

**Agenda**  
Sacramento Suburban Water District  
**Special Board Meeting**

3701 Marconi Avenue, Suite 100  
Sacramento, California 95821

Tuesday, July 7, 2009  
6:00 p.m.

Where appropriate or deemed necessary, the Board may take action on any item listed on the agenda, including items listed as information items. Public documents relating to any open session item listed on this agenda that are distributed to all or a majority of the members of the Board of Directors less than 72 hours before the meeting are available for public inspection in the customer service area of the District's Administrative Office at the address listed above.

The public may address the Board concerning an agenda item either before or during the Board's consideration of that agenda item. Persons who wish to comment on either agenda or non-agenda items should fill out a Comment Card and give it to the General Manager. The President will call for comments at the appropriate time. Comments will be subject to reasonable time limits (3 minutes).

In compliance with the Americans with Disabilities Act, if you have a disability, and you need a disability-related modification or accommodation to participate in this meeting, then please contact Sacramento Suburban Water District Human Resources at 679.3972. Requests must be made as early as possible, and at least one full business day before the start of the meeting.

**Call to Order**

**Roll Call**

**Public Comment**

**Item for Discussion and Action**

1. El Dorado Water & Power Authority Supplemental Water Rights Project  
*Receive the staff report on the scope and structure of the subject project.*

**Closed Session (Closed Session Items are not opened to the public)**

2. Conference with Legal Counsel – Anticipated Litigation  
Government Code sections 54954.5(c) and 54956.9(c).  
Consideration of initiation of litigation involving 1 case.

**Adjournment**

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I certify that the foregoing agenda for the July 7, 2009 special meeting of the Sacramento Suburban Water District Board of Directors was posted by July 2, 2009 at the Sacramento Suburban Water District office, 3701 Marconi Avenue, Suite 100, Sacramento, California, and was made available to the public during normal business hours.

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Robert S. Roscoe  
General Manager/Secretary  
Sacramento Suburban Water District



## Agenda Item: 1

**Date:** July 2, 2009

**Subject:** El Dorado Water & Power Authority Supplemental Water Rights Project

**Staff Contact:** Robert S. Roscoe, General Manager

### **Recommended Board Action:**

Action alternatives to be considered in closed session.

### **Discussion:**

The El Dorado Water & Power Authority (EDWPA) has applied to the State Water Resources Control Board (SWRCB) for annual rights to 40,000 acre-feet of water from the American River and Folsom Lake now held by the state. The water and power authority consists of El Dorado County, El Dorado County Water Agency (EDCWA), El Dorado Irrigation District (EID), Georgetown Divide Public Utility District (GDPUD) was a member organization (shown in Exhibit A), but withdrew in February 2009. EDWPA's proposed project would divert water in two locations; White Rock Powerhouse Penstock and Folsom Reservoir (see Exhibit B). Since withdrawing from EDWPA, GDPUD is investigating alternative water supply options and has recently completed an analysis of alternatives (see Exhibit C for executive summary and location map of alternatives now under review by GDPUD).

### Background

The construction of the Upper American River Project (UARP) was initiated in 1957 by the Sacramento Municipal Utilities District (SMUD) after completion of negotiations and agreements with El Dorado County and the City of Sacramento, and successful permit applications to the SWRCB and Federal Energy Regulatory Commission (FERC) for both power and consumptive rights on the upper American River water shed. The project consists of storage facilities, diversion intakes, tunnels, and power generation plants which originate above Loon and Ice House Reservoirs and conclude with the White Rock Powerhouse Tunnel and Penstock as shown in Exhibit B.

In 2001, SMUD initiated the FERC relicensing process for the UARP. EDCWA, EID and GDPUD and resources agencies joined the process. Concurrently, El Dorado County initiated an update to its general plan in 2003. The water resource agency of the county, EDCWA, identified additional water supply needs of 30,000 acre feet through 2025 to meet area growth needs. In 2004, EDWPA was formed to facilitate and acquire additional water supply to address the needs identified in the general plan. In 2005, EDWPA entered into an agreement with Sacramento Municipal Utility District (SMUD) to acquire storage and delivery capacity from SMUD's Upper

American River Project (UARP). The agreement was a result of EDWPA's participation in SMUD's FERC relicensing process for their UARP.

In February 2008, EDWPA filed a petition for partial assignment of portions of state filed applications to secure the right to divert the 40,000 acre feet, using the storage and diversion points in the UARP and increases to existing diversion points. Concurrently, the environmental review process was initiated by the authority (see Notice of Preparation, Exhibit D). In February 2009, GDPUD withdrew from EDWPA.

