



El Dorado County Water Agency

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September 24, 2015

Mr. Ben Nelson,
Natural Resources Specialist
Bureau of Reclamation, Bay-Delta Office
801 I Street, Suite 140
Sacramento, CA 95814-2536

Subject: El Dorado County Water Agency (EDCWA) Comments

Dear Mr. Nelson:

This letter summarizes EDCWA comments to the Bureau of Reclamation (Reclamation) Draft Environmental Impact Statement for the Coordinated Long-Term Operation of the Central Valley Project and State Water Project (DEIS). Comments relate entirely to EDCWA's pending long term water service contract with Reclamation for up to 15,000 acre-feet annually (AFA) of Central Valley Project (CVP) municipal and industrial M&I water supply. The contract was mandated by Public Law 101-514, Section 206(b)(1)(B), dated November 5, 1990, and is commonly referred to as the "EDCWA Fazio Contract".

Comment 1. The DEIS erroneously refers to the EDCWA Fazio Contract in several locations as a Warren Act Contract. The EDCWA Fazio Contract should be correctly characterized in the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) as a long-term water service contract. Error locations in the DEIS include, but may not be limited to:

- Executive Summary, Section ES.8.8, Alternative 5.
- Chapter 3, Section 3.4.5.1, Continued Long-Term Operation of the CVP and SWP Facilities.
- Chapter 3, Section 3.4.7.1.1, Water Demands.
- Chapter 5, Section 5.4.3.4 Alternative 3.
- Chapter 5, Section 5.4.3.6 Alternative 5.

Comment 2. The EDCWA Fazio Contract is integral and immediate to any future operation of the CVP and should therefore have been included in all alternatives, rather than just Alternatives 3 and 5. The allocation of 15,000 AFA is assumed under the No

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Action Alternative and should also be assumed under all other alternatives in the DEIS. Accordingly, the EDCWA Fazio Contract and the full 15,000 AFA need to be clearly identified and incorporated into Reclamation's ROD, regardless of which alternative or combination of alternatives Reclamation selects for the following reasons:

1. The ROD should recognize Reclamation's intent to comply with Public Law 101-514 which directs and requires the Secretary of the Interior to execute the contract;
2. The ROD should be consistent with Reclamation's analysis contained in the "Biological Assessment on the Continued Long-term Operations of the Central Valley Project and the State Water Project, dated August 2008" (2008 BA); and
3. The ROD should recognize that, after extraordinary effort by the parties over many years, the contracting process is nearly complete. To date, Reclamation has: (a) negotiated and is in the process of updating a draft final contract with EDCWA; (b) completed and released a Draft EIS for public review; and (c) completed Endangered Species Act Section 7 consultation and received letters of concurrence from the U.S. Fish and Wildlife Service and National Marine Fisheries Service respectively. In addition, the EDCWA Board of Directors (Board) has certified the Final Environmental Impact Report for purposes of California Environmental Quality Act (CEQA) compliance. The Board has directed the Interim General Manager to complete the process and execute the contract on a priority basis as soon as possible during this fiscal year.

Thank you for your consideration. EDCWA is prepared to provide additional information as necessary to further support our comments. Please contact me directly at ken.payne@edcgov.us or (916) 425-0734.

Sincerely,



Kenneth V. Payne, P.E.
Interim General Manager
El Dorado County Water Agency

cc: Mr. Jim Abercrombie, General Manager, El Dorado Irrigation District
Mr. Ron Milligan, Regional Operations Manager, Bureau of Reclamation
Mr. Drew Lessard, Area Manager, Bureau of Reclamation
Mr. Rick Woodley, Regional Resources Manager, Bureau of Reclamation
Craig Muehlberg, Deputy Area Manager, Bay-Delta Office