

# EL DORADO IRRIGATION DISTRICT MEMORANDUM OF UNDERSTANDING FOR WATER SERVICE TO THE SHINGLE SPRINGS RANCHERIA

Final Environmental Impact Report  
State Clearinghouse No. 2011022045

Prepared for  
El Dorado Irrigation District

May 2012





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May 2012



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### Acronyms & Definitions

af	Acre-feet
AFY	acre-feet per year
BIA	Bureau of Indian Affairs
Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
District	El Dorado Irrigation District (also EID)
Draft EIR	Draft Environmental Impact Report
EA	Environmental Assessment
EDCWA	El Dorado County Water Agency
EDO	Equivalent Dwelling Units
EID	El Dorado Irrigation District (also District_
EID Board	EID Board of Directors
EIS	Environmental Impact Statement
FERC	Federal Energy Regulatory Commission
gpd	gallons per day
gpm	gallons per minute

IS	Initial Study
LAFCO	Local Agency Formation Commission
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
NOP	Notice of Preparation
<i>Oak Fountain</i>	<i>California Oak Foundation v. City of Santa Clarita</i>
proposed project	Water Service to the Shingle Springs Rancheria
Rancheria	Shingle Springs Rancheria (also Tribe)
SMUD	Sacramento Municipal Utilities District
SWRCB	State Water Resources Control Board
Tribe	Shingle Springs Rancheria (also Rancheria)
USBR	US Bureau of Reclamation
UWMP	Urban Water Management Plan
<i>Vineyard</i>	<i>Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova</i>
Writ	Peremptory Writ of Mandate
WSA	Water Supply Assessment

# CHAPTER 1

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## Introduction

### 1.1 Introduction

The El Dorado Irrigation District (EID or District) circulated the Draft Environmental Impact Report (Draft EIR) for the Memorandum of Understanding (MOU) for Water Service to the Shingle Springs Rancheria (proposed project) for public and agency review and comment November 18, 2011 through January 16, 2012. At the end of the comment period, four written letters were received addressing the content and analysis contained in the Draft EIR.

This document is the Final EIR for the proposed project and it contains written responses to all comments received by EID on the Draft EIR (see Chapter 2). The responses to comments clarify and amplify text in the Draft EIR but do not change the environmental impact findings or significance conclusions of the Draft EIR. This Final EIR has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines. Together, the Draft EIR (and all appendices to the Draft EIR) and this Final EIR (and all appendices) constitute the EIR for the proposed project.

On September 13, 2010, the Superior Court of California for the County of El Dorado issued a Peremptory Writ of Mandate (Writ), providing that EID may adopt a MOU with the Shingle Springs Rancheria (Rancheria or Tribe) or other agreement to provide water service to the Rancheria only after EID has: (1) complied with CEQA; and (2) secured any necessary approvals from the El Dorado Local Agency Formation Commission (LAFCO). The Writ further states that EID may continue to provide water service to the Rancheria in an amount not to exceed what the MOU allows and on terms not inconsistent with the MOU, so long as the District is actively pursuing the actions described above in (1) and (2). The District prepared its response to the Writ in the form of this EIR, and the Writ, therefore, guides the required scope of the analysis contained in this EIR.

### 1.2 Summary of Proposed Project

#### 1.2.1 Summary of Project

Under the proposed project, EID would provide water service to the Shingle Springs Rancheria to serve consumptive needs of the Rancheria consistent with the MOU, which stated that the District would provide the Rancheria with water service at a maximum rate of 95 gallons per minute (gpm) and an average volume of 135,000 gallons per day (gpd). This agreement would

allow up to a net increase of 215.75 Equivalent Dwelling Units (EDU)<sup>1</sup> over the existing 45 EDUs of water service EID was already providing the Tribe. Specific project elements are described below.

Water service would be provided through a three-inch flow meter located on the Rancheria in an approximately five-foot by seven-foot underground vault (flow meter vault) adjacent to Honpie Road. The meter would provide maximum continuous flow of 95 gpm and a maximum average daily delivery of 135,000 gpd. No physical changes would occur to EID's control, access, operation, maintenance, repair, or replacement capabilities. Water service on the Rancheria would be provided through a tribal utility district independent of EID. The new flow meter would be relocated approximately 2,000 feet to the southwest from the existing meter serving the Rancheria. The flow meter would be connected to approximately 4,025 feet of new 12-inch water supply pipeline to be installed by the Tribe on the Rancheria along Honpie Road. The underground flow meter vault would be locked and EID would have sole access. Other appurtenances adjacent to the flow meter vault on the Rancheria would include a backflow prevention assembly structure which would be approximately four feet tall. No new infrastructure would be constructed off the Rancheria in the EID service area and existing EID operations would remain unchanged.

The proposed project would also include the abandonment-in-place of an existing six-inch EID waterline that runs just outside of the Rancheria along Artesia Road and all six-inch waterlines and service connections within the Rancheria, which extend from north of Reservation Court to the existing 12-inch line. Abandonment-in-place of the existing asbestos concrete pipeline is EID and industry standard practice and would minimize the need for additional land disturbance and prevent any release of asbestos fibers.

The Tribe is responsible for the construction of any new infrastructure on the downstream side of the three-inch meter, including backflow protection. As part of the EID's and the Tribe's respective construction responsibilities, EID would abandon existing easements on Rancheria land, and the Bureau of Indian Affairs (BIA) would grant EID easements for all new lines to allow EID acceptance, control, and maintenance of the facilities delivering water to the Tribe.

The Tribe installed the water service infrastructure in 2008; it has been in continuous operation since being placed into service that year. Consistent with the Writ, however, the analysis in the Draft EIR assessed the project's environmental impacts as if these water service improvements had not been constructed.

## **1.2.2 Project Objectives**

EID's underlying project objective as it relates to this EIR is to comply with the Writ. The primary objectives of the proposed project are to:

1. Provide water service to the Rancheria consistent with the May 2008 MOU.
2. Provide water service to the Rancheria in a manner consistent with EID's plans, policies, and administrative regulations.

<sup>1</sup> An Equivalent Dwelling Unit is the amount of water an average single-family residence in the same part of EID's service area would consume annually.



3. Provide sufficient water service to support the consumptive and fire suppression demands of existing development on the Rancheria, including approximately 24 residences, tribal administrative buildings, the gaming facility as developed in 2008, and all landscaping and planned uses.
4. Apply for and obtain, or work with the Tribe to apply for and obtain, a decision from the El Dorado LAFCO to remove the service restrictions from the annexation conditions imposed when the El Dorado LAFCO approved the annexation of the Rancheria to EID's water service area in 1988.

### 1.3 Public Participation and Environmental Review Process

The following actions took place during the preparation, distribution and review of the Draft EIR.

- The Notice of Preparation (NOP) for preparation of the Draft EIR was filed with the State Clearinghouse (SCH #2011022045) on February 11, 2011. The 30-day comment period for the NOP ended March 14, 2011.
- The availability of the NOP and information on the scoping meetings was noticed in the following newspapers:
  - Mt. Democrat (February 11, 2011)
  - Sacramento Bee (February 11, 2011)
  - Village Life (February 16, 2011)
  - El Dorado Hills Telegraph (February 16, 2011)
- The NOP was distributed to all responsible and trustee agencies, and interested groups, organizations and individuals and was made available for review on EID's website: [www.eid.org](http://www.eid.org). The Draft EIR was also made available for review at the following locations:
  - El Dorado Hills Public Library 7455 Silva Valley Parkway, El Dorado Hills, CA
  - Placerville Main Library 345 Fair Lane, Placerville, CA
  - EID Customer Service Building 2890 Mosquito Road, Placerville, CA
- A public scoping meeting was held on March 3, 2011 in Placerville, CA.
- The Draft EIR was filed with the State Clearinghouse on November 18, 2011. The public comment period ended January 16, 2012.
- The availability of the Draft EIR and information on the public meeting was noticed in the following newspapers:
  - Mt. Democrat (November 18, 2011)
  - Sacramento Bee (November 18, 2011)
  - Village Life (November 30, 2011)
  - El Dorado Hills Telegraph (November 23, 2011)
- The Draft EIR was distributed to all responsible and trustee agencies, and interested groups, organizations and individuals and was made available for review on EID's

website: [www.eid.org](http://www.eid.org). The Draft EIR was also made available for review at the following locations:

- El Dorado Hills Public Library 7455 Silva Valley Parkway, El Dorado Hills, CA
  - Placerville Main Library 345 Fair Lane, Placerville, CA
  - EID Customer Service Building 2890 Mosquito Road, Placerville, CA
- A public meeting was held on December 5, 2011 to receive oral comments on the content and analysis of the Draft EIR.

## 1.4 CEQA Certification and Project Approval

Section 15090(a) of the CEQA Guidelines states that, “Prior to approving a project, the lead agency shall certify: (1) that the final EIR has been completed in compliance with CEQA; (2) that the final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and (3) the final EIR reflects the lead agency’s independent judgment and analysis.”

Following review of the Final EIR, the EID Board of Directors (EID Board) will decide whether to certify the Final EIR as complying with CEQA and reflecting the EID Board’s independent judgment and analysis (CEQA Guidelines section 15090).

EID or the Tribe must also apply for, and obtain a decision from the El Dorado LAFCO to remove the service restrictions from the annexation conditions the EL Dorado LAFCO imposed when it approved the annexation of the Rancheria to EID’s water service area in 1988.

Following certification of the EIR and LAFCO’s action, the EID Board will take action on the proposed project. Should the EID Board decide in favor of the project, as proposed or as modified, it will proceed with project approval actions and direct that EID staff take the necessary steps to implement the Board’s final decision. Such action may occur concurrent with or subsequent to certification of the EIR.

EID must also file a Return to the Court’s Writ, demonstrating compliance with its requirements, and requesting that the Court discharge the Writ.

## 1.5 Organization of Final EIR

This Final EIR is organized as follows:

**Chapter 1 – Introduction:** This chapter summarizes the proposed project, describes the content and format of the Final EIR, summarizes the public participation and review process, and describes the CEQA certification and project approval process.

**Chapter 2 – Responses to Comments:** Chapter 2 includes a list of the comment letters received followed by the comment letters and responses to the comments contained in each letter. The responses to comments are numbered consistent with the comment number in each letter. For example, the response to the first comment in Comment Letter 1 is Response to Comment 1-1.

## CHAPTER 2

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# Responses to Comments

### 2.1 Introduction

This section provides individual responses to written comments received from agencies and interested persons commenting on the Draft EIR (Appendix A to this Final EIR). Each comment letter was assigned a number (i.e., 1, 2, etc). Individual comments within each letter have been bracketed based on issue and have been assigned a number. For example, the first comment in Letter 1 is Comment 1-1. Each comment letter received has been reproduced in its entirety followed by the responses to the individual bracketed comment within each letter. Cross references to other responses are provided where necessary in order to fully respond to a comment.

### 2.2 List of Comment Letters Received

The comment letters received on the Draft EIR are listed below in Table 2-1.

**TABLE 2-1  
LIST OF COMMENT LETTERS AND COMMENTS RECEIVED**

<b>Commenter</b>		<b>Comment Letter</b>
Governor's Office of Planning and Research State Clearinghouse and Planning Unit	Scott Morgan, Director	1
California Regional Water Quality Control Board, Central Valley Region	Genevieve Sparks, Environmental Scientist	2
California Department of Transportation, District #3	Jorge Rivas Jr.	3
Law Offices of Stephan C. Volker	Stephan C. Volker, Attorney	4



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

January 18, 2012

Dan Corcoran  
El Dorado Irrigation District  
2890 Mosquito Road  
Placerville, CA 95667

Subject: Memorandum of Understanding for Water Service to the Shingle Springs Rancheria  
SCH#: 2011022045

Dear Dan Corcoran:

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 January 16, 2012, 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.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1 -

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2011022045  
**Project Title** Memorandum of Understanding for Water Service to the Shingle Springs Rancheria  
**Lead Agency** El Dorado Irrigation District

**Type** EIR Draft EIR  
**Description** Note: Review Per Lead

Water service would be provided through a three-inch flow meter located on the Rancheria in an approximately five-foot seven-foot underground vault (flow meter vault) adjacent to Honpie Road. The meter would provide maximum continuous flow of 95 gpm and a maximum average daily delivery of 135,000 gpd. No physical changes would occur to EID's control, access, operation, maintenance, repair, or replacement capabilities. Water service on the Rancheria would be provided through a tribal utility district independent of EID. The new flow meter would be relocated approximately 2,000 feet to the southwest from the existing meter serving Rancheria. The flow meter would be connected to approximately 4,025 feet of new 12-inch water supply pipeline to be installed by the Tribe on the Rancheria along Honpie Road. The underground flow meter vault would be locked and EID would have sole access. Other appurtenances adjacent to the flow meter vault would include a backflow prevention assembly structure which would be approximately four feet tall. No new infrastructure would be constructed off the Rancheria in the EID service area and existing EID operations would remain unchanged.