#### Current Situation

As stated above, EDWPA is seeking additional water to meet planned future water demands in El Dorado County. EDWPA's application to the SWRCB seeks the additional water to take advantage of delivery and storage capacity acquired in a 2005 agreement with the SMUD. Under the agreement, El Dorado County water suppliers could use SMUD's Upper American River Project facilities to deliver 30,000 acre-feet of water annually through 2025, and up to 40,000 acre-feet per year thereafter.

SSWD has obvious concerns about this project because it could impact the frequency of when the District receives contracted surface water supplies from both the Placer County Water Agency (PCWA) and the City of Sacramento.

- SSWD's contract with PCWA is triggered by unimpaired inflow into Folsom Lake; reduction of inflow as a result of EDWPA's project could reduce the frequency of years in which the PCWA water supply is available to the District.
- SSWD's contract with the City of Sacramento is dependent on flows in the lower American River; diversion of water upstream of the lower American River could reduce water available to meet lower American River flow and temperature requirements which would further restrict the City of Sacramento's ability to deliver water to the District.

In addition to the two concerns listed above, other indirect impacts could affect the District if the project were approved. Other water districts receive water from Folsom Lake. Reduction in USBR Central Valley Project (CVP) water to these districts would have to be replaced with groundwater from an already depleted groundwater basin. Further, any reduction in water supply utilized by the CVP for flow and temperature control in the American River would be a threat to the Water Forum Agreement co-equal objective of protecting aquatic species in the river.

Up to this point, the District has provided testimony to the environmental scoping process held for the EDWPA project which highlighted the above concerns. This testimony was provided both verbally and in writing by John Valdes, Manager of Capital Improvement Program on November 17, 2008 (see SSWD comments at EDWPA environmental scoping public hearing, Exhibit E). The SWRCB is preparing to release the water right application of EDWPA for public notice. Staff feels that the District should take official action by filing a notice of protest

to the application to enable our concerns to be directly addressed, and to ensure the District retains legal standing in the proceedings. Staff has contacted several other area water purveyors with supplies from or below Folsom Lake and believes that the EDWPA application will be protested by other “downstream” purveyors seeking to understand more about the EDWPA water rights assignment may affect them.

A newspaper article dated November 11, 2008, secured from the EDWPA website, is included as Exhibit F.

**Fiscal Impact:**

The value of the District’s conjunctive use water supply program is difficult to calculate. The immediate impact to the District’s surface water supply would be incremental because it would only affect water delivery in years where the inflow to Folsom Reservoir was close to 1.6 million acre feet or the proposed diversion restricted USBR from meeting flow requirements in the lower American River. Over time, the groundwater basin could be impacted negatively.

The protest of the water right application will cost the District legal fees of several thousand dollars. A better estimate can be provided by legal counsel.

**Strategic Plan Alignment:**

Water Supply – 1.B. Provide for the future needs of the district through prudent planning that will ensure sufficient capacity to serve all customers. The opposition to this application would serve to defend the water supply capacity of the District.

Water Supply – 1 D. Manage the district’s groundwater supply to ensure its quality and quantity. Successful defense of the District’s protest would help protect further over-draft of the groundwater basin.

