groups and individuals protested and effectively blocked the State Water Board's approval of that water right application.

In response, the Water Agency formally committed to diverting that water exclusively from Folsom Reservoir, which is downstream of the whitewater boating reaches. Based on that formal commitment, the protests were removed and the State Water Board granted the water right. Once granted, the Water Agency assigned the water right to EID, as had always been planned. This history is recounted in Decision 1635. We have attached to these comments the relevant excerpt of that decision for reference.

In the intervening years, new EID management and Board members have been seated. The previous commitment appears to be forgotten. EID has recently issued a Notice of Preparation for diverting that water from upstream of Chili Bar. Therefore, to start, the organizations who are on this letter believe it is important to remind current management and Board members of our opposition to adding upstream points of diversion and rediversion and of the commitment that EID made. It is up to the current EID management and Board to honor their predecessors' commitment and not pursue the request to divert that water from above Chili Bar. A deal is a deal.

The Notice of Preparation describes proposed added points of diversion and/or rediversion upstream of Chili Bar Reservoir. These proposed additions substantially overlap the points of diversion and rediversion that the Water Agency considered and withdrew in 1993. They include:

- EID's existing diversion dam at Kyburz (intake to the El Dorado Canal), currently used to divert water under a pre-existing pre-1914 water right
- EID's existing Hazel Creek Tunnel, including the turnout from the El Dorado Canal and any conveyance works that lead from the El Dorado Canal to the tunnel, and also that portion of Hazel Creek that connects the southern terminus of the tunnel with Jenkinson Reservoir;
- Jenkinson Reservoir;
- A to-be-constructed point of diversion and rediversion from the Sacramento Municipal Utility District's (SMUD) Slab Creek Reservoir, Slab Creek Dam, White Rock penstock in the vicinity of Slab Creek Dam, or other point located in the vicinity of Slab Creek Reservoir;
- A to-be-constructed point of diversion and rediversion from SMUD's White Rock penstock at some other point further downstream of Slab Creek Reservoir, perhaps at an existing turnout works located immediately above White Rock Powerhouse.

As stated above, EID also proposes to extend the time to put water to use under the Permit to 2040.

II. Recommendations for analysis and disclosures

Should EID persist in pursuing the addition of points of diversion and rediversion to Permit 21112, the signatories to this letter plan to protest the District's petition once it is noticed by the State Water Board. In that event, we make the following recommendations for the Draft Environmental Impact Report (DEIR).

A. Operations and modeling

The DEIR must clearly describe future operations under the Proposed Project. It will be useful to describe operations with only existing infrastructure and operations with each incrementally added new module of infrastructure (diversion works, conveyance of diverted water, water treatment, delivery to end users, and wastewater).

While it is likely that some aspects of future operations would be opportunistic and case-specific, the DEIR must make a serious effort to define the criteria by which EID would decide when, how, and in what quantities to use the added points of diversion and rediversion under Permit 21112. To understand the impacts of the Proposed Project, decision makers and the public must know the times of year and the types of year during which EID would be likely to use the additional points of diversion and rediversion. To understand the impacts, it is also important to understand the range of volumes of water that EID might choose to exercise its rights under the Proposed Project.

The DEIR should disclose the range of water volumes that EID plans to convey through the Hazel Creek Tunnel, including the maximum planned volume that EID will convey through that facility and the timing of such conveyance.

The DEIR must describe not only the operations that attach directly to changes under Permit 21112, but must also describe how District water supply operations as a whole would change should the State Water Board grant the requested changes to Permit 21112. The DEIR must describe how EID would integrate a modified Permit 21112 with all other available sources of water, including the pre-1914 water right for 15,060 AFY that EID currently exercises at Kyburz, the newly active District contract with the Central Valley Project (CVP), also known as “Fazio water,” water rights that attach to Jenkinson Reservoir, and others.

The DEIR must model its current operations and the future operations of its water supply system under the Proposed Project. To model its own water operations, EID should use a publicly available, daily operations model for its simulations. A coarser (*e.g.*, monthly) timestep for EID’s operations would be insufficient to analyze many impacts, such changes in the number of whitewater boating days in the Slab Creek reach of the South Fork American River with and without the Proposed Project.

EID constructed a daily operations model during the relicensing of Project 184 that includes project hydrology and operations up to year 2000, and that extends from EID’s four high altitude storage reservoirs down to the outfall of the El Dorado Powerhouse. EID could mine this existing model for hydrology and reproduce the operations embedded in it for use in a new model.