**Lead Agency Contact**

**Name** Dan Corcoran  
**Agency** El Dorado Irrigation District  
**Phone** (530) 642-4082 **Fax**  
**email**  
**Address** 2890 Mosquito Road  
**City** Placerville **State** CA **Zip** 95667

**Project Location**

**County** El Dorado  
**City**  
**Region**  
**Lat / Long** 38° 41' 38" N / 120° 54' 06" W  
**Cross Streets** Honpie Road  
**Parcel No.** 31910037  
**Township** 10N **Range** 10E **Section** 29 **Base**

**Proximity to:**

**Highways** Hwy 50  
**Airports**  
**Railways**  
**Waterways** Slate Creek  
**Schools** Buckeye ES, California Montessori Project  
**Land Use** Tribal Land

**Project Issues** Cumulative Effects; Water Supply; Growth Inducing

**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 2; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 3; CA Department of Public Health; State Water Resources Control Board, Division of Financial Assistance; 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; Other Agency(ies)

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

Document Details Report  
State Clearinghouse Data Base

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*Date Received* 11/18/2011      *Start of Review* 11/18/2011      *End of Review* 01/16/2012

## **Letter 1: Governor's Office of Planning and Research, State Clearinghouse and Planning Unit**

### **Response to Comment 1-1**

The comment letter acknowledged that EID complied with the State Clearinghouse review requirements for the Draft EIR. One comment letter was provided to the State Clearinghouse in response to the Notice of Completion. That letter, from the California Regional Water Quality Control Board, Central Valley Region is included as Letter 2. Please see responses to Letter 2.



Matthew Rodriguez  
Secretary for  
Environmental Protection

California Regional Water Quality Control Board  
Central Valley Region  
Katherine Hart, Chair

11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114  
(916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>



Edmund G. Brown Jr.  
Governor

30 November 2011

Dan Corcoran, Environmental Manager  
El Dorado Irrigation District  
2890 Mosquito Road  
Placerville, CA 95667

CERTIFIED MAIL  
7010 3090 0000 5045 2828

**COMMENTS TO DRAFT ENVIRONMENTAL IMPACT REPORT, MEMORANDUM OF UNDERSTANDING FOR WATER SERVICE TO THE SHINGLE SPRINGS RANCHERIA, SCH NO. 2011022045, EL DORADO COUNTY**

Pursuant to the State Clearinghouse's 18 November 2011 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Draft Environmental Impact Report* for the Memorandum of Understanding for Water Service to the Shingle Springs Rancheria, located in El Dorado County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)





Memorandum of Understanding for  
Water Service to the Shingle Springs Rancheria  
SCH No. 2011022045  
El Dorado County

-2-

30 November 2011

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed for the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

2-1  
cont'

Memorandum of Understanding for  
Water Service to the Shingle Springs Rancheria  
SCH No. 2011022045  
El Dorado County

-3-

30 November 2011

**Waste Discharge Requirements**

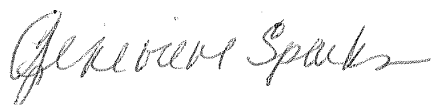
If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

↑  
2-1  
cont'

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

If you have questions regarding these comments, please contact me at (916) 464-4745 or [gsparks@waterboards.ca.gov](mailto:gsparks@waterboards.ca.gov).



Genevieve (Gen) Sparks  
Environmental Scientist  
401 Water Quality Certification Program

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

**Letter 2: California Regional Water Quality Control Board,  
Central Valley Region**

**Response to Comment 2-1**

The comment is noted. The proposed project would comply with all applicable permits and standards recommended by the Central Valley Regional Water Quality Control Board. The proposed project would also comply with all standards applicable to federal land held in trust for the Tribe.

**From:** Jorge Rivas [jorge\_rivas@dot.ca.gov]  
**Sent:** Friday, January 13, 2012 10:24 AM  
**To:** Corcoran, Daniel  
**Cc:** Eric Fredericks  
**Subject:** SACH#2011022045: El Dorado Irrigation District Memorandum of Understand for Water Service to Shingle Springs Rancheria

03-ELD-50 PM VAR  
El Dorado Irrigation District Memorandum of Understand for Water Service to Shingle Springs Rancheria  
Draft Environmental Impact Report

Dan Corcoran , Environmental Manager  
El Dorado Irrigation District  
2890 Mosquito Road  
Placerville, CA 95667

Dear Mr. Corcoran:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the El Dorado Irrigation District Memorandum of Understand (MOU) for Water Service to Shingle Springs Rancheria. The proposed MOU is to provide water service through a three-inch flow meter located on the Rancheria in an approximately five-foot by seven-foot underground vault adjacent to Honpie Road. The meter would provide a maximum continuous flow of 95 gallons per minute (gpm) and a maximum average daily delivery of 135,000 gallons per day (gpd). No physical changes will occur to El Dorado Irrigation District's control, access, operation, maintenance, repair, or replacements capabilities.

At this time Caltrans has no comments. However, the Department would appreciate being kept apprised of any changes to the project. Caltrans looks forward to working with the El Dorado Irrigation District on this and future projects. If you have any questions, please contact me at 916-274-0679 or at [jorge\\_rivas@dot.ca.gov](mailto:jorge_rivas@dot.ca.gov).

3-

Thank you,

.....  
Jorge Rivas Jr.  
California Department of Transportation District #3  
A: 2379 Gateway Oaks Drive Ste. 150  
Sacramento, CA 95833  
E: [jorge\\_rivas@dot.ca.gov](mailto:jorge_rivas@dot.ca.gov)  
P: 916.274.0679

## **Letter 3: California Department of Transportation**

### **Response to Comment 3-1**

The comment is noted. Caltrans will be notified of any changes to the proposed project.

Stephan C. Volker  
Joshua A.H. Harris  
Alexis E. Krieg  
Stephanie L. Abrahams  
Daniel P. Garrett-Steinman  
Jamey M.B. Volker  
M. Benjamin Eichenberg

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svolker@volkerlaw.com

10.410.01

January 13, 2012

**VIA EMAIL**

dcorcoran@eid.org

Dan Corcoran  
Environmental Manager  
El Dorado Irrigation District  
2890 Mosquito Road  
Placerville, CA 95667

**Re: Draft Environmental Impact Report: El Dorado Irrigation District  
Memorandum of Understanding for Water Service to the Shingle Springs  
Rancheria**

Dear Mr. Corcoran:

**INTRODUCTION**

On behalf of Voices for Rural Living, we submit the following comments on the Draft Environmental Impact Report (“DEIR”) prepared by El Dorado Irrigation District (“EID”) for the Memorandum of Understanding for Water Service to the Shingle Springs Rancheria (the “Project”). EID was ordered to set aside its approval of its May 2008 Memorandum of Understanding (“MOU”) with the Shingle Springs Rancheria (the “Rancheria”) because it approved the Project without first addressing the potentially significant impacts of providing increased water service to the Rancheria in an EIR. This late-prepared DEIR fails to comply with the requirements of the California Environmental Quality Act (CEQA), as EID’s mere dalliance at *pro forma* compliance fails to seriously analyze the Project’s impacts and to consider appropriate alternatives to the Project which could lessen those impacts, as discussed below. EID should correct these deficiencies and recirculate an adequate DEIR.

4-

**THE DEIR IGNORES IMPACTS ON EXISTING WATER  
COMMITMENTS, INCLUDING LAKE LEVEL  
AND INSTREAM FLOW REQUIREMENTS**

EID erroneously limited the scope of its environmental impact analysis to the Project’s potential to impact local water supply systems. DEIR ES-2. It did so based on the premise it need only consider whether the Project creates an impact that “requires new or expanded water

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supply resources or entitlements.” DEIR 3.2-13. EID then used this restrictive premise to skew its determination whether or not the Project has significant water supply effects. EID’s narrow focus overlooks significant water supply impacts posed by the Project.

Neither the DEIR nor EID’s 2010 Urban Water Management Plan Update (“UWMP”) addresses instream flow and lake level commitments to protect fish and wildlife and recreational uses that constrain EID’s water supply. By examining only whether the Project would require new or expanded water supply resources, the DEIR impermissibly omits examination of the Project’s potential impacts on lake level and instream flow commitments, especially during drought years. EID is required to maintain minimum lake levels in Caples, Silver, Echo and Aloha lakes as well as minimum instream flows below these reservoirs and other diversions. EID 2008 Drought Preparedness Plan (“Drought Plan”), Appendix A, p. 17. In its Drought Plan, EID stated that during anticipated drought scenarios it would be unable to meet lake level and instream flow requirements as well as its service commitments to existing water users, even where it reduced its service obligations per its established drought stage reductions. EID Drought Plan, 1-8, 1-9. While the DEIR does discuss the Drought Plan, it fails to address the Drought Plan’s water supply impact data, including its observation that “the regular failure to meet the stated standard of the proposed drought triggers and actions under a range of plausible climate scenarios should not be ignored.” *Id.* at 1-8, 1-9; DEIR 3.2-10. Consequently, the DEIR ignores *potentially significant water supply impacts posed by the Project*. This is a serious omission in view of EID’s acknowledgment that droughts will pose ever more serious shortfalls as increasing global warming reduces Sierra snowpacks and increases summer and fall temperatures, driving up irrigation and landscaping demands. UWMP 7-1; DEIR 3.2-7; Drought Plan 1-1.

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#### **THE DEIR IMPROPERLY RELIES UPON FUTURE WATER SUPPLY SOURCES**

The DEIR utilizes two “anticipated” future water supplies in addition to those available in 2010 for the purposes of analyzing Project impacts on water supply.<sup>1</sup> DEIR 3.2-5. The first source, designated as the Public Law 101-514 Supply, is included because EID “expects to receive at least 7,500 [acre-feet a year (“AFY”)] . . . through the execution of a sub-contract with the [El Dorado County Water Agency].” DEIR Appendix C, p. 14. The DEIR does not indicate that this contract has yet been executed. Likewise, the UWMP indicates only that this project is “likely to occur.” UWMP 4-20. Unless EID has executed a contract for this water, its reliance

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<sup>1</sup> The Water Supply Assessment (“WSA”) prepared for the DEIR and included in its Appendix C states that, other than these two future water supplies, “the Project will not rely on water supplies not yet used.” DEIR App. C, p 15. This implies that the Project *will* rely on *these* future water supplies.

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upon this water as a source that offsets the impacts of the Project on existing water users and on lake level and instream flow commitments is misplaced.

The second future water supply, an agreement with the Sacramento Municipal Utilities District (“SMUD”), would supply an additional 30,000 AFY to EID during normal year conditions through 2025, and 40,000 AFY after that. DEIR App. C, p. 14. The UWMP indicates that EID “projects using 30,000 ac-ft of storage annually, with 15,000 ac-ft of carryover storage rights in a single dry year, 10,000 ac-ft in any second consecutive dry year, and a total of 5,000 ac-ft for years three and four of a multiple dry year sequence.” UWMP 4-20. The UWMP states that this project is “likely to occur;” however, it does not confirm that it has been finalized. *Id.* Unless it has, EID’s reliance on this water source is likewise misplaced.

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An EIR “must address the impacts of likely future water sources, and the EIR’s discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water’s availability.” *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 432. And, when “it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies.” *Id.* The DEIR does neither. This flaw is fatal under CEQA. *Id.*

**THE DEIR AND ITS WATER SUPPLY ASSESSMENT  
DO NOT EXAMINE LONG TERM DROUGHT SCENARIOS**

The WSA used EID’s historical annual runoff data for projecting the single and multiple dry year water supplies, out to three dry years in a row. DEIR App. C, pp. 16-17. It concludes that if the multiple dry years mimic those of 1987-1992, by the third dry year in a row, EID would have 84 percent of the water it would have during a “normal year.” DEIR App. C, pp. 16-17. The WSA does not, however, address what would happen to the water supply if there were more than three dry years in a row, even though it uses data from a drought that lasted much longer than three years. EID has historically experienced many extended droughts, with almost the entire 1930s falling in the range of dry to critically dry years. Drought Plan, 1-12. By failing to examine the reasonably foreseeable instances of extended drought in either the DEIR or the WSA, EID has avoided examining the true impact of the Project on existing water commitments, including lake level and instream flow commitments during drought scenarios.