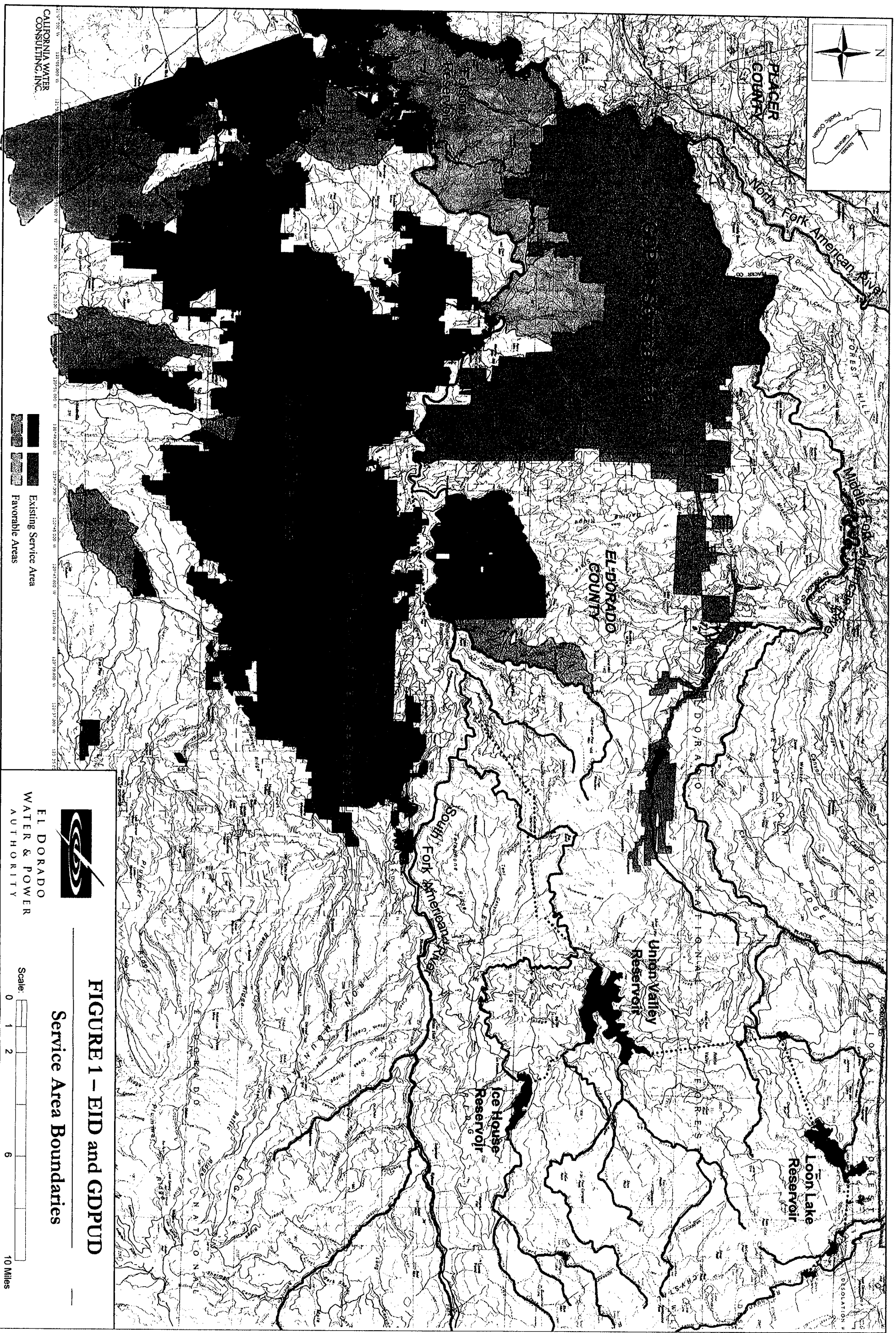


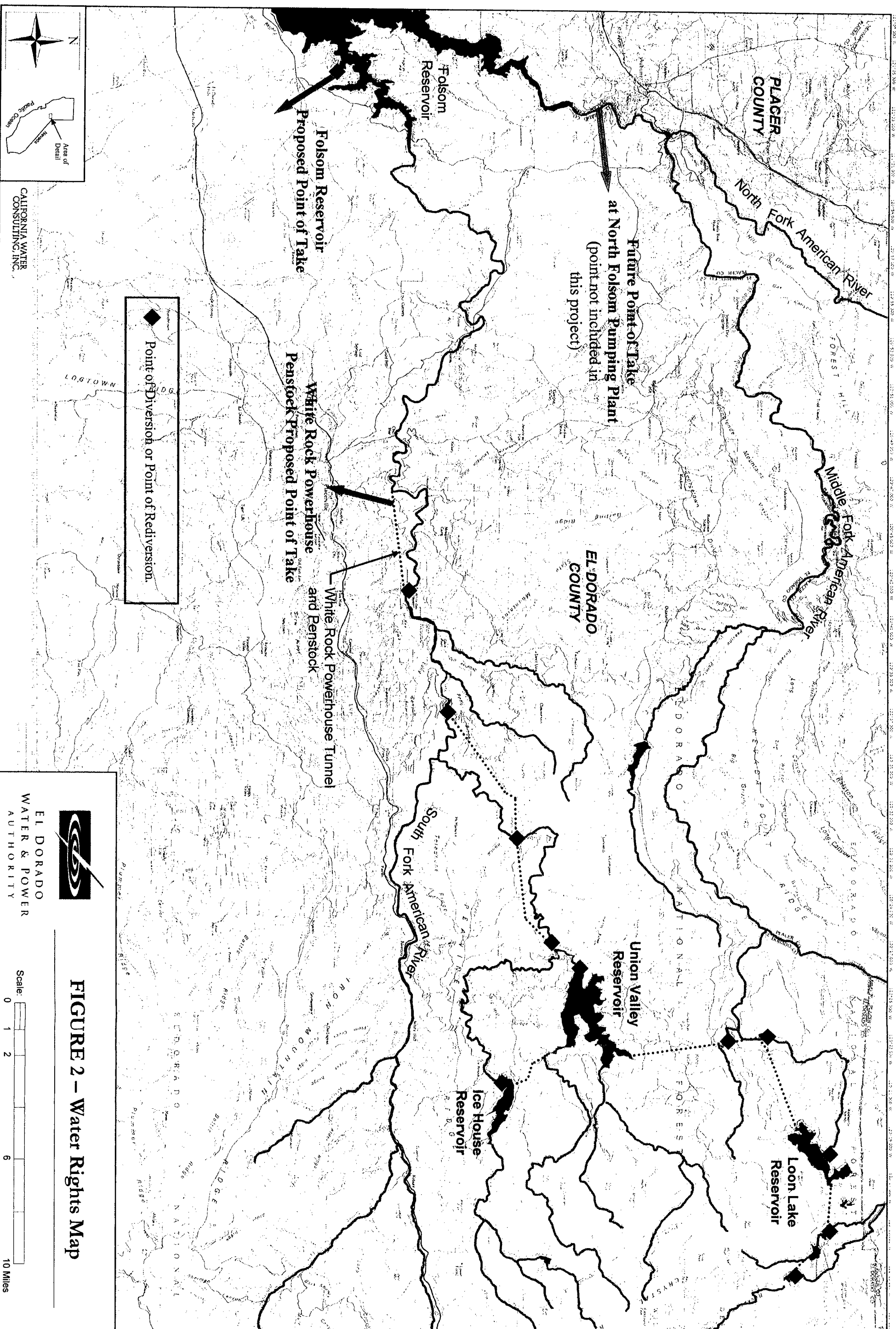
FIGURE 1 - EID and GDPUD

Service Area Boundaries

EL DORADO  
WATER & POWER  
AUTHORITY

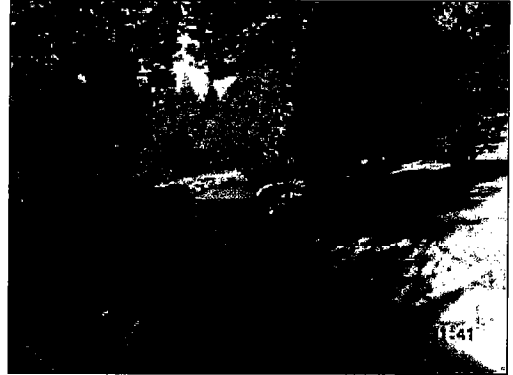
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CALIFORNIA WATER  
CONSULTING, INC.



## 1.0 EXECUTIVE SUMMARY

A set of options selected to increase water supply has been identified and evaluated based on ability to meet future water supply demands of the Georgetown Divide Public Utility District (District). Supplemental water supply project options were identified during meetings with the District and by review of historical reports. Listing and potential water yield and cost information for each of the options to increase water supply to the District included in the evaluation is presented below in Table 1.



*Georgetown Divide Public Utility District Ditch*