In addition, the resource agencies constructed a daily operations model on the publicly available HEC-ResSim platform for use in relicensing the Upper American River Project. The El Dorado Water Agency used this UARP model in evaluating a proposed diversion of water from the SMUD’s Upper American River Project. The UARP model allows input from independent model simulations to a node on the South Fork American River upstream of Slab Creek Reservoir. EID could use this model with updated hydrology to simulate the operation of the South Fork American River from Slab Creek Reservoir to Chili Bar Reservoir, providing input from its own operations model for upstream operations on the South Fork American River.

It will be harder to simulate the operations of Folsom Reservoir and the lower American River. To start, the DEIR should use the Sacramento Water Forum’s subroutines for CALSIM 2 and CALSIM 3. The Sacramento Water Forum may have further recommendations on the best operations and temperature modeling tools that can provide inputs to allow evaluation of project impacts to the cold water pool in Folsom Reservoir and water temperatures in the lower American River.

EID should make public all modeling tools, modeling assumptions, model runs, and model output that it uses to analyze the Proposed Project and its impacts.

B. Facilities Design

The DEIR must analyze a range of design specifications for new facilities that the Proposed Project would support.

Since EID has not determined the size(s) of any new diversion works under the Proposed Project, the DEIR must evaluate a range of sizes of the proposed new turnouts from the South Fork American River and/or the White Rock Penstock. The size of turnout(s) will affect both the instream impacts of additional volumes of water diverted from the South Fork American River watershed and the growth-inducing and other developmental impacts of any new turnouts.

The DEIR must also evaluate a range of reasonably foreseeable options for down-system facilities such as water treatment plants and wastewater treatment plants, including size and location. These will affect patterns of growth, traffic, and similar.

C. Current and future water demand

The DEIR must disclose and analyze actual and updated estimates of future demand in the eastern portion of EID's service area that would be served by the requested new points of diversion and redirection. This analysis needs to address:

- Actual per capita water use in the past ten and five years
- The water savings from lining portions of the El Dorado Canal
- Impacts of Measure E on future growth
- Demand reduction as mandated by Assembly Bill 1668 and Senate Bill 606, which set a standard for indoor residential water consumption at 55 gallons per person per day
- Actual water availability in the recent drought when EID sold water outside its service area.

D. Water transfers

The DEIR must describe planned or reasonably foreseeable future water transfers under the Proposed Project and whether, how and to what degree the requested changes in permit conditions will assist and incentivize transfers of water (such as the proposed transfer in 2020 of 8000 AF from three of EID's storage reservoirs to state and/or federal water contractors south of the Delta). If increased water transfer frequency and/or volumes is part of the business plan for the modified Permit 21112, the DEIR must disclose the impacts locally (*e.g.*, greater risk of shortages with reduced carryover storage) and the cumulative impacts downstream.

E. Increased likelihood of full use of allocated water

The DEIR must disclose whether and how the Proposed Project will increase the likelihood of the full use of water allocated under the Permit.

F. Project alternatives

The DEIR should analyze an alternative that includes an extension of time to put water to beneficial use but no added points of diversion or rediversion. The DEIR should also note the degree to which such an alternative would reduce known issues of controversy with the Proposed Project.

The No Project Alternative should fairly evaluate what would happen should the request for time extension not be granted, particularly in consideration of EID's new CVP contract and EID's sale of water even in dry years and drought periods.

G. Climate change

The DEIR must disclose the operation of EID's water supply system with the Proposed Project under conditions of climate change and the impacts of the Proposed Project under climate change.

H. Sacramento Water Forum

The DEIR must describe as part of the regulatory setting how the Proposed Project will affect the upcoming negotiations to update to the agreements of the Sacramento Water Forum.

I. Impacts of the Proposed Project

The DEIR must disclose the impacts of the Proposed Project and evaluate mitigations of those impacts. Among the impacts the DEIR must disclose and analyze are:

- Impacts to Folsom Reservoir, its water temperature and cold water pool due to reduced inflow or changes in the timing of inflow
- Impacts to Folsom Reservoir storage in terms of the frequency in which Folsom Reservoir would be at dead pool and unable to provide water for consumptive or downstream instream uses (the DEIR should evaluate the impacts separately in reference to added points of diversion and in reference to the time extension not being granted, as well as in reference to the complete Project as proposed)
- Impacts to the lower American River, particularly those due to the thermal impacts of reduced inflow to Folsom Reservoir or changes in the timing of inflow
- Cumulative impacts on the Sacramento River and the Sacramento - San Joaquin Bay Delta
- Growth-inducing impacts
- Indirect impacts due to growth-inducing impacts, including
 - Impacts to oak woodlands
 - Impacts to gabbro soils in the area north of Highway 50 generally between Cameron Park and Shingle Springs
 - Impacts to threatened and endangered plants and other rare plants
 - Impacts to traffic, noise, greenhouse gas production, and similar