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### THE DEIR IGNORES POTENTIALLY SIGNIFICANT POPULATION AND HOUSING IMPACTS

The DEIR acknowledges that the Project would provide additional water to the Rancheria, but states that “[g]rowth and development on the Rancheria, including the casino and hotel, would occur with or without the proposed project . . . Because the proposed project would only serve existing and planned development on the Rancheria, potential growth associated with such development has been analyzed and mitigated” in prior environmental documents. DEIR 5-3.

In contrast, the Initial Study checklist acknowledges that “on the Rancheria, there could be minor additional residential development served by the project. The exact amount would depend on and be consistent with the Tribal Land Use Plan. This is considered a less than significant impact and will not be evaluated in the EIR.” DEIR App. A, p. 37. EID fails to demonstrate how a Project that will induce and create an *unknown* quantum of additional residential development (which was not previously addressed in existing environmental documents) would necessarily have a less than significant impact on population and housing. EID has a duty to analyze potential development scenarios by conferring with the Shingle Springs Band, rather than simply assuming that whatever development ensues will be insignificant. This potentially significant impact must be addressed with far more discussion and detail in the DEIR, rather than buried in one conclusory paragraph in an appendix.

### THE DEIR’S STATED PROJECT OBJECTIVE IS FLAWED

CEQA requires that an EIR include a statement of the objectives sought by the proposed project, that “should include the underlying purpose of the project.” CEQA Guidelines § 15124(b). EID has skewed its analysis to foreclose consideration of alternatives by stating that the underlying purpose of the Project is “comply[ing] with the Writ.” DEIR 2-3. While the purpose of the DEIR may be to comply with the Writ, the underlying purpose of the Project evaluated by the DEIR – the MOU – cannot be framed so narrowly. The actual purpose of the Project is to provide water service to the Rancheria.

Elsewhere, EID admits that its first Project objective is to “[p]rovide water service to the Rancheria consistent with the May 2008 MOU.” DEIR 2-3. It has likewise conceded that the proposed Project “is defined . . . as EID providing water service to the Shingle Springs Rancheria consistent with the MOU.” DEIR 2-2. But notwithstanding these admissions, EID has impermissibly identified the approval and implementation of the Project as the primary objective. EID has adopted this exclusive objective to preclude any deviation from the MOU

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that was set aside by the Court in 2010. By constraining itself to the exact terms of the invalidated MOU, EID has developed an DEIR that is plainly a “post-hoc rationalization” for EID’s May 2008 MOU, in clear violation of CEQA.

As a consequence of its impermissible restriction of its Project objective to approval of the MOU, EID has foreclosed consideration and adoption of any alternatives besides the proposed Project. It insists that only approval of the Project would satisfy the Project objective of “provid[ing] water service to the Rancheria as described in the MOU.” DEIR 4-2 (Alternative 1); 4-4 (Alternative 2); 4-5 (Alternative 3); 4-6 (Alternative 4); 4-8 (Alternative 5). By preordaining that only the Project itself could meet the project objectives, EID has violated CEQA’s command that it consider a reasonable range of alternatives that would “feasibly attain most of the basic objectives of the project.” CEQA Guidelines § 15126.6(a).

**THE DEIR’S DISCUSSION OF THE PROJECT’S CONFLICTS  
WITH APPLICABLE PLANS IS CIRCULAR**

While the DEIR does not analyze any potential Project impacts outside water supply impacts, the Initial Study Checklist included at Appendix A acknowledges that the Project conflicts with the existing LAFCO conditions. DEIR App. A, p. 32. The DEIR considers this conflict less than significant because one aspect of the proposed Project “includes obtaining a LAFCO decision removing any conditions that might limit water service to anything different or less than the MOU proposes to allow. If LAFCO makes such a decision, its approval would make the MOU consistent with existing and adopted plans.” *Id.* This circular reasoning is insufficient to render this impact less than significant for the purposes of CEQA. As EID cannot predict LAFCO’s actions, it must consider this impact potentially significant and potentially unmitigable. Its failure to do so violates CEQA.

**THE DEIR’S ALTERNATIVE IMPACT ANALYSIS IS INADEQUATE**

The purpose of examining alternatives to the Project is to lessen potentially significant Project impacts. Because EID failed to adequately examine the impacts of the Project on water supply in drought years and on growth inducement, EID does not know whether the Project has potentially significant water supply or growth inducing impacts that could be avoided or reduced.

EID performed a cursory analysis of five alternatives to the Project: (1) the no project alternative (“NPA”) required by CEQA; (2) water trucking; (3) conservation/ recycled water; (4) groundwater; and (5) conjunctive use. All of the alternatives except the Project alternative assume that EID would provide water to the Rancheria consistent with the 1988 LAFCO conditions. DEIR 4-3 - 4-7. Thus, EID limited its analysis to five alternatives that would not meet the basic project objectives. This violates CEQA Guidelines section 15126.6(a). None of

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the proposed alternatives examined a scenario where EID would provide water to the Rancheria at a rate anywhere in between that permitted under the LAFCO conditions and the 154 AFY of the Project. Such an alternative would provide increased water supply to the Rancheria while reducing water supply impacts and growth inducing impacts.

As mentioned above, EID failed to adequately consider the potential impacts of the Project during a drought of more than three years, and failed to adequately consider the potential growth-inducing impacts of the Project. Because it failed to perform this essential analysis, EID assumed that the Project posed no potentially significant impacts, and indeed, even assumed that it need not perform any in-depth analysis of any of the potential impacts of any of its proposed alternatives. EID's failure to conduct necessary analysis renders its DEIR woefully inadequate.

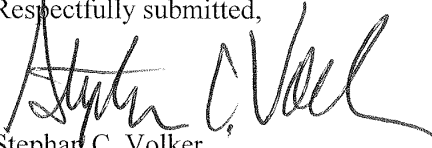
#### THE DEIR IMPROPERLY HIDES ANALYSIS IN APPENDICES

"The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. '[I]nformation scattered here and there in EIR appendices or a report buried in an appendix, is not a substitute for a good faith reasoned analysis.'" *Vineyard Area Citizens for Responsible Growth, supra*, 40 Cal.4th at 442 (quoting *California Oak Foundation v. City of Santa Clarita* (2005) 133 Cal.App.4th 1219 at 1239, internal quotes omitted). Here, EID has relegated much of its environmental analysis and determinations regarding the significance of potential environmental impacts to Appendix A – its Initial Study. By relegating the majority of its meager discussion of the Project's actual environmental impacts to an initial study checklist and the WSA, each 'buried in an appendix,' EID has prepared a DEIR that fails to foster informed public participation and informed decision making.

#### CONCLUSION

For the reasons stated above, the DEIR fails to satisfy CEQA's requirements. EID should recirculate a DEIR that fully addresses the Project's potentially significant impacts, and that considers a reasonable range of Project alternatives.

Respectfully submitted,



Stephan C. Volker  
Attorney for Voices for Rural Living

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## Letter 4: Law Offices of Stephan C. Volker

### Response to Comment 4-1

EID respectfully disagrees with the commenter's statements that the Draft EIR does not comply with CEQA and, therefore, declines the commenter's suggestion that it recirculate the Draft EIR.

CEQA section 21092.1 and CEQA Guidelines section 15088.5 only require an EIR to be re-circulated to responsible and trustee agencies for consultation and new public notice given when "significant new information" has been added to the EIR after the draft has been circulated for review, but prior to certification of the final EIR. "Significant new information" requiring re-circulation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. 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.
3. 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.
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)

In this Final EIR, no new significant information has been added that would lead to a new significant environmental impact or increase the severity of an environmental impact or that would otherwise trigger one of the recirculation requirements. The comments and responses to comments do not demonstrate that there are additional feasible alternatives or that there is a need for mitigation measures different from those presented and evaluated in the Draft EIR. The Draft EIR contains a thorough evaluation of all potentially significant impacts (in fact, after careful review, no significant impacts were identified), and the information that has been added in response to comments clarifies or amplifies information already in the Draft EIR. Accordingly, none of the tests for recirculation are met and recirculation is not required.

The commentator's assertion that the Draft EIR represents *pro forma* compliance failing to seriously analyze the Project's impacts and consider appropriate alternatives to the Project is incorrect. Section 3.2 of the Draft EIR and its accompanying WSA (Appendix C to the Draft EIR) represent a detailed analysis of projected water supply conditions in normal, single dry, and multiple dry years during current and future conditions. Additionally, Section 4.2 of the Draft EIR considers a number of appropriate alternatives to the Project and concludes that none of these alternatives would lessen the impacts. Therefore, the Draft EIR appropriately concluded that the alternatives to the Project would result in greater impacts and the Project represents the environmentally superior alternative.

See Responses to Comments 4-2 through 4-9, and specifically, Response to Comment 4-8 regarding the adequacy of the discussion of alternatives to the proposed project.

## Response to Comment 4-2

The comment suggests that the scope of the EIR was erroneously limited to potential impacts on local water supplies and therefore omits examination of other potential impacts on lake levels and instream flow requirements, especially during drought years. This is incorrect. The EIR analysis incorporated the information contained in the Water Supply Assessment (WSA)<sup>1</sup> prepared for the project, which evaluated all EID water supplies that are or will be available during normal, single dry and multiple dry water years for 20-years in the future, to meet existing demands, expected demands of the Rancheria, and reasonably foreseeable planned future water demands served by EID. Water demand and water supply data and projections in the WSA are taken directly from the 2010 Urban Water Management Plan (UWMP) Update<sup>2</sup>. Therefore, as explained below, relevant lake level and instream flow requirements are accounted for in the EIR's calculations of the water supplies available for consumptive uses.

The July 2003, Final Environmental Impact Statement (EIS) for Hydropower License No. 184-065<sup>3,4</sup> and the September 2003 Final Environmental Assessment (EA) and Initial Study (IS) for the Transfer of the Sly Park Unit, Central Valley Project<sup>5</sup> identify operational and environmental measures and commitments to maintain specified minimum stream flows and lake-level requirements for beneficial uses including habitat (EIS, pages 13-24; EA/IS Appendix C). Contrary to the commentator's assertion, these minimum stream flow and lake level requirements are accounted for in EID's 2010 Update to its UWMP projected water supplies for normal, single and multiple dry years (UWMP, pages 4-7, 4-8; see UWMP, Table 5-3). That is, the water supply calculations first satisfy in-stream flow and lake-level requirements, and only the water available after these requirements are met is considered to be water supply available for consumptive purposes.

The UWMP provided the population, water demand and water supply data and projections included in the WSA which was prepared for the proposed project. The information contained in the WSA, including the assessment of projected water supply availability to meet project demand during normal, single dry and multiple dry years, was incorporated into the analysis in the Draft EIR (see Appendix C, Section 3.2, and Chapter 5 (Sections 5.1 and 5.2). Therefore, because both the 2010 UWMP and the WSA included in-stream flow and lake-level requirements contained in

<sup>1</sup> Kennedy Jenks Consultants, 2011. El Dorado Irrigation District Water Supply Assessment for Shingle Springs Rancheria, September 12, 2011.

<sup>2</sup> El Dorado Irrigation District, 2011. El Dorado Irrigation District Urban Water Management Plan, 2010 Update. July, 2011.

<sup>3</sup> The Federal Energy Regulatory Commission license for Project 184 (117 FERC ¶ 62,044) was issued on October 18, 2006. The instream flow requirements are contained within Appendix A, Condition No. 31, and Condition No. 34(1). The lake level requirements are Appendix A, Condition No. 52.

<sup>4</sup> The State Water Resources Control Board issued water rights permit 21112 for the 17,000 acre-foot consumptive water right associated with Project 184 in 1996, re-issued after reconsideration in 2001, and then amended for a purpose not material to the proposed project in 2007. The lake level requirements are Conditions Nos. 8-10. There are no instream flow requirements.