**Table 1 – Summary of Georgetown Divide Public Utility District  
Options to Increase Water Supply**

Option Number	Option Name	Additional Water Yield (acre-feet)	Initial Cost (\$mil)	Cost of Water (\$/af/yr)
1	Conveyance canal loss reduction	670	11.5	1,200
2	Enlarging Stumpy Meadows Reservoir	250-1,000 <sup>1</sup>	– <sup>2</sup>	– <sup>2</sup>
3	Upper Stumpy Meadows Reservoir	3,200	– <sup>2</sup>	– <sup>2</sup>
4	(a) Rubicon River Diversion – with tunnel	3,300-10,300 <sup>3</sup>	59.0	470-1,100 <sup>3</sup>
	(b) Rubicon River Diversion – without tunnel	3,300-10,300 <sup>3</sup>	28.5	290-680 <sup>3</sup>
5	North Fork American River Pumping Plant	10,300	14.2	230
6	Canyon Creek Reservoir	6,100	108.3	1,200
7	Mutton Canyon	100	0.140	130
8	Onion Creek	50-300 <sup>4</sup>	2.2	500-3,000 <sup>4</sup>
9	Modification to allowable demand deficiency	200-1,000 <sup>5</sup>	0	0

<sup>1</sup>Range depends on size of dam raise (see Section 4.2).

