



**NOTICE OF PREPARATION
DRAFT REVISED PROGRAM ENVIRONMENTAL IMPACT REPORT
WATER SUPPLY MANAGEMENT PROGRAM 2040**

Date of this Notice	June 23, 2011
Lead Agency/Project Sponsor	East Bay Municipal Utility District 375 11th Street Oakland, CA 94607
Agency Contact Person	Tom Francis Email: WSMP.comments@ebmud.com
Project Title	EBMUD Water Supply Management Program 2040
Project Location	Various
County	Alameda, San Francisco, Contra Costa, Sacramento, San Joaquin, Calaveras, Amador, Alpine, Yuba, Colusa, Glenn, and Plumas counties
<p>The East Bay Municipal Utility District (EBMUD) plans to prepare a supplemental Program Environmental Impact Report (PEIR), which will revise its 2009 PEIR for the Water Supply Management Program (WSMP) 2040.</p> <p>The primary purpose of WSMP 2040 was to identify possible near-term and longer-term solutions to meet EBMUD's water needs through 2040. The WSMP 2040 presents water demand projections for EBMUD's service area through 2040, and examines various supplemental water supply components available to EBMUD to meet the projected dry-year demands through 2040. The components included in the WSMP 2040 included water conservation measures, the development of recycled water projects, and certain supplemental water supplies that could be developed in the future to provide additional water to EBMUD's customers during drought periods. One component of the WSMP 2040's long-term supplemental water supply options is the Upcountry Regional Project, which includes the possibility of participating with upcountry agencies in a project enlarging Pardee Reservoir and making other improvements to facilities in the Mokelumne River watershed.</p> <p>As the project sponsor and lead agency under CEQA, EBMUD certified a Final Program Environmental Impact Report (PEIR) and approved its Water Supply Management Program (WSMP) 2040 in October 2009. The PEIR and WSMP are available on EBMUD's website at http://ebmud.com/our-water/water-supply/long-term-planning/water-supply-management-program-2040.</p> <p>The WSMP 2040 PEIR was subsequently challenged in court in Foothill Conservancy v. East Bay Municipal Utilities District, Sacramento Sup. Ct. Case No. 34-2010-80000491. While the court rejected many of the grounds for challenge, the court identified the following specific deficiencies in the PEIR's discussion of the Pardee Reservoir component of WSMP 2040:</p>	

- The failure to analyze and mitigate impacts to the “Middle Bar Run”
- The failure to adequately formulate mitigation measures for the potentially significant impact to native Miwok ancestral gathering places
- The failure to adequately identify and mitigate potentially significant safety impacts that could arise from the possible removal of the Middle Bar Bridge as an emergency evacuation route
- The failure to analyze possible alternatives in light of the full extent of possible impacts from inundation of the Middle Bar Run and Middle Bar Bridge and the failure to analyze participation in the project to expand Los Vaqueros Reservoir

The court has ordered EBMUD to supplement the environmental analysis to address these deficiencies. The supplemental PEIR will focus its evaluation on these specific areas.

THE WSMP 2040 MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. A PROGRAM LEVEL ENVIRONMENTAL IMPACT REPORT IS REQUIRED. This determination is based on the criteria of the California Environmental Quality Act (CEQA) Guidelines, including Sections 15063 (Initial Study), 15064 (Determining the Significance of the Environmental Effects Caused by a Project), and 15065 (Mandatory Findings of Significance).

PUBLIC COMMENT PERIOD. Public participation in the environmental scoping process is an important step in determining the appropriate scope of the additional analysis. EBMUD requests comments regarding the effort to revise and supplement the PEIR in the specific areas outlined above. Written comments from all interested parties are encouraged and must be received on or before July 29, 2011 [30 days]. In particular, agency or organization comments regarding the scope of the environmental review of the areas specified above should identify the organization’s statutory responsibilities in connection with the WSMP 2040 (CEQA Guidelines Section 15082[b]) and whether the agency may use the PEIR when considering a permit or other approval for the project. Written comments and requests for information should be sent to Tom Francis at the mailing address or email address listed above. Written comments may also be sent by facsimile to (510) 287-1295. All comments received, including names and addresses, will become part of the administrative record and available to the public.