<sup>5</sup> The FERC license for the Sly Park Reservoir water rights (licenses 11835 and 11836) were issued in 1986 and amended for a purpose not material to the proposed project in 2010. There are no lake level requirements. The instream flow requirements described on page 2 of license 11835 and pages 2-3 of license 11836 and are identical.

the 2003 EIS and 2003 EA/IS in calculating water supplies available for consumptive use under both existing and future conditions, the EIR's analysis of water supply impacts likewise assumes that no water is available for consumption until all in-stream flow and lake-level requirements have first been met. This standard for consumptive use is established by the Federal Energy Regulatory Commission (FERC) license and State Water Resources Control Board (SWRCB) water rights permit and will not change until each license or permit is renewed or amended. The FERC license expires in 2046, and the SWRCB water rights permit has no defined date of expiration.

As shown in Section 3.2, Tables 3.2-5 through 3.2-7 in the Draft EIR, during normal, single dry year and multiple dry year conditions, sufficient water supply would be available to meet proposed project water demand without affecting EID's ability to serve its service area outside of the Rancheria or requiring EID to develop additional supplies or entitlements not already anticipated and in progress to meet future water demand through at least 2030. The EIR concludes that the District has the capability to respond to both near-term and long-term changing water supply conditions, and the occurrence of single- and multiple-year droughts.

The comment further states that the Draft EIR fails to address the 2008 Drought Preparedness Plan's water supply impact data including the Drought Preparedness Plan's observation that "the regular failure to meet the stated standard of the proposed drought triggers and actions under a range of plausible climate scenarios should not be ignored." The comment is incorrect, and its quotation from the Drought Preparedness Plan is out of context and misleading.

The cited section of the Drought Preparedness Plan discusses how climate change might affect the plan's analysis and prescribed actions. It summarizes "general insights about climate change over Northern California," then attempts to "downscale" those general insights into "local weather information," selecting one of "several approaches that are used, each of which has its advantages and disadvantages and its own communities of promoters and detractors." (Drought Preparedness Plan, page 1-7.) Doing so creates "a range of plausible future climate scenarios." (*Id.* at page 1-8.) Within that range, "there are times when EID fails to either supply the amount of water that its customers expect under the fluctuating drought stage, or to meet the instream flow obligations it has agreed to in recent regulatory proceedings, **depending on which use is given priority.**" (*Id.*, page 1-8 [emphasis added].) As shown above, however, the EIR's water supply projections do give priority to the instream flow obligations, satisfying them first before calculating available water supplies.

While the climate change scenario analyses "should not be ignored, the Drought Preparedness Plan concludes that it is premature to use results such as those shown in Figure 1-5 as the sole basis for policy setting and decision making." (*Ibid.*) Further, the magnitude of the issue is limited, because "the overall level of demand in the system is over ten times larger as [*sic*] these potential shortfalls." (*Ibid.*)

The EIR acknowledges both the potential and uncertainty of climate change, but finds that its speculative effects would not alter its conclusions regarding water supply. As described in Section 3.2, page 3.2-16 and 3.2-17 of the Draft EIR, there is generally a high level of uncertainty with respect to the potential effects of climate change on water resources in Northern California,

including within EID's service area. However, as shown in Table 3.2-9, EID would maintain a substantial surplus of water even during multiple dry years, through 2025. By 2030, a surplus is projected to remain minimal, based on the figures and projections contained in the 2010 UWMP<sup>6</sup>. However, as discussed in Section 5 of the WSA (see Appendix C to the Draft EIR) and Sections 4 and 5 of the 2010 UWMP, the multiple dry year supply and demand projections shown in Table 3.2-9 represent a conservative analytical approach, in that they do not consider implementation of any additional water conservation efforts beyond those presently implemented, and therefore do not assume any decrease in demand during drought conditions<sup>7</sup>. Specifically, the demand projections do not consider the mandatory rationing or demand reduction measures described in the MOU that EID's Drought Preparedness Plan and Drought Action Plan would impose on the Tribe, in common with all other EID users. These demand reduction measures would result in a net reduction in demand of approximately 15 percent to 50 percent pursuant to the Drought Preparedness Plan and Drought Action Plan. As the severity of drought increases, so does the degree to which demand reduction measures would be enforced. Additional conservation efforts (Draft EIR page 3-9), would also be implemented pursuant to EID Board Policy 5030. These conservation efforts are expected to result in additional water conservation that would occur on an ongoing basis, in addition to drought-related demand reduction measures. Therefore, in the event climate change results in a net reduction in water supply availability, EID anticipates that additional water conservation measures, combined with dry year/drought-related demand reduction measures, would be sufficient to alleviate potential reductions in supply. The WSA demonstrates that sufficient water supply would be available to serve the proposed project as well as its existing customers, even considering the potential yet uncertain effects of climate change on water supply. The Draft EIR's conclusions are based on, among other things, the substantial evidence in the WSA. Consistent with the findings in the WSA, the Draft EIR concluded that even when considering the potential effects of climate change on water supply, a combination of on-going water conservation planning and dry year demand reduction requirements are expected to be sufficient to maintain supply even during multiple year drought conditions.

### **Response to Comment 4-3**

We respectfully disagree with the commenter's contention that anticipated future water supplies cannot be relied upon to offset project or cumulative water impacts. As described on page 3.2-5 of the Draft EIR and pages 14 and 15 of the WSA (Appendix C to the Draft EIR), the two anticipated future water supplies include Public Law 101-514 Supply and the SMUD-El Dorado Agreement. Public Law 101-514 Supply is a Congressionally mandated execution of a Water Supply Contract between US Bureau of Reclamation (USBR) and El Dorado County Water Agency (EDCWA) for 15,000 acre-feet per year (AFY) of water from Folsom Reservoir. The District expects to receive at least 7,500 AFY of this total through execution of a sub-contract with the EDCWA. The substantial evidence upon which this expectation is made includes the fact that the subcontract has been negotiated, and the parties intend to execute it once the USBR and EDCWA

<sup>6</sup> Kennedy Jenks, 2011. El Dorado Irrigation District Water Supply Assessment for the Shingle Springs Rancheria. September 12, 2011.

<sup>7</sup> Kennedy Jenks, 2011. El Dorado Irrigation District Water Supply Assessment for the Shingle Springs Rancheria. September 12, 2011.

enter into the Water Supply Contract. This allocation would be subject to the USBR Shortage Policy for Municipal and Industrial Contractors of maximum dry year reductions of 25 percent of historic use.

The Sacramento Municipal Utilities District (SMUD)-El Dorado Agreement allows for 30,000 acre-feet (af) of annual water storage in SMUD reservoirs under normal year conditions through 2025 and 40,000 af thereafter; with an additional 15,000 af available for carryover purposes. After a first dry year in which annual storage supplies would be exhausted, the District projects using 5,000 af of the 15,000 af total of carryover supplies in each subsequent year of a multiple-dry year sequence.

The commenter suggests the Draft EIR does not comply with the principles set forth in *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (*Vineyard*; 2007). However, the project at issue in *Vineyard* is unlike the proposed project. The project under consideration was a community plan for a large mixed-use development project of “more than 22,000 residential units, housing as many as 60,000 people, together with schools and parks, as well as office and commercial uses occupying about 480 acres of land.” (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* [2007] 40 Cal.4<sup>th</sup> 412, 422) It had an annual water demand of 22,000 af (versus 154 af for the Rancheria under the proposed project) and the water purveyor lacked sufficient water rights to supply even the first phase of what was to be a multi-phased project developed over about 20 years. (*Id.* at 423, 442) In contrast, EID can and in fact, does, meet the Rancheria’s demands under the MOU from existing, vested water rights and water supplies.

In *Vineyard*, the “disputed issue is how firmly future water supplies for a proposed project must be identified or, to put the question in reverse, what level of uncertainty regarding the availability of water supplies can be tolerated in an EIR for a land use plan.” (40 Cal. 4<sup>th</sup> at 428) The judicial language the comment cites is, therefore, inapplicable to the CEQA analysis of a proposed project for which ample water supplies already exist, and the only issue is the likelihood that existing and future water supplies will be cumulatively sufficient to serve the proposed project and all other existing and future uses. Also, contrary to the commenter’s suggestion, *Vineyard* does not mean that there can be no uncertainty in an EIR regarding future water supplies.

Nevertheless, *Vineyard* is instructive. It specifically notes the value of a WSA which the District prepared for the proposed project (and included as Appendix C to the Draft EIR), and states that “as to additional *future* supplies needed to serve the project, the assessment need include only the public water system's plans for acquiring the additional supplies, including cost and time estimates and regulatory approvals the system anticipates needing.” (*Id.* at 433). The WSA for the proposed project includes this information.

In *Vineyard*, the California Supreme Court also endorsed the precise methodology the Draft EIR uses for its analysis of water supply adequacy – making the 2010 UWMP the basis for the WSA, which in turn is incorporated into the Draft EIR’s analysis (see, e.g., Draft EIR pages 3.2-9, 3.2-13 and refer also to Response to Comment 4-2):



CEQA, in our understanding, does not require a city or county, each time a new land use development comes up for approval, to reinvent the water planning wheel. Every urban water supplier is already required to prepare and periodically update an “urban water management plan,” which must, inter alia, describe and project estimated past, present, and future water sources, and the supply and demand for at least 20 years into the future. (Wat.Code, §§ 10620–10631) When an individual land use project requires CEQA evaluation, the urban water management plan's information and analysis may be incorporated in the water supply and demand assessment required by both the Water Code and CEQA “[i]f the projected water demand associated with the proposed project was accounted for in the most recently adopted urban water management plan.” (Wat.Code § 10910, subd. (c)(2)) Thus the Water Code and the CEQA provision requiring compliance with it (Pub. Resources Code, § 21151.9) contemplate that analysis in an individual project's CEQA evaluation may incorporate previous overall water planning projections, assuming the individual project's demand was included in the overall water plan (*Vineyard*, 40 Cal.4th at 434-435).

To maintain a conservative approach, the WSA and Draft EIR analysis assumed that the Rancheria's project demand was not included in the UWMP's projections. Therefore, it was added to all of the UWMP's demand totals (Draft EIR Tables 3.2-8 and 3.2-9; WSA (Appendix C) pages 7, 18, Tables 3, 4, 10 and 11).

#### **Response to Comment 4-4**

Because CEQA does not provide specific guidance for analyzing water supply impacts in multiple dry years, the EIR utilized the criteria contained within California Water Code section 10632 and the Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001, which notes that “in developing supply projections, water agencies should take into account the latest urban water shortage contingency analysis done pursuant to [W]ater [C]ode section 10632. This analysis should include an estimate of the minimum water supply available during each of the next three years based on the driest three-year historical sequence for the agency's water supplies.” (DWR 2003, page 71) As noted on page 17, Table 8 of the WSA (Appendix C), multiple dry year supply was based on data from 1987-1992, which includes EID's driest three-year historical sequence. Therefore, the analysis of water supply under multiple dry-year conditions is consistent with State law and it does not ignore such dry periods as the comment suggests.

Please see also Response to Comment 4-2 regarding lake level and in-stream flow commitments during drought scenarios.

#### **Response to Comment 4-5**

The question asked in Environmental Checklist Item 13a is, “Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (or example, through extension of roads or other infrastructure).” The proposed project would not, in fact, directly induce population growth because it does not propose new homes or businesses. It also would not indirectly induce substantial population growth through the extension

of new water supply infrastructure because all proposed water supply distribution facilities would be constructed specifically to serve the Tribe's gaming facility and existing users on the Rancheria. In addition, the proposed project would not serve other uses outside of the Rancheria or be used to foster additional unplanned growth in the Rancheria. Therefore, the proposed infrastructure would not increase the capacity of EID's water delivery system (see page 5-3 of the Draft EIR).

Section 5.1 of the Draft EIR evaluates the growth-inducement potential of the proposed project, as required under CEQA Guidelines section 15126. As stated on page 5-2, under the proposed project, EID would provide water service to the Rancheria consistent with the MOU to serve existing uses on the Rancheria. The existing and proposed MOUs allow EID to provide the Rancheria with water service at a maximum rate of 95 gpm and an average volume of 135,000 gpd. This is a net increase of 215.75 EDU over the existing 45 EDU of service, with the gaming facility requiring all of that increase<sup>8</sup>. This cap on water supply and the lack of any new infrastructure capacity in the surrounding area makes it impossible for the water to be used to support "substantial population growth" on or off the Rancheria.

The MOU is specific to planned growth as directed by Tribal improvement plans. Specifically, section 2(d)(ii) of the MOU states that "The Parties agree, pursuant to this MOU, that EID has reviewed the Facilities Plan Report presented by the Tribe in October 2002 and has reviewed and approved the improvement plans signed and submitted by the Tribe's Registered Engineer on September 21, 2007, as amended and approved by the parties thereafter."