- Changes in the geographic locations of new growth in the EID service area
- Impacts to lake levels at Silver Lake and Caples Lake generally
- Impacts to lake levels at Caples Lake due to discretionary drawdown of Caples Lake, particularly in fall and winter
- Cumulative impacts of increased water diversions under the Proposed Project when combined with other existing, planned or reasonably foreseeable water development projects, including the pending application of the El Dorado County Water Agency for up to 40,000 AFY water stored in the Upper American River Project
- Cumulative impacts of increased water diversions under the Proposed Project when combined with EID's recently acquired but not yet fully exercised water supply contract with the Central Valley Project for water to be diverted from Folsom Reservoir
- Impacts to water temperature and aquatic resources in the South Fork American River
- Impacts to both the riparian habitat and overall forest health in the South Fork American River canyon due to changes in river flow volume and timing.
- Impacts of increased wildfire due to reduced riparian and forest health in the South Fork American River canyon.
- Impacts to whitewater boating:
 - In the South Fork American River downstream of Kyburz
 - Kyburz to Riverton section
 - Riverton to Peavine section
 - Golden Gate section
 - In the South Fork American River downstream of Slab Creek Dam
 - Slab Creek Dam to Mosquito Bridge section
 - Mosquito Bridge to Rock Creek section
 - Rock Creek Chili Bar section
 - In the South Fork American River downstream of Chili Bar Dam
 - Chili Bar to Coloma section
 - Coloma to Lotus section
 - Lotus to Salmon Falls section
- Impacts to all recreation activities in the South Fork American River watershed, including those at and around Caples and Silver Lake
- Impacts to Hazel Creek downstream of the outfall of the Hazel Creek Tunnel
- Impacts on all uses in the reach of the South Fork American River between the proposed Kyburz point of diversion and the El Dorado Powerhouse at those times when the Powerhouse is not operating.

III. Conclusion

Thank you for the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for proposed modifications to water right Permit 21112. We strongly recommend that EID reconsider the proposed addition in its Proposed Project of points of diversion and rediversion upstream of Folsom Reservoir.

Respectfully submitted,



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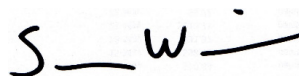
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Attachment: From Water Rights Decision 1635, pages 106-107

The FEIR for the El Dorado County Water Agency Water Program and El Dorado Project FEIR (SCH 72012088) was prepared in March of 1993. (93,EDCWA, 29.) The FEIR was certified by EDCWA on May 10, 1993. (93,EDCWA, 96.)

Because of upstream points of diversion in the preferred alternative, reduced opportunities for white-water boating in the Lotus reach of the South Fork American River was identified as a significant environmental effect in the FEIR. (93,EDCWA 96,1-6.) The proposed mitigation in the FEIR required agreements with second parties to make the mitigation measure feasible. Those agreements were not provided to the Board during or after the 1993 hearing for the proposed project. (SWRCB,1, A-29919, October 28, 1993, letter from James Stubchaer to Stuart L. Somach.)

Thereafter, based on an additional review, El Dorado concluded that it was logistically and economically feasible to divert all of the water for the proposed project from Folsom Reservoir. (SWRCB,1,A-29919; 95,EDCWA,Closing Statement,6:2-14.) On

March 25, 1994, El Dorado submitted supplemental testimony and exhibits to the Board. (SWRCB,1,A-29919.) The supplemental materials included a proposed permit term limiting the quantity of water sought under the applications and petition to 17,000 afa and removed the Hazel Creek Tunnel and El Dorado Forebay as points of diversion. El Dorado maintained the request for points of diversion and diversion from Folsom Reservoir and at the White Rock Penstock. El Dorado requested that the Board approve the applications and petition for partial assignment. The White Rock point of diversion and diversion, however, would be subject to the completion of necessary environmental work and on obtaining operations agreements that would avoid or mitigate the significant adverse impacts to white water boating within the Lotus reach of the South Fork American River. (93,EDCWA,2.)