Email: WSMP.comments@ebmud.com

Mailing: WSMP Comments
 c/o Tom Francis
 Water Supply Improvements Division
 East Bay Municipal Utility District
 375 11th Street, M.S. 407
 Oakland, CA 94607

PUBLIC SCOPING MEETINGS. Pursuant to the State of California Public Resources Code Section 21083.9 and CEQA Guidelines Section 15206, three public scoping meetings will be held at the following locations, dates and times:

- **JACKSON, AMADOR COUNTY: July 13, 2011**
City of Jackson Civic Center Meeting facilities
33 Broadway
Jackson, CA 95642-2301
Time: 6:30 PM – 8:30 PM

- **SAN ANDREAS, CALAVERAS COUNTY: July 14, 2011**
San Andreas Town Hall
24 Church Hill Road
San Andreas, CA 95250
Time: 6:30 PM – 8:30 PM

- **OAKLAND, ALAMEDA COUNTY: July 21, 2011**
EBMUD Administrative Offices
2nd Floor Training Room
375 11th Street
Oakland, CA 94607
Time: 6:30 – 8:30 PM

The purpose of these meetings is to assist EBMUD in reviewing the appropriate scope of the additional analysis to refine the existing PEIR. The public will have the opportunity to comment and offer testimony for consideration. EBMUD encourages interested parties to provide comments in writing and written comments will also be accepted at the meetings.

Background

1. EBMUD Responsibility and Service Area

EBMUD is a publicly owned utility formed under the Municipal Utility District (MUD) Act passed by the California Legislature in 1921. EBMUD's major function is to provide water supply to its 1.3 million residential customers and industrial, commercial, and institutional water users in the East Bay region of the San Francisco Bay Area.

EBMUD's 325-square-mile service area stretches from Crockett on the north, southward to San Lorenzo (encompassing the major cities of Oakland and Berkeley), eastward from San Francisco Bay to Walnut Creek, and south through the San Ramon Valley (see Figure 1). The current service area was established during EBMUD's formation, and has been modified by annexation, detachment, or other change of organization.

The EBMUD water system serves 20 unincorporated cities and 15 unincorporated communities in Alameda and Contra Costa Counties. The cities within the EBMUD service area include Alameda, Albany, Berkeley, Danville, El Cerrito, Emeryville, part of Hayward, Hercules, Lafayette, Moraga, Oakland, Orinda, Piedmont, Pinole, part of Pleasant Hill, Richmond, San Leandro, San Pablo, San Ramon, and part of Walnut Creek. The unincorporated communities within the service area include Alamo, Ashland, Blackhawk, Castro Valley, Cherryland, Crockett, Diablo, El Sobrante, Fairview, Kensington, North Richmond, Oleum, Rodeo, San Lorenzo, and Selby.

2. The Need for Water

The District is presently midway through the Water Supply Management Program (WSMP) adopted in 1993 and on schedule to achieve water supply reliability goals for 2020. Specifically, EBMUD has completed the aqueduct security improvements, implemented the LMRMP, completed construction of the Freeport Regional Water Project allowing the use of an amended contract for supplies from the Central Valley Project, and completed the Bayside Phase 1 Project. The District has also implemented conservation and recycling projects and conducted additional studies related to groundwater storage/conjunctive use.

The primary purpose of the WSMP 2040 is to identify solutions to meet dry-year water needs through 2040. The future need for water is the additional water required at projected levels of development under the worst-case drought scenario. Future water need is the difference between the available supply during a worst-case drought and the projected water demand.

EBMUD projected water demands through 2040 using a land-use based approach. A database of existing land uses was developed based on the EBMUD service area. Then, using actual water usage data for 2005, calculations were performed to determine the water use factors for each land use category (dividing consolidated acreages of each land use by the consolidated water use data for each land use type). The water use

factors were then applied to the updated land use categories (compiled based on interpretations of existing general plans and meetings with county / city staff) to develop projected water demands through 2040. All demands were refined to account for weather patterns, geography and land use trends (e.g., changes in density, etc.). To date, despite a recession and recent declines in population growth, the demand projections are expected to be accurate for the long term, 2040 planning horizon.