As it relates to existing and planned development on the Rancheria, as described on page 5-3 of the Draft EIR, a certain amount of growth and development on the Rancheria related to the Tribe's existing gaming facility would occur with or without the proposed project. The impacts of that existing and planned growth have already been reviewed pursuant to CEQA and National Environmental Policy Act (NEPA). Specifically, the casino and hotel project was reviewed pursuant to NEPA in 2001. California Department of Transportation (Caltrans) and the BIA also prepared and certified a joint NEPA/CEQA document in 2002 which analyzed impacts of the interchange and the hotel and casino (including off-Rancheria impacts). Because the proposed project would only serve existing and planned development on the Rancheria, the impacts of which have been previously reviewed in prior CEQA/NEPA documents, and because EID service to the Rancheria would be defined and limited by what is allowed under the MOU, implementation of the proposed project cannot add water supply capacity or infrastructure for additional, unknown growth on or off the Rancheria.

Future growth and development on the Rancheria, in addition to that provided for by the improvement plans reviewed with the MOU, would require the Tribe to renegotiate with EID for this additional service, as provided in section 2(d)(ii) of the MOU which states, "The Parties further agree that the Tribe is entitled to seek additional water in the future, and that EID will provide it if available, all in accordance with EID's then current and generally applicable Board Policies, Administrative Regulations, procedures and practices governing the provisions of water service to any customer

<sup>8</sup> El Dorado Irrigation District, 2008. El Dorado Irrigation District Legal and Legislation Standing Committee Staff Report (pp. 8, 2008, April 28)

within EID's service area." As dictated in the MOU, EID has not agreed to provide water supply for any future growth or development on the Rancheria, and for EID to speculate what this future growth might entail is outside the scope of EID's and this EIR's review. Any future amendment of the MOU would be required to comply with CEQA's rules for new, subsequent, or supplemental environmental review.

Finally, the Tribe has confirmed that no additional, substantial future growth or development on the Rancheria related to the MOU is reasonably foreseeable<sup>9</sup>. Also, should any on-Rancheria actions with the potential to significantly impact the environment be proposed in the future, those actions would be subject to applicable provisions of NEPA and other federal environmental laws. To assume significant additional future development on the Rancheria without supporting evidence would be to speculate, and CEQA provides that an EIR should not speculate. (See CEQA Guidelines section 15145 [if lead agency determines that impact would be too speculative to evaluate, lead agency to note its conclusion and terminate discussion].)

### **Response to Comment 4-6**

As described on page 2-2 of the Draft EIR and in Chapter 1 of this Final EIR, the District has prepared its response to the September 13, 2010, Writ in the form of this EIR and, therefore, the Writ defines the required scope of this EIR. While complying with the Writ is the appropriate overarching objective, the specific objectives of the proposed project are broader and include (see page 2-3 of the Draft EIR):

1. Provide water service to the Rancheria consistent with the May 2008 MOU.
2. Provide water service to the Rancheria in a manner consistent with EID's plans, policies, and administrative regulations.
3. Provide sufficient water service to support the consumptive and fire suppression demands of existing development on the Rancheria, including approximately 24 residences, tribal administrative buildings, the gaming facility as developed in 2008, and all landscaping and planned uses.
4. Apply for and obtain, or work with the Tribe to apply for and obtain, a decision from the El Dorado LAFCO to remove the service restrictions from the annexation conditions imposed when the El Dorado LAFCO approved the annexation of the Rancheria to EID's water service area in 1988.

EID respectfully disagrees that the proposed project objectives preclude consideration or adoption of any alternatives besides the proposed project. A number of alternatives to provide water to the Rancheria were analyzed in the Draft EIR. They include: Alternative 1 - No Project Alternative, Alternative 2 - Water Trucking Alternative, Alternative 3 - Conservation/Recycled Water Alternative,

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<sup>9</sup> Shingle Springs Rancheria, 2011. Letter from Shingle Springs Rancheria Tribal Chairman Nicholas Fonseca in response to EID Notice of Preparation for Memorandum of Understanding for Water Service to the Shingle Springs Rancheria Environmental Impact Report. February 19, 2011. See also: Shingle Springs Rancheria, 2002. Shingle Springs Band of Miwok Indians of the Shingle Springs Rancheria of El Dorado County, CA 2002 Land Use Ordinance. June 5, 2002.

Alternative 4 - Groundwater Alternative, Alternative 5 -Conjunctive Use Alternative. (Draft EIR pages 4-2 through 4-8.) Each alternative meets at least some of the project objectives, and together they span a full spectrum of potential water supply solutions – EID deliveries, trucked water, conservation, recycled water, wells, and a combination of these options. Alternatives 2 and 5 provide

the full water supply called for by the MOU; 1, 3, and 4 contemplate potentially reduced water supplies. Every alternative either includes LAFCO approval or renders it inapplicable.

As discussed in Chapter 4 of the Draft EIR, section 15126.6 of the CEQA Guidelines requires an evaluation of “a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant effects...”. The CEQA Guidelines do not require an EIR alternatives analysis to include alternatives that meet *all* project objectives. Rather, the intent of the EIR alternatives analysis is to consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation- (CEQA Guidelines section 15126.6(a). Therefore, EID believes that the alternatives selected meet CEQA’s requirement to evaluate a reasonable range of alternatives that would feasibly attain *most* of the basic project objectives (CEQA Guidelines section 15126.6(c)). Also, the alternatives analyzed in the EIR focus squarely on the key environmental issues identified in the Writ. CEQA requires alternatives to reduce or avoid significant project impacts.

As to whether the alternatives would avoid or substantially lessen identified significant impacts, no significant impacts were identified for the proposed project. However, the impacts of implementing each alternative were evaluated (pages 4-2 through 4-8) and compared to the impacts of the proposed project. The Draft EIR concludes (on pages 4-8 and 4-9) that the No Project Alternative would be the environmentally superior alternative when compared to the proposed project even though it would not achieve most of the project objectives. When the No Project Alternative is the environmentally superior alternative, CEQA Guidelines section 15126.6(e)(2) states that the EIR shall also identify an environmentally superior alternative from among the other alternatives. When none of them is environmentally superior to the proposed project, as here, it is sufficient for the EIR to explain the environmental advantages and disadvantages of each in comparison to the proposed project.

In this case, none of the remaining alternatives is environmentally superior to the proposed project. The EIR discloses that all proposed alternatives, other than the No Project Alternative, have the potential to result in greater project-specific and cumulative environmental impacts when compared with the proposed project, specifically related to air emissions, noise levels, greenhouse gas emissions, biological resources, cultural resources, water quality, groundwater resources, and transportation and circulation. Therefore, the proposed project was identified as the environmentally superior alternative.

### **Response to Comment 4-7**

As presented in the Project Description on page 2-3 of the Draft EIR, an objective of the proposed project is for EID to apply for and obtain, or work with the Tribe to apply for and obtain, a decision from the El Dorado LAFCO to remove the service restrictions from the annexation conditions imposed

when the El Dorado LAFCO approved the annexation of the Rancheria to EID's water service area in 1988. As further described on page 2-10, such a decision from the El Dorado LAFCO is considered part of the proposed project under consideration and evaluated in the Draft EIR. It is appropriate in an EIR for a lead agency to rely on a future governmental action to conclude that an impact is less-than-significant, where, as here, the project cannot proceed without that further approval, and where, as here, there is some evidence the approval at least will be sought. *See, e.g., Endangered Habitats League v. County of Orange*, 131 Cal.App.4th 777, 792 (2005). Pursuant to the Writ, before EID can approve the MOU, the El Dorado LAFCO must remove the service restriction. That action will remove any land use inconsistency impact. If El Dorado LAFCO does not remove the service restriction, then the project would not be approved. CEQA does not require an analysis of impacts associated with not approving the proposed project, other than an analysis of the No Project Alternative. The No Project Alternative, as described on page 4-2 of the Draft EIR, assumes that conditions contained in the 1988 El Dorado LAFCO resolution would not be removed. Nor does CEQA require the EIR to speculate about the possibility that LAFCO would deny its approval, particularly when the Writ makes LAFCO's approval a precondition to EID's approval of a new MOU.

#### **Response to Comment 4-8**

As discussed in Response to Comment 4-2, Section 3.2, Tables 3.2-5 through 3.2-7 in the Draft EIR show that during normal, single dry year and multiple dry year conditions, sufficient water supply would be available to meet proposed project water demand without affecting EID's ability to serve its service area outside of the Rancheria or requiring EID to develop additional supplies or entitlements not already anticipated and in progress to meet future water demand through at least 2030. The EIR concludes that the District has the capability to respond to both near-term and long-term changing water supply conditions, including through the implementation of multiple-stage demand reduction plans. Furthermore, as described on pages 5-2 and 5-3 of the Draft EIR, the project does not necessitate or include any increases in water supply capacity beyond those already included in EID's 2010 UWMP; therefore, it would not result in direct or indirect growth inducing impacts. See also Response to Comment 4-5.

As discussed in Response to Comment 4-6, consistent with section 15126.6 of the CEQA Guidelines, a number of alternatives were analyzed in the Draft EIR. They include: Alternative 1 - No Project Alternative, Alternative 2 - Water Trucking Alternative, Alternative 3 - Conservation/Recycled Water Alternative, Alternative 4 - Groundwater Alternative, Alternative 5 - Conjunctive Use Alternative. Each alternative was discussed and analyzed pursuant to the requirements of section 15126.6.

It should be noted that Alternative 5 - Conjunctive Use Alternative, examines a scenario similar to the alternative proposed in the comment letter: increased water supply for the Rancheria but not the full amount of EID supply contemplated in the MOU. Through the Conjunctive Use Alternative, the Tribe would meet its existing and planned water supply needs of approximately 135,000 gpd through a combination of pre-MOU EID water supplies, increased water conservation efforts, increased use of recycled water, increased use of groundwater, and water trucking. Alternatives 3 and 4 also posit no increase in EID water supplies beyond the pre-MOU condition.

Pages 4-6 and 4-7 of the Draft EIR note that the Conjunctive Use Alternative would result in potentially significant new project-specific and cumulative operational impacts when compared to the proposed project, including visual impacts associated with the new above-ground facilities; increased noise levels associated with the operation of new pumps; increased noise, air quality, and greenhouse gas emissions associated with the new round trip water truck trips; new impacts associated with transportation and circulation including road maintenance and decreased levels of service along truck routes; potential new impacts to groundwater levels associated with the additional pumping of groundwater; and impacts to local water supply sources for water trucking companies. For these reasons, as more fully explained in the Draft EIR, this Alternative was determined to not be environmentally superior to the proposed project.

### **Response to Comment 4-9**

The comment cites *California Oak Foundation v. City of Santa Clarita* (2005) 133 Cal. App.4<sup>th</sup> 1219 at 1239 (*California Oak*) as cited in the *Vineyards* case to argue that the Draft EIR “fails to foster informed public participation and informed decision-making” because the WSA and IS are attached as appendices to the Draft EIR. The facts of *Vineyard* and *California Oak* bear no resemblance to this Draft EIR. In the proposed project Draft EIR, all of the analysis included in the WSA is specifically referenced, summarized, and repeated in Draft EIR Sections 3.2 and 5.2, and is included in full as Appendix C of the Draft EIR. In *Vineyard*, the court criticized the project proponent’s reliance on another agency’s water supply analysis that was not: (1) incorporated into the project’s EIR; (2) referred to at all in the project’s EIR; or (3) included in the other agency’s EIR for its project (*Vineyard*, 40 Cal.4<sup>th</sup> at 442-443). In *California Oak*, the defect was not that water supply information was “Appendix K” to the EIR; the problem was that the EIR’s discussion of water supply completely ignored the key information in that appendix, and that the appendix was not added to the EIR until shortly before it became final (*California Oak Foundation v. City of Santa Clarita* (2005) 133 Cal.App.4<sup>th</sup> 1219, 1239). Even then, the court stated that it might have overlooked these facts, except that the analysis in the appendix was itself inadequate (*Ibid*). Again, that situation contrasts starkly with the proposed project Draft EIR’s explicit summary and reference to the information in the WSA which was included as an appendix to the Draft EIR.