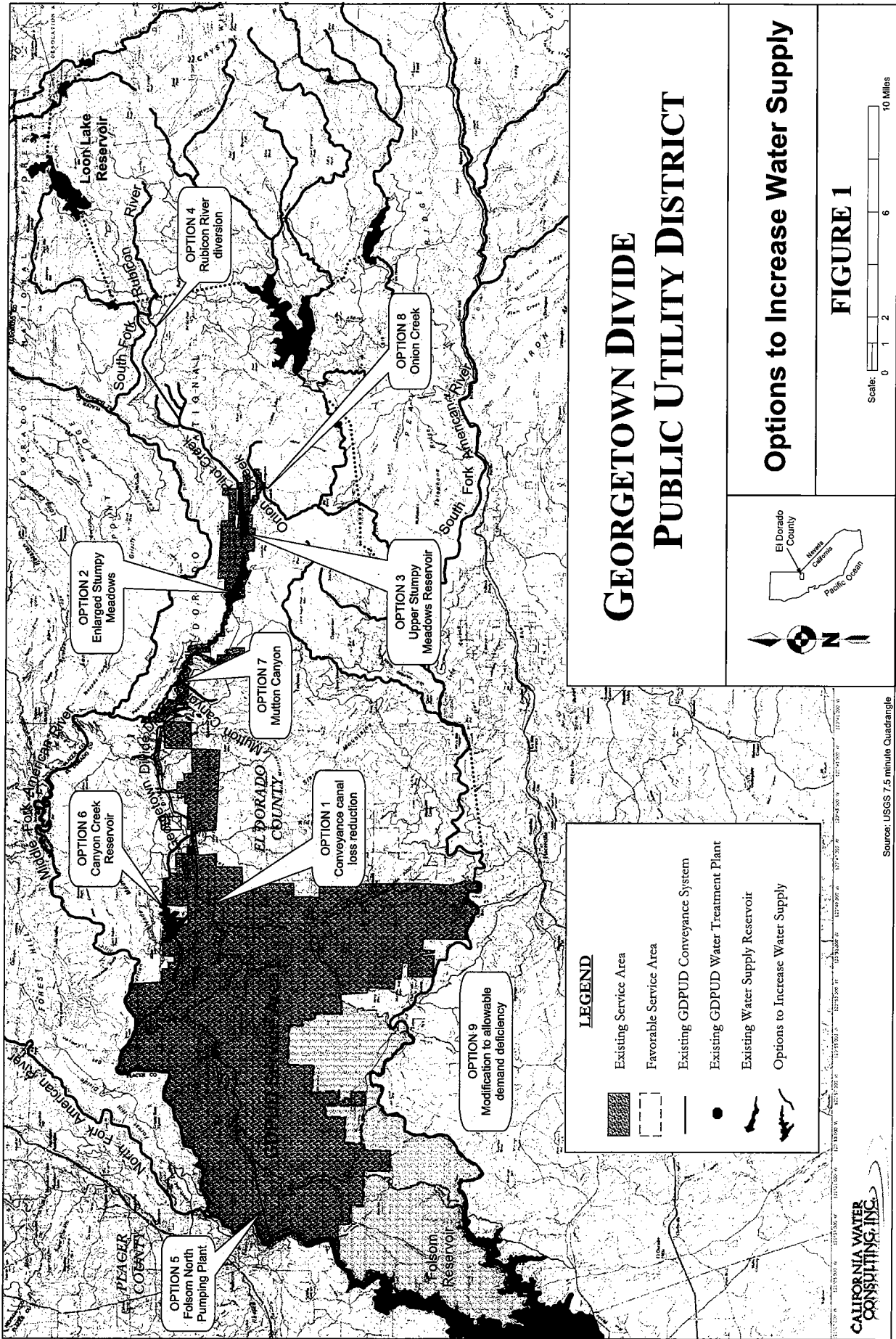
<sup>2</sup>No known cost information and none developed in this analysis.

<sup>3</sup>Depending on diversion capacity of 15 or 50 cfs (see Section 4.4)

<sup>4</sup>Range depends on type of water right (see Section 4.8).

<sup>5</sup>Range depends on demand deficiency modification (see Section 4.9).

The *Initial Cost* shown in Table 1 represents the cost to bring the option on-line while the *Cost of Water* represents the unit cost of water per year.



# GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

## Options to Increase Water Supply

**FIGURE 1**



**LEGEND**

- Existing Service Area
- Favorable Service Area
- Existing GDPUD Conveyance System
- Existing GDPUD Water Treatment Plant
- Existing Water Supply Reservoir
- Options to Increase Water Supply

Source: USGS 7.5 minute Quadrangle



EL DORADO  
WATER & POWER  
AUTHORITY

## NOTICE OF PREPARATION

### El Dorado Water & Power Authority

### Supplemental Water Rights Project

**To:** Office of Planning and Research, State Clearinghouse; State and Local Responsible and Trustee Agencies; Federal Agencies; Interested Parties and Organizations (see attached Distribution List)