3. Supplemental Supplies

To meet the need for water, supplemental water must be developed to ensure reliability during a drought year. Rationing, conservation, and recycling alone or in combination would not generate sufficient water to meet water needs through 2040 during a reasonable, worst-case drought event. There are a variety of options to provide supplemental supplies, including expansion of existing reservoirs, construction of new reservoirs, participation in the development of a regional desalination plant, groundwater banking/exchanges, and water transfers. Each supplemental supply component provides different amounts of water, and would be combined and undertaken with various levels of rationing, conservation, and recycling to meet water needs in the planning period. The subcategories of supplemental supply include surface water reservoirs, desalination, groundwater banking/exchange, and water transfers. The supplemental supply components identified in the 2009 WSMP 2040 included water transfers, a regional desalination project, Phase 2 of the Bayside Groundwater Project, Sacramento Basin groundwater banking/exchange opportunities, a regional desalination project, and a Regional Upcountry Project including enlarging Lower Bear Reservoir, the Mokelumne Inter-Regional Conjunctive Use Project (IRCUP)/San Joaquin (SJ) Groundwater Banking project, and an enlargement of Pardee Reservoir. The supplemental supply components that will be subject to further study in the revised PEIR are:

1) Enlarge Pardee Reservoir

The existing 198,000 AF Pardee Reservoir consists of a 350-foot-high concrete dam on the Mokelumne River. Enlargement of the reservoir would increase the existing pool level such that it reaches a maximum elevation of 600 feet msl, adding an estimated 127,000 AF of additional storage.

Enlargement of the reservoir would allow for year-round operation, and during times of drought, this component would serve as a source of an additional 37.5 MGD of water in each dry year up to three dry years in a row.

Enlargement of the reservoir would involve the following activities:

- Construct a replacement dam approximately 0.75 mile downstream of the existing dam;
- Construct saddle dams;
- Refurbish the existing intake structure and intake tunnel;

- Relocate Pardee Dam and Stoney Creek roads, replacing the Highway 49 bridge crossing of the Mokelumne River, and removing the existing Middle Bar Road bridge; and
- Relocate recreational facilities above the new shoreline.

In the revisions to the PEIR, EBMUD will be examining the potential impacts of the expansion of Pardee Reservoir on the Middle Bar area in further detail and will be using the information included in the PEIR to further devise means of avoiding impacts to native Miwok ancestral gathering places, to recreational uses of the “Middle Bar Run”, and to the use of the Middle Bar Bridge crossing as an emergency route.

2) Program Alternatives and participation in a project enlarging Los Vaqueros Reservoir

As part of the revisions to the PEIR, EBMUD will be evaluating the participation in the Los Vaqueros Reservoir expansion and will be supplementing the consideration of alternatives in light of the new information that will be developed and set forth.

As detailed by Contra Costa Water District (CCWD) together with the Bureau of Reclamation in the Draft Environmental Impact Study / Environmental Impact Report (EIS/EIR) for the Los Vaqueros Reservoir Expansion Project, four alternatives for expanding the existing reservoir were evaluated; three alternatives would have increased the reservoir’s capacity to 275,000 AF, the fourth (which was the preferred and which is currently under construction) increases capacity to 160,000 AF. EBMUD will consider how it could participate in any of the four alternatives (including the one currently under construction). Each alternative involved embankment construction, road / trail and facility relocations, and land inundation. The EIS/EIR discussed the impacts and mitigation measures in depth and will be used and incorporated in the revisions to the PEIR.

4. Impacts Analysis

EBMUD has been ordered to supplement the original WSMP 2040 PEIR analysis to address mitigation for potentially significant impacts to native Miwok ancestral gathering places that would result if the Mokelumne River is inundated by the expansion of Pardee Reservoir and to examine and analyze mitigation for impacts to the Middle Bar Run and Middle Bar Bridge. In addition, EBMUD will supplement the analysis to further examine alternatives, including the alternative of participating in the expansion of Los Vaqueros Reservoir. In its examination of participation in the expansion of Los Vaqueros, EBMUD will identify the impacts associated with using this as a supplemental water supply, including land use, biological and hydrologic impacts.