As described on page 1-2 of the Draft EIR, in accordance with sections 15063 and 15082 of the CEQA Guidelines, EID prepared and circulated a NOP that included a description of the proposed project and an Environmental Checklist which provided discussion of resource topics consistent with Appendix G of the CEQA Guidelines. Consistent with subsection 15063(c) (3) of the CEQA Guidelines, the Environmental Checklist discussion was used to focus the analysis to be addressed in the Draft EIR (see subsections 1.3.1 and 1.4 of the Draft EIR). The NOP was circulated for 30 days to solicit comments from agencies and the public on the proposed scope of the Draft EIR analysis. Comment letters received in response to the NOP were considered during preparation of the Draft EIR and are included in Appendix B of the Draft EIR. A public scoping meeting was also held to provide a forum for agencies and the public to learn about the proposed project and to provide comments on the proposed scope of the EIR analysis, including a preliminary list of environmental issues proposed to be focused in the EIR. No comments were received at the public scoping meeting.

The full text of the WSA, NOP and IS, and comment letters received on the NOP, are the three appendices to the Draft EIR. To argue that these documents should have been part of the Draft EIR, rather than appendices, is to elevate form over substance. “CEQA does not require that the information on impacts of diversion laid out in [a prior environmental document] be repeated in environmental documents for every development that depends on that water.” (*Vineyard, supra*, 40 Cal.4<sup>th</sup> at 442). Furthermore, the NOP IS and Draft EIR, including appendices, were all circulated for agency and public review and comment consistent with CEQA Guidelines section 15082 and 15087. The public participation and environmental review process for the proposed project is summarized in subsection 1.3 of this Final EIR.

## CHAPTER 3

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### References

El Dorado Irrigation District, 2011. El Dorado Irrigation District Urban Water Management Plan 2010 Update. July 2011.

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Shingle Springs Rancheria, 2011. Letter from Shingle Springs Rancheria Tribal Chairman Nicholas Fonseca in response to EID Notice of Preparation for Memorandum of Understanding for Water Service to the Shingle Springs Rancheria Environmental Impact Report. February 19, 2011.



# Appendix A

## Draft Environmental Impact Report



Draft

**EL DORADO IRRIGATION DISTRICT  
MEMORANDUM OF UNDERSTANDING FOR  
WATER SERVICE TO THE SHINGLE SPRINGS  
RANCHERIA**

Environmental Impact Report  
State Clearinghouse No. 2011022045

Prepared for  
El Dorado Irrigation District

November 2011





Draft

# EL DORADO IRRIGATION DISTRICT MEMORANDUM OF UNDERSTANDING FOR WATER SERVICE TO THE SHINGLE SPRINGS RANCHERIA

Environmental Impact Report  
State Clearinghouse No. 2011022045

Prepared for  
El Dorado Irrigation District

November 2011



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## EXECUTIVE SUMMARY

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### ES.1 Introduction

This Draft Environmental Impact Report (EIR) has been prepared to comply with the California Environmental Quality Act (CEQA) (Public Resources Code sections, 21000, et seq.) of 1970 (as amended), and the CEQA Guidelines for Implementing the California Environmental Quality Act (California Code of Regulations, Title 14, sections 15000, et seq.). The El Dorado Irrigation District (EID or District), as the lead agency for CEQA compliance, will use the information in this EIR to evaluate the environmental impacts of EID providing water to the Shingle Springs Rancheria (Rancheria or Tribe) to serve existing and planned uses consistent with a 2008 Memorandum of Understanding (MOU) (proposed project); and to approve, modify, or deny approval of the proposed project. The El Dorado County Local Agency Formation Commission (LAFCO) is a responsible agency with respect to this document because it will rely on this document in granting separate approvals or making separate determinations.

### ES.2 Project Background and Objectives

#### Project Background

In 2001, the California Department of Transportation (Caltrans) and the Tribe finalized an agreement by which Caltrans would work with the Tribe so the Tribe could construct an interchange connecting Highway 50 to the Rancheria. That interchange would allow the Tribe to construct and operate a casino and hotel on the Rancheria pursuant to a gaming compact with the State of California and certain approvals from the National Indian Gaming Commission (NIGC) and the Bureau of Indian Affairs (BIA). The casino and hotel project was reviewed pursuant to National Environmental Policy Act (NEPA) and an Environmental Assessment (EA) was prepared<sup>1</sup>. Caltrans and the BIA also prepared and certified a joint EA/EIR in 2002<sup>2</sup>, which analyzed off-Rancheria impacts of the interchange and the hotel and casino. Federal courts upheld legal challenges to both the EA and joint EA/EIR. State court litigation on the joint EA/EIR resulted in Caltrans preparing a Supplemental EIR<sup>3</sup>. Ultimately, the California Court of Appeal upheld Caltrans's environmental review of the

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<sup>1</sup> National Indian Gaming Commission, *Shingle Springs Rancheria Hotel and Casino Project Final Environmental Assessment/Finding of No Significant Impact*, December 2001.

<sup>2</sup> California Department of Transportation, *Shingle Springs Interchange Project Final Environmental Impact Report/Environmental Assessment*, September 2002

<sup>3</sup> California Department of Transportation, *Shingle Springs Interchange Project Final Supplemental Environmental Impact Report*, August 2006.

interchange and hotel and casino, and, in 2008, the California Supreme Court declined to review the case, ending the litigation. The Tribe opened the hotel and casino in late 2008.

Also in 2008, EID and the Tribe entered into a MOU stating that the District would provide the Rancheria with water service at a maximum rate of 95 gallons per minute (gpm) and an average volume of 135,000 gallons per day (gpd). This agreement provided for a net increase of 215.75 Equivalent Dwelling Units (EDU)<sup>4</sup> over the existing 45 EDUs of water service EID was already providing the Tribe.

EID's existing 45 EDU of water service to the Tribe conformed to limitations imposed in a 1988 resolution of the El Dorado LAFCO approving the petition of the Shingle Springs Rancheria to annex into the EID service area for the purpose of water service. The resolution included a condition that EID provide water for residential uses only, including accessory uses and for tribal use limited to community facilities, schools, playgrounds, recreational facilities, a residential home for tribal elders and community grazing or garden projects. A further condition limited water service to that necessary to serve a community of 40 residential lots.

In connection with its approval of the MOU, EID stated that the El Dorado LAFCO restrictions were not binding because they were in conflict with achieving congressionally approved uses of the Rancheria, including the hotel and casino, and were therefore legally preempted. The District prepared a Notice of Exemption under CEQA for adopting and implementing the MOU. Following adoption of the MOU, the Tribe completed the physical improvements on the Rancheria necessary to receive water service consistent with its provisions. Those improvements are described in Section 2, Project Description.

Approval of the MOU with a CEQA exemption was subsequently challenged in El Dorado County Superior Court (Court). In a December 15, 2009, decision (*Voices for Rural Living v. El Dorado Irrigation District, et. al.*), the Court concluded that the District's Notice of Exemption was improper. Specifically, the Court found that the administrative record contained evidence to support a fair argument that the MOU could have a significant impact on the District's cumulative water supplies, particularly during severe drought conditions. The Court, therefore, directed EID to prepare an EIR. The Court did not identify any other environmental impacts or impact categories for which substantial evidence in the record supported a fair argument that the MOU could significantly impact the environment.

On September 13, 2010, the Court issued a Peremptory Writ of Mandate (Writ), providing that EID may only adopt a MOU with the Rancheria or other agreement to provide water service to the Rancheria after EID has: (1) complied with CEQA; and (2) secured any necessary approvals from the El Dorado LAFCO. The Writ further states that EID may continue to provide water service to the Rancheria in an amount not to exceed what the MOU allows and on terms not inconsistent with the MOU, so long as the District is actively pursuing the actions described above in (1) and

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<sup>4</sup> An Equivalent Dwelling Unit is the amount of water an average single-family residence in the same part of EID's service area would consume annually.

(2). The District has prepared its response to the Writ in the form of an EIR, and the Writ, therefore, defines the required scope of the EIR analysis.

CEQA Guidelines section 15126.2 states that “[i]n assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published...”. Because all water supply improvements had already been constructed and EID was already providing water service consistent with the MOU when the notice of preparation was published, a literal reading of section 15126.2 would not produce a meaningful environmental analysis. Therefore, to provide a complete assessment of potential impacts of the proposed project and in response to the Writ, existing conditions (or baseline) regarding water supply in this analysis is defined as those water supply conditions that existed before EID approved the MOU.

Therefore, the proposed project is defined for purposes of this analysis as EID providing water service to the Shingle Springs Rancheria consistent with the MOU, the relocation of an existing flow meter vault, the abandonment in place of existing waterlines, and the installation of a new pipeline on the Rancheria to connect with EID’s existing water supply infrastructure. This analysis thus examines the environmental impacts by comparing the amount of water supplied by EID prior to adoption of the MOU with the maximum amount EID could supply pursuant to the MOU.

Proposed project objectives and elements are summarized below and are discussed in detail in Chapter 2, Project Description. Additional detail on the project background is also presented in Chapter 2.

## Project Objectives

EID’s underlying project objective is to comply with the Writ. The primary objectives of the proposed project are to:

1. Provide water service to the Rancheria consistent with the May 2008 MOU.
2. Provide water service to the Rancheria in a manner consistent with EID’s plans, policies, and administrative regulations.
3. Provide sufficient water service to support the consumptive and fire suppression demands of existing development on the Rancheria, including approximately 24 residences, tribal administrative buildings, the gaming facility as developed in 2008, and all landscaping and planned uses.
4. Apply for and obtain, or work with the Tribe to apply for and obtain, a decision from the El Dorado LAFCO to remove the service restrictions from the annexation conditions imposed when the El Dorado LAFCO approved the annexation of the Rancheria to EID’s water service area in 1988.

## ES.3 Proposed Project

Under the proposed project, EID would provide water service to the Shingle Springs Rancheria to serve consumptive needs of the Rancheria consistent with the MOU. Specific project elements are described below.

Water service would be provided through a three-inch flow meter located on the Rancheria in an approximately five-foot by seven-foot underground vault (flow meter vault) adjacent to Honpie Road. The meter would provide maximum continuous flow of 95 gpm and a maximum average daily delivery of 135,000 gpd. No physical changes would occur to EID's control, access, operation, maintenance, repair, or replacement capabilities. Water service on the Rancheria would be provided through a tribal utility district independent of EID. The new flow meter would be relocated approximately 2,000 feet to the southwest from the existing meter serving the Rancheria. The flow meter would be connected to approximately 4,025 feet of new 12-inch water supply pipeline to be installed by the Tribe on the Rancheria along Honpie Road. The underground flow meter vault would be locked and EID would have sole access. Other appurtenances adjacent to the flow meter vault would include a backflow prevention assembly structure which would be approximately four feet tall. No new infrastructure would be constructed off the Rancheria in the EID service area and existing EID operations would remain unchanged.

The proposed project would also include the abandonment-in-place of an existing six-inch EID waterline that runs just outside of the Rancheria along Artesia Road and all six-inch waterlines and service connections within the Rancheria, which extend from north of Reservation Court to the existing 12-inch line. Abandonment-in-place of the existing asbestos concrete pipeline is EID and industry standard practice and would minimize the need for additional land disturbance and prevent any release of asbestos fibers.

The Tribe installed the water service infrastructure in 2008; it has been in continuous operation since being placed into service that year. Consistent with the Writ, however, this project description and accompanying environmental analyses assess the project's environmental impacts as if these water service improvements are not yet constructed.

The Tribe is responsible for the construction of any new infrastructure on the downstream side of the three-inch meter, including backflow protection. As part of the EID's and the Tribe's respective construction responsibilities, EID would abandon existing easements on Rancheria land, and the BIA would grant EID easements for all new lines to allow EID acceptance, control, and maintenance of the facilities delivering water to the Tribe.

## Environmental Commitments

Measures to protect sensitive environmental resources during the construction phase of the proposed project have been incorporated into the proposed project. These environmental commitments are consistent with mitigation measures adopted on January 22, 2002 by the Shingle Springs Band and the NIGC as part of the Shingle Springs Rancheria Hotel and Casino Project Final EA/Finding of No Significant Impact (FONSI). The mitigation measures described in the Final

EA/FONSI (Section 6.0 Mitigation Measures) were implemented to reduce potentially significant adverse impacts associated with the development of the hotel and casino project, which included the installation of water supply infrastructure consistent with the proposed project. The MOU includes the Tribe's commitment to implement these water supply-related measures as necessary. The Shingle Springs Rancheria Hotel and Casino Project, El Dorado, California Final EA/FONSI is hereby incorporated by reference consistent with CEQA Guidelines section 15150 and is available for review at EID's main office located at 2890 Mosquito Road, Placerville, California, 95667.