**From:** El Dorado Water & Power Authority  
3932 Ponderosa Road, Suite 200  
Shingle Springs, California 95682  
Phone: (530) 621-5392  
Fax: (530) 672-6721

**Contact:** Tracey Eden-Bishop, P.E., Water Resources Engineer  
El Dorado Water & Power Authority

**Date:** October 24, 2008

**Subject:** **Notice of Preparation of an Environmental Impact Report, Supplemental Water Rights Project**

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#### **Purpose of Notice:**

The El Dorado Water & Power Authority (EDWPA) is the Lead Agency for its Supplemental Water Rights Project located in El Dorado County, California, and is preparing an Environmental Impact Report (EIR) pursuant to §15082 of the California Environmental Quality Act (CEQA) Guidelines.

This Notice of Preparation (NOP) serves to notify all Responsible Agencies, Trustee Agencies, and involved federal agencies that EDWPA, as Lead Agency, plans to prepare an EIR for the proposed project. The purpose of the notice is to solicit guidance and input from those agencies and interested parties as to the scope and content of the environmental information to be included in the EIR. It is intended to provide agencies with sufficient information describing the proposed project and its potential environmental effects in order to allow these agencies to offer meaningful responses related to the scope and content of the EIR.

Agency responses should indicate whether the agency will be a Responsible or Trustee agency for the project, and should focus on the agency's area of statutory responsibility,

including specific details identifying any significant environmental issues and mitigation measures the Lead Agency will need to have explored in the EIR.

The attached Initial Study and Environmental Checklist provides a more detailed project description, relevant project background information, project location map, discussion of the environmental effects to be examined in detail in the EIR, including the proposed methods of analysis, and identifies potential environmental effects dismissed from further analysis. Content requirements of this NOP are consistent with those set forth under §15082(a)(1)).

**Project Title:**

Supplemental Water Rights Project

**Project Location:**

The project is located within several environs in El Dorado County, California. As a water rights project the project involves multiple water bodies including several reservoirs and watercourses within the upper American River basin. These are part of the Upper American River Project (UARP) owned and operated by the Sacramento Municipal Utility District (SMUD) and include Union Valley Reservoir, Ice House Reservoir, Loon Lake Reservoir, Gerle Creek at Loon Lake Reservoir, Gerle Creek at Gerle Creek Reservoir, Rubicon River and Rubicon Reservoir, Little Rubicon River at Buck Island Reservoir, South Fork Rubicon River at Robbs Peak Reservoir, and Silver Creek at Camino Reservoir. The project also includes parts of the South Fork of the American River, White Rock Powerhouse Penstock, and Folsom Reservoir. See Attached Project Area Map.

The water sought under this application and petitions is intended to be put to beneficial use within the service areas of the El Dorado Irrigation District (EID) and Georgetown Divide Public Utility District (GDPUD), currently covering 137,000 acres and 75,000 acres, respectively, within western and central El Dorado County (212,000 acres in Townships 8 to 11 North inclusive, Ranges 8 to 13 East inclusive, M.D.B & M.). Water is also intended to be used within certain areas in close proximity to these existing service area boundaries, and/or where facilities exist, or where the planned land use allows for higher density development than currently exists on the ground. This latter category represents, in part, areas where future development may be provided water service by either EID, GDPUD or others (known and referred to as "favorable areas" in the El Dorado County Water Agency 2007 Water Resources Development and Management Plan, which identifies water resources required to meet water needs envisioned by the 2004 El Dorado County General Plan).

**Project Lead Agency:**

El Dorado Water & Power Authority  
3932 Ponderosa Road, Suite 200  
Shingle Springs, California 95682

## **Project Description:**

### **Project Objective**

The proposed project is to establish permitted water rights allowing diversion of water from the American River basin to meet planned future water demands in the EID and GDPUD service areas and other areas located within El Dorado County that are outside of these service areas. EDWPA will be filing with the State Water Resources Control Board, Division of Water Rights, petitions for partial assignment of each of State Filed Applications 5644 and 5645, and accompanying applications allowing for the total withdrawal for use of 40,000 AFA, consistent with the diversion and storage locations allowed it under the El Dorado-SMUD Cooperation Agreement.

### **Project Need**

Local water purveyors have a continuing obligation to exert reasonable effort to augment their available water supply in order to meet the demand in their service areas as embodied in adopted general plans. Accordingly, EDWPA, EID and GDPUD have a continuing obligation to exert reasonable efforts to augment available water supply to meet increasing demands from population growth and development approved by other governmental entities (e.g., El Dorado County) that have the power to make land use decisions.