The following are the environmental commitments that are part of the proposed project.

Implement construction related air quality best management practices (BMP's), rules, and guidelines, consistent with the El Dorado County Air Quality Management District, including the following:

- a. Incorporation of the following construction related BMP's contained within Chapter 8.44 of Title 8 of the El Dorado County Ordinance Code, Section 8.44.030 which specifically addresses "General Requirements for Grading, Excavation and Construction Activities."
  - o Water work areas during excavation and other ground disturbing activities at least twice daily, or more frequently if necessary to prohibit visible dust emissions.
  - o Limit vehicle access and speed.
  - o Maintain high moisture conditions or apply a "binder" to seal fibers of disturbed surfaces or stockpiles.
  - o Cover loads of excavated materials.
  - o Sweep dirt and debris that may contain asbestos from adjacent street to prevent re-suspension.

Implement the following BMPs to protect receiving water quality:

- Sediment curtains would be placed upstream and downstream of the construction zone to prevent sediment disturbed during trenching activities from being transported and deposited outside of the construction zone.
- Spoil sites such that they do not drain directly into drainages and/or seasonal wetlands. If a spoil site would be located so that they drain into a drainage channel or seasonal wetland, catch basins would be constructed to intercept sediment before it reaches the drainage or wetland. Spoil sites would be covered to reduce the potential for erosion.
- Equipment and materials would be stored away from the drainages and wetland areas. No debris shall be deposited within 25 feet of the drainages and wetland areas.

Implement the following measures to protect nesting raptors:

- Tree removal activities would be conducted before or after the raptor nesting season which runs from March 1 through August 31.
- A qualified wildlife biologist would be retained to conduct a survey for nesting raptors during the nesting season at the project site prior to construction activity (i.e., grading). Active raptor nests located within 0.25 mile of construction activity would be mapped.

- If active raptor nests are located on or within 0.25 mile of an active or scheduled construction site, then appropriate buffer zones would be established in consultation with the California Department of Fish and Game (CDFG) , and construction activities would be prohibited within this buffer zone until the end of the nesting season or until the young have fledged. A qualified wildlife biologist would monitor the nest to determine when the young have fledged and submit weekly reports to the CDFG throughout the nesting season.
- If necessary, identified nest trees would only be removed prior to the onset of the nesting season (March) or after young have fledged (August).

## ES.4 Summary of Alternatives

Alternatives evaluated in this EIR are: (1) No Project Alternative; (2) Water Trucking Alternative; (3) Conservation/Recycled Water Alternative; (4) Groundwater Alternative; and (5) Conjunctive Use Alternative. As shown in **Table ES-1** and as discussed in Chapter 4, Alternatives, the proposed project is the environmentally superior alternative. All proposed alternatives other than the No Project Alternative have the potential to result in greater environmental impacts when compared with the proposed project, specifically related to air emissions, noise levels, GHG emissions, biological resources, cultural resources, water quality, groundwater resources, and transportation and circulation. Furthermore, while all of the alternatives would meet some of the project objectives, only the proposed project would achieve all of the project objectives. A summary of the effects of each alternative compared to the proposed project is included in Table ES-1. Further information about the proposed project alternatives can be found in Chapter 4, Alternatives.

## ES.5 Potential Areas of Controversy

EID submitted a Notice of Preparation (NOP) for this Draft EIR to the California Office of Planning and Research on February 11, 2011. EID circulated the NOP to a list of local, state and federal agencies for 30 days ending March 14, 2011. The NOP included a project description and Initial Study Checklist which provided discussion of resource topics consistent with Appendix G of the CEQA Guidelines. The NOP, including the Initial Study Checklist and list of agencies that received the NOP, is included in Appendix A. EID considered comment letters it received in response to the NOP during preparation of this Draft EIR and those letters constitute Appendix B.

Issues raised in the NOP comment letters have been addressed in the Draft EIR or the Initial Study Checklist, as appropriate and are summarized below in **Table ES-2**.

**TABLE ES-1  
COMPARISON OF ENVIRONMENTAL EFFECTS OF THE  
ALTERNATIVES TO THE PROPOSED PROJECT**

Environmental Issue Area	Proposed Project	No Project	Water Trucking	Conservation/ Recycled Water	Groundwater	Conjunctive Use
Aesthetics	LS	-	+	+	+	+
Agriculture and Forestry	NI	0	0	0	0	0
Air Quality	LS	-	+	+	+	+
Biological Resources	LS	-	+	+	+	+
Cultural Resources	LS	-	+	+	+	+
Geology/Soils	LS	-	+	+	+	+
Greenhouse Gas Emissions	LS	-	+	+	+	+
Hazards/ Hazardous Materials	LS	-	0	0	0	0
Hydrology/Water Quality	LS	-	+	+	+	+
Land Use/Planning	LS	-	0	0	0	0
Mineral Resources	NI	0	0	0	0	0
Noise	LS	-	+	+	+	+
Population/Housing	LS	-	0	0	0	0
Public Services	NI	0	0	0	0	0
Recreation	LS	-	0	0	0	0
Transportation/Traffic	LS	-	+	0	0	+
Water Supply	LS	-	+	-	+	+
Cumulative Water Supply	LS	-	-	-	-	-

NI = No Impact  
LS = Less than Significant Impact  
When compared to the proposed project would the Alternative:  
Substantially Lessen or Avoid Impact (-)  
Result in Increased Impact (+)  
Result in Same Impact (0)

**TABLE ES-2  
COMMENTS RECEIVED**

Agency/Organization	Name	Title	Summary of Comments
State of California Department of Transportation, District 3	Eric Fredericks	Chief Office of Transportation Planning - South	Request that if work is within a State right-of-way that a Caltrans Encroachment Permit be obtained. Request that EID identify potential increases in surface water runoff discharge within State right-of-way and that any increase be reduced to pre-construction levels and meet Regional Water Quality Control Board requirements.
Shingle Springs Rancheria Band of Miwok Indians	Nicholas Fonseca	Chairman	Confirmation that Tribe is unaware of any reasonably-foreseeable, probable future projects related to the MOU or any proposal to change the use of tribal land in reliance on the MOU for water service.
Native American Heritage Commission	Katy Sanchez	Program Analyst	No comments.

As summarized above in subsection ES.2, and described in detail in Chapter 2, Project Description, EID’s approval of the MOU with a CEQA exemption was challenged in El Dorado County Superior Court (Court). In a December 15, 2009, the Court concluded that, based on the administrative record then before it, the District’s Notice of Exemption was improper. Specifically, the Court found that the administrative record contained evidence to support a fair argument that the MOU could have a significant impact on the District’s cumulative water supplies, particularly during severe drought conditions. The Court subsequently issued a Writ, in which it directed EID to comply with CEQA. The Court also ruled that the District or the Tribe must apply for and obtain a decision from the El Dorado LAFCO to remove the service restrictions from the annexation conditions when the El Dorado LAFCO approved the annexation of the Rancheria to EID’s water service area in 1988.

## **ES.6 Scope of the EIR**

The Initial Study Checklist (Appendix A) includes a discussion of potential environmental effects of the proposed project, identifies which issues do not have the potential to impact the environment, and recommends which issues require further analysis in this Draft EIR. Based on the Initial Study Checklist, and on the scoping comments received, the following issues were identified to be addressed in this Draft EIR:

- **Water Supply.** Effects of providing water supply to the Rancheria to serve existing and planned uses consistent with the MOU.

All other environmental resource topics evaluated in the Initial Study Checklist were determined to be less than significant or not an impact of the proposed project and have not been carried forward for analysis in this Draft EIR. These resource topics are listed below. A detailed discussion of these topic areas is provided in the Initial Study Checklist (Appendix A).

## **ES.7 Summary of Impacts and Mitigation Measures**

**Table ES-3** presents a summary of the environmental impacts, including the level of significance that would occur with implementation of the proposed project. Detailed discussion of project impacts is presented in Section 3.2, Water Supply.

**TABLE ES-3**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Environmental Impact	Impact Significance before Mitigation	Mitigation Measures	Impact Significance after Mitigation
<b>Water Supply</b>			
<b>Impact 3.2.1:</b> New or expanded water supply or entitlements could be needed to meet existing and future water demand during normal and dry years on the Rancheria and in the EID service area outside of the Rancheria.	Less than Significant	None required	Less than Significant



# CHAPTER 1

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## Introduction

### 1.1 Introduction

The El Dorado Irrigation District (EID or District) proposes to adopt a Memorandum of Understanding (MOU) under which EID would provide water service to the Shingle Springs Rancheria (Rancheria or Tribe) consistent with the terms of an MOU previously entered into in 2008 (proposed project). Commercial development on the Rancheria has already occurred, independent of the MOU. The proposed project includes relocation of an existing flow meter vault, and the installation of a new pipeline by the Tribe along Honpie Road on the Rancheria to connect with EID's existing water supply infrastructure. Existing EID water lines within and adjoining the Rancheria would be disconnected and abandoned in place. No new infrastructure would be constructed off the Rancheria in the EID service area, and existing EID operations would remain unchanged. The meter would limit maximum continuous flow to 95 gallons per minute (gpm) and a maximum average daily delivery of 135,000 gallons per day (gpd). A detailed description of the proposed project is included in Chapter 2, Project Description.

### 1.2 Intended Uses of this EIR

This Draft Environmental Impact Report (EIR) has been prepared in conformance with the California Environmental Quality Act (CEQA) (Public Resources Code sections 21000, et seq.) of 1970 (as amended), and the CEQA Guidelines for Implementing the California Environmental Quality Act (California Code of Regulations, Title 14 sections 15000 et seq.). As described in CEQA Guidelines section 15121(a), an EIR is a public information document that objectively assesses and discloses potential environmental effects of the proposed project, and identifies mitigation measures and alternatives to the proposed project that would reduce or avoid adverse environmental impacts. CEQA requires that lead, responsible or trustee agencies consider the environmental consequences of projects over which they have discretionary authority. EID, as the lead agency for the proposed project, will use the information in this EIR to evaluate the proposed project's potential environmental impacts; to determine whether any feasible mitigation measures are necessary and available to reduce potentially significant environmental impacts; to approve, modify, or deny approval of the proposed project; and to comply with a Peremptory Writ of Mandate issued by the El Dorado County Superior Court in the case of *Voices for Rural Living v. El Dorado Irrigation District, et al.* (Writ). Pursuant to the Writ, EID or the Tribe must also apply for, and obtain a decision from the El Dorado Local Agency Formation Commission (El Dorado LAFCO) to remove the service restrictions from the annexation conditions imposed by the El Dorado LAFCO when it approved

the annexation of the Rancheria to EID's water service area in 1988. EID expects the El Dorado LAFCO to use this EIR as a CEQA responsible agency in making its decision regarding a request from EID or the Tribe for this decision.

## **1.3 Environmental Review and Approval Process**

The preparation of an EIR involves multiple steps in which the public is provided the opportunity to review and comment on the scope of the analysis, content of the EIR, results and conclusions presented, and the overall adequacy of the document to meet the substantive requirements of CEQA. The following describes the steps in the environmental review process for the proposed project.

### **1.3.1 Notice of Preparation and Scoping**

In accordance with sections 15063 and 15082 of the CEQA Guidelines, EID prepared a Notice of Preparation (NOP) of an EIR and published it on February 11, 2011. EID circulated the NOP to a list of local, state and federal agencies for 30 days ending on March 14, 2011. The NOP included a project description and Environmental Checklist which provided discussion of resource topics consistent with Appendix G of the CEQA Guidelines. The NOP, including the Environmental Checklist and list of agencies that received the NOP, is included in Appendix A. The Environmental Checklist discussion was used to focus the analysis to be addressed in the EIR (see subsection 1.4 below). Comment letters received in response to the NOP were considered during preparation of this Draft EIR and are included in Appendix B. A public scoping meeting was held on March 3, 2011. The purpose of the public scoping meeting was to provide a forum for the public to learn about the proposed project and to provide comments on the proposed scope of the EIR analysis. No comments were received at the public scoping meeting.