### **Project Operation**

Two points of withdrawal for use are proposed. The White Rock Powerhouse Penstock which was first licensed in 1957 and is owned and operated by the Sacramento Municipal Utility District (SMUD) and Folsom Reservoir (operated by the U.S. Bureau of Reclamation) at or near the existing EID Folsom Reservoir pumping facilities. GDPUD, as discussed below, has no direct diversion facilities on the South Fork American River or Folsom Reservoir and, accordingly would rely on an exchange with an upstream purveyor. Water available for withdrawal at White Rock Powerhouse Penstock and Folsom Reservoir under the proposed project will be consistent with the operational conditions set forth in the UARP Federal Energy Regulatory Commission (FERC) license conditions. So long as the UARP is operating as a hydroelectric project, the availability of any portion of the 40,000 AFA depends on any combination of the following sources of water:

- a) Water not originating from storage but used for meeting UARP FERC License required minimum flows below Slab Creek Reservoir;
- b) Water not originating from storage but directly diverted for power production at UARP facilities and to meet EDWPA delivery requirements; and
- c) Water released from storage in Loon Lake, Union Valley, and Ice House Reservoirs for power production or meeting instream flows or to meet EDWPA delivery requirements.

EID would take its diversion either at the turnout from the White Rock Penstock or at, or near, its current intake facility on Folsom Reservoir. GDPUD, with no current diversion structure on Folsom Reservoir, would plan to enter into an exchange agreement with an upstream water right holder (Placer County Water Agency, for example) and take its diversion of water at the existing American River Pump Station. In turn, the exchanging

agency would divert water from Folsom Reservoir at the existing urban water supply intake at Folsom Dam. Under the Placer County Water Agency (PCWA) example, Middle Fork Project (MFP) water rights, held by PCWA would be exchanged for a negotiated portion of this current newly acquired water right from GDPUD. Such an exchange would require a subsequent SWRCB action as a petition for change in Place of Use would need to be filed by PCWA to authorize MFP use within El Dorado County.

No new facilities are being proposed as part of this project.

### **Potential Environmental Effects**

Upon approval, the proposed project will allow for a total take of up to 40,000 AFA of water from the American River basin including Folsom Reservoir. The proposed project is a new water right application/petition. Accordingly, no new facilities are required under this phase of the project. Once the water right permit is obtained, a separate project (or projects) undertaken by EID and/or GDPUD (or possibly others) would, depending on the timing of increasing water demands, proceed forward for independent CEQA and related approvals. To the extent that details regarding these future facilities are known at this time, this EIR will discuss their possible environmental effects; to the extent they are reasonably foreseeable based on reasonably available information.

The potential environmental effects of the current project are primarily hydrological, in that a net depletion of up to 40,000 AFA could affect water-related resources in project area reservoirs and/or watercourses including downstream areas. These impacts include potential effects to water supplies (locally, regionally, and across the CVP/SWP), hydropower generation, fisheries and aquatic resources, riparian resources, water-related recreational activities (e.g., whitewater rafting), water quality, flood control, and water-related cultural resources. While the points of diversions and/or re-diversion are all contained within the upper American River basin, the overall hydrologic effects may be realized downstream and throughout the Central Valley Project/State Water Project (CVP/SWP). The potential *area of effect* of this project, therefore, includes not only the upper American River basin but also all of the downstream environs that define operational conditions throughout the CVP/SWP, including the San Francisco Bay and Sacramento-San Joaquin River Delta (Bay-Delta).

Hydrologic modeling of the upper basin generally defined as the UARP and sections of the South Fork American River upstream of Folsom Reservoir will determine water availability through the use of numerical computer modeling. EDWPA plans to configure the proposed project to be consistent with the FERC terms and conditions anticipated in the new operating license. It is anticipated that the ResSIM Model, jointly developed by the Department of Fish & Game and U.S. Forest Service as part of SMUD's UARP FERC relicensing process will be utilized although close coordination with SMUD's operational modeling will be established. ResSIM could be used to verify the environmental boundary conditions associated with EDWPA's proposed diversion and provide a means of determining the increment of potential impact to these upstream watercourses, relative to those established in the SMUD UARP FERC relicensing process. The recently completed FERC Relicensing Negotiated Settlement Agreement (with both the FERC Environmental Impact Statement (EIS) and SMUD CEQA Supplement) has established various environmental thresholds (e.g., minimum instream flows) which will be carefully documented.

To the extent that Folsom Reservoir and, thereby, the lower American River could be affected by the project, the potential effects on fisheries habitat (flow) and water temperature on federally listed Chinook salmon (including their critical habitats), steelhead, and green sturgeon critical habitat will be evaluated in addition to those species considered of *management concern* by the Department of Fish & Game. System-wide effects on other CVP/SWP watercourses and resources including the Delta will also be examined. EDWPA is aware of the ongoing developments of water-related resource issues throughout the CVP/SWP (and those affecting Folsom Reservoir and the lower American River) including, but not necessarily limited to the Lower American River Flow Management Standard, Sacramento River Water Reliability Study (SRWRS), Sacramento Area Water Forum Agreement, pending CVP Operating Criteria and Plan (OCAP) Biological Opinions, pending Bay-Delta Water Quality Control Plan update, Folsom Reservoir's Joint Federal Project (FDS/FDR), and the proposed Bay-Delta Conservation Plan (BDCP). The EIR analysis, as it pertains to downstream effects, will carefully consider all of these ongoing technical and regulatory matters.

CALSIM II modeling (with an expanded historic record) and its related water temperature and early life-stage salmon mortality modeling, along with updated, state-of-the-art automated temperature selection criteria and coldwater pool modeling of Folsom Reservoir will provide the necessary hydrologic and environmental data output to assess all relevant water-related resources within the potential area of effect. Reservoir storage, water surface elevations, seasonal instream flows, water temperatures, Delta outflow, X2 position (near bottom 2 part per thousand isohaline), as well as established flow and temperature targets from various Biological Opinions will be assessed. The EIR will also rely on the most up-to-date CALSIM II modeling assumptions (Common Assumptions) accepted by federal and State agencies as well as local/regional water interests.

For effects to hydropower at Folsom Reservoir (a CVP facility) and at CVP load center, the Long-Term GEN Model will be used; this will provide data to evaluate the effects to CVP hydropower generation, capacity, and pumping power at Folsom Reservoir.

The potential effects of future climate change on water availability are important considerations and will also be addressed in the EIR. Additionally, recent legislative mandates will be reviewed (e.g., AB32). The latest research and literature will be summarized, including results from the California Energy Commission's PIER Program, California Climate Change Center, Governor's Climate Action Team, Sierra Nevada Research Institute, and various recent and ongoing studies out of UC Davis, UC Merced, UC Santa Barbara, Oregon State University, and Scripps. No separate General Circulation Model/Regional Circulation Model (GCM/RCM) application through downscaling or applied DEM will be conducted. The current acknowledgement within the scientific community of the scaling constraints, GCM physical meteorological gaps, and the lack of a calibrated platform (e.g., with CALSIM II) to integrate any one of the numerous GCMs available into a local/regional water modeling effort, do not warrant that such an extensive effort be conducted at this time. URBEMIS modeling, however, will be utilized to document increased greenhouse gas (GHG) emissions as part of the cumulative impact assessment on secondary, indirect growth-related effects within the service areas and favorable areas.

Secondary or indirect environmental effects related to the delivery and use of this new water supply within the service areas of EID and GDPUD will be assessed with considerable reliance on the EIR prepared for the recent El Dorado County General Plan Update. This new water supply is intended to meet projected demands within the western slope of El Dorado County and is consistent with the anticipated level of growth and necessary facilities (along with their expected environmental effects) in the project area as set out in the County's General Plan.

**Public Review Period:**

This Notice of Preparation is being circulated for public review and comment commencing on **October 24, 2008**. All written comments will be accepted by the El Dorado Water & Power Authority through **5:00 P.M. on Friday, December 5, 2008**. Comments should be submitted to the attention of Ms. Tracey Eden-Bishop, P.E., Water Resources Engineer, El Dorado Water & Power Authority, at the address listed above.

**Public Scoping Meetings and Workshops**

The El Dorado Water & Power Authority will hold two Public Scoping Meetings and Workshops to allow interested persons, organizations, and agencies to learn more about the project and to provide comments on the scope and content of the EIR. The dates, times and locations of these public scoping meetings are as follows:

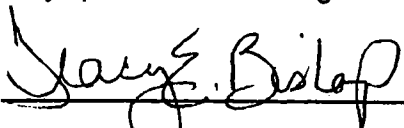
**Wednesday, November 12, 2008**

From 6:30 - 8:30 pm  
Building "C"  
2850 Fair Lane Court  
Placerville, California

**Monday, November 17, 2008**

From 6:30 - 8:30 pm  
SMUD Auditorium  
SMUD Headquarters Building  
6201 S Street  
Sacramento, California

The facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Tracey Eden-Bishop (530) 621-5392 at least five working days prior to the meeting.

Signature:  Date: October 23, 2008

Tracey Eden-Bishop, P.E.  
Water Resources Engineer  
El Dorado Water & Power Authority

Attachment: Project Area Map  
Initial Study and Environmental Checklist