### **1.3.2 The Draft EIR**

This Draft EIR will be published and made available to local, state, and federal agencies and to interested organizations and individuals who may want to review and comment on the adequacy of the analysis included in the EIR. Notice of this Draft EIR will be sent directly to the agencies that commented on the NOP. The 45-day public review period for this Draft EIR will be from November 18, 2011 through January 16, 2012 ending at 5 PM. During the public comment period, written comments should be mailed or hand delivered to:

Dan Corcoran, Environmental Manager  
El Dorado Irrigation District  
2890 Mosquito Rd  
Placerville, CA 95667  
dcorcoran@eid.org

During the public review period, EID will conduct a public meeting to receive oral comment on the adequacy of the analysis included in the Draft EIR. The public meeting will be held on Monday,

December 5, 2011 at 6 PM at the El Dorado Irrigation District Customer Service Building, Sly Park Conference Room 2890 Mosquito Road, Placerville, California, 95667.

The Draft EIR is also available for review at the following locations:

- El Dorado Hills Public Library 7455 Silva Valley Parkway, El Dorado Hills, CA
- Placerville Main Library 345 Fair Lane, Placerville, CA
- EID Customer Service Building 2890 Mosquito Road, Placerville, CA
- EID Website at [www.eid.org](http://www.eid.org)

### **1.3.3 The Final EIR**

Written and oral comments received on the Draft EIR during the public review period will be addressed in a Response to Comments document which, together with the Draft EIR and any changes to the Draft EIR made in response to comments received thereon, will constitute the Final EIR.

### **1.3.4 Final EID Decision**

Following review of the Final EIR, the EID Board of Directors (EID Board) will decide whether to certify the Final EIR as complying with CEQA and reflecting the EID Board's independent judgment and analysis (CEQA Guidelines section 15090). Following certification of the EIR, the EID Board will take action on the proposed project. Should the EID Board decide in favor of the project, as proposed or as modified, it will proceed with project approval actions and direct that EID staff take the necessary steps to implement the Board's final decision.

EID or the Tribe must also apply for, and obtain a decision from the El Dorado LAFCO to remove the service restrictions from the annexation conditions the El Dorado LAFCO imposed when it approved the annexation of the Rancheria to EID's water service area in 1988.

EID must file a Return to the Court's Writ, demonstrating compliance with its requirements, and requesting that the Court discharge the Writ.

### **1.3.5 Mitigation Monitoring and Reporting Program**

Public Resources Code section 21081.6(a) requires lead agencies to "adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment." The CEQA Guidelines do not require that the specific reporting or monitoring program be included in the Draft EIR.

No significant impacts were identified for the proposed project; therefore, no mitigation measures were necessary and a Mitigation Monitoring and Reporting Program is not required and is not included as part of the EIR.

## 1.4 Scope of this EIR

As previously discussed, EID prepared an Initial Study Checklist for the proposed project. The checklist is in Appendix A. The Initial Study Checklist includes a discussion of potential environmental effects of the proposed project, identifies which issues do not have the potential to impact the environment, and recommends which issues require further analysis in this Draft EIR. Based on the Initial Study Checklist, EID identified the following issues to be addressed in this Draft EIR:

- **Water Supply.** Effects of providing water supply to the Rancheria to serve existing and planned uses consistent with the MOU.

All other environmental resource topics evaluated in the Environmental Checklist were determined to be less than significant or have no impact and were not carried forward for analysis in this Draft EIR. These resource topics are listed below. A detailed discussion of these topic areas is provided in the Initial Study Checklist (Appendix A).

- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Land Use Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic

## 1.5 EIR Organization

This Draft EIR is organized as follows:

**Executive Summary.** The Executive Summary presents a summary of the project description, a description of issues to be resolved, and a summary table listing the impacts that would result from project implementation, and their level of significance.

**Chapter 1 Introduction.** Chapter 1 describes the intended uses of this EIR, the environmental review and approval process, document organization and a list of acronyms and abbreviations.

**Chapter 2 Project Description.** Chapter 2 presents an overview of the proposed project, outlines the project objectives, and summarizes the components of the proposed project.

**Chapter 3 Environmental Setting, Impacts and Mitigation Measures.** Chapter 3 describes the existing environmental setting, and discusses the environmental impacts of the proposed project on EID's overall water supply and water supply availability.

**Chapter 4 Alternatives.** Chapter 4 describes potential alternatives to the proposed project, along with an analysis of ability to meet proposed project objectives and differences in level of environmental impact.

**Chapter 5 Other CEQA Considerations.** Chapter 5 discusses other CEQA issues, including growth inducing impacts, cumulative impacts, significant unavoidable impacts on the environment, and significant irreversible environmental changes.

**Chapter 6 Draft EIR Authors.** Chapter 6 provides the names of the Draft EIR authors and consultants, and agencies or individuals consulted during preparation of the Draft EIR.

**Chapter 7 Bibliography.** This chapter lists all the references cited in the Draft EIR.

**Appendices.** The appendices include materials that support the findings and conclusions presented in the text of the Draft EIR.

## 1.6 Acronyms and Abbreviations

AF	acre feet
AFY	acre-feet per year
BIA	Bureau of Indian Affairs
BMP	best management practices
CABY	Cosumnes, American, Bear, and Yuba (Rivers)
Caltrans	California Department of Transportation
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
County	El Dorado County
District	El Dorado Irrigation District (also EID)
DWR	Department of Water Resources
EA	Environmental Assessment
EDCWA	El Dorado County Water Agency
EDU	Equivalent Dwelling Units

EDWPA	El Dorado Water and Power Authority
EID	El Dorado Irrigation District (also District)
EID Board	EID Board of Directors
EIR	Environmental Impact Report
El Dorado LAFCO	El Dorado Local Agency Formation Commission
ETo	evapotranspiration
FONSI	Finding of No Significant Impact
GHG	greenhouse gas
gpd	gallons per day
gpm	gallons per minute
IRWMP	Integrated Regional Water Management Plan
IWRMP	Integrated Water Resources Management Plan
MG	million gallons
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
NIGC	National Indian Gaming Commission
NOP	Notice of Preparation
Plan	Water Resources Development and Management Plan
PRC	Public Resources Code
Rancheria	Shingle Springs Rancheria (also Tribe)
SMUD	Sacramento Municipal Utilities District
Tribe	Shingle Springs Rancheria (also Rancheria)
USBR	US Bureau of Reclamation
USNWS	United States National Weather Service
UWMP	Urban Water Management Plan
WSA	Water Supply Assessment

## CHAPTER 2

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### Project Description

#### 2.1 Project Background and Overview

In 2001, the California Department of Transportation (Caltrans) and the Tribe finalized an agreement by which Caltrans would work with the Tribe so the Tribe could construct an interchange connecting Highway 50 to the Rancheria. That interchange would allow the Tribe to construct and operate a casino and hotel on the Rancheria pursuant to a gaming compact with the State of California and certain approvals from the National Indian Gaming Commission (NIGC) and the Bureau of Indian Affairs (BIA). The casino and hotel project was reviewed pursuant to National Environmental Policy Act (NEPA) and an Environmental Assessment (EA) was prepared.<sup>1</sup> Caltrans and the BIA also prepared and certified a joint EA/EIR in 2002,<sup>2</sup> which analyzed off-Rancheria impacts of the interchange and the hotel and casino. Federal courts upheld legal challenges to both the EA and joint EA/EIR. State litigation on the joint EA/EIR resulted in Caltrans preparing a Supplemental EIR.<sup>3</sup> Ultimately, the California Court of Appeal upheld Caltrans's environmental review of the interchange and hotel and casino, and, in 2008, the California Supreme Court declined to review the case, ending the litigation. The Tribe opened the hotel and casino in 2008.

Also in 2008, EID and the Tribe entered into a MOU stating that the District would provide the Rancheria with water service at a maximum rate of 95 gpm and an average volume of 135,000 gpd. This agreement provided for a net increase of 215.75 Equivalent Dwelling Units (EDU)<sup>4</sup> over the existing 45 EDU of water service EID was already providing the Tribe.

EID's existing 45 EDU of water service to the Tribe conformed to limitations imposed in a 1988 resolution of the El Dorado LAFCO approving the petition of the Shingle Springs Rancheria to annex into the EID service area for the purpose of water service. The resolution included a condition that EID provide water for residential uses only, including accessory uses and for tribal use limited to community facilities, schools, playgrounds, recreational facilities, a residential home for tribal elders and community grazing or garden projects. A further condition limited water service to that necessary to serve a community of 40 residential lots. In connection with its approval of the MOU, EID stated that the El Dorado LAFCO restrictions were not binding because they were in conflict

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<sup>1</sup> National Indian Gaming Commission, *Shingle Springs Rancheria Hotel and Casino Project Final Environmental Assessment/Finding of No Significant Impact*, December 2001.

<sup>2</sup> California Department of Transportation, *Shingle Springs Interchange Project Final Environmental Impact Report/Environmental Assessment*, September 2002

<sup>3</sup> California Department of Transportation, *Shingle Springs Interchange Project Final Supplemental Environmental Impact Report*, August 2006.

<sup>4</sup> An Equivalent Dwelling Unit is the amount of water an average single-family residence in the same part of EID's service area would consume annually.

with achieving congressionally approved uses of the Rancheria, including the hotel and casino, and were therefore legally preempted. The District prepared a Notice of Exemption under CEQA for adopting and implementing the MOU. Following adoption of the MOU, the Tribe completed the physical improvements necessary to receive water service consistent with its provisions. Those improvements are described below in subsection 2.5.

Approval of the MOU with a CEQA exemption was subsequently challenged in El Dorado County Superior Court (Court). In a December 15, 2009, decision (*Voices for Rural Living v. El Dorado Irrigation District, et. al.*), the Court concluded that, based on the administrative record then before it, the District's Notice of Exemption was improper. Specifically, the Court found that the administrative record contained evidence to support a fair argument that the MOU could have a significant impact on the District's cumulative water supplies, particularly during severe drought conditions. The Court, therefore, directed EID to prepare an EIR. The Court did not identify any other environmental impacts or impact categories for which substantial evidence in the record supported a fair argument that the MOU could significantly impact the environment.

On September 13, 2010, the Court issued a Peremptory Writ of Mandate (Writ), providing that EID may only adopt a MOU with the Rancheria or other agreement to provide water service to the Rancheria after EID has: (1) complied with CEQA; and (2) secured any necessary approvals from the El Dorado LAFCO. The Writ further states that EID may continue to provide water service to the Rancheria in an amount not to exceed what the MOU allows and on terms not inconsistent with the MOU, so long as the District is actively pursuing the actions described above in (1) and (2). The District has prepared its response to the Writ in the form of an EIR, and the Writ; therefore, defines the required scope of the EIR analysis.

CEQA Guidelines section 15126.2 states that “[i]n assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published...”. Because all water supply improvements had already been constructed and EID was already providing water service consistent with the MOU when the notice of preparation was published, a literal reading of section 15126.2 would not produce a meaningful environmental analysis. Therefore, to provide a complete assessment of potential impacts of the proposed project and in response to the Court decision, existing conditions (or baseline) regarding water supply in this analysis has been defined as those water supply conditions that existed before EID approved the MOU.

Therefore, the proposed project is defined for purposes of this analysis as EID providing water service to the Shingle Springs Rancheria consistent with the MOU, the relocation of an existing flow meter vault, the abandonment-in-place of existing waterlines, and the installation of a new pipeline on the Rancheria to connect with EID's existing water supply infrastructure. This analysis therefore examines the environmental impacts by comparing the amount of water supplied by EID prior to adoption of the MOU with the maximum amount EID could supply pursuant to the MOU. A detailed discussion of proposed project elements is provided in subsection 2.5.



The previous environmental reviews outlined above identified two potentially feasible options for providing water service to the casino and hotel: importation of water using water trucks, and delivery from EID. The use of water from EID to meet consumptive demands on the Rancheria is the subject of this environmental review and the proposed project.

## 2.2 Project Location and Existing Uses

The Shingle Springs Rancheria is on the north side of Highway 50, approximately 10 miles west of Placerville (See **Figure 2-1**). The Rancheria encompasses approximately 160 acres. The approximately 215 square-mile District service area is located on the western slope of the Sierra Nevada in El Dorado County (see Figure 2-1) in two major watersheds, the South Fork of the American River to the north and the North Fork of the Cosumnes River to the south. The District is hydrologically split by the Placerville Ridge and Highway 50. Although the rivers drain east to west, the minor streams trend northwest toward the American River and southwest toward the Cosumnes River.<sup>5</sup> Generally, EID's service area stretches from Pollock Pines and Jenkinson Lake to the east to the El Dorado/Sacramento County border on the west, and includes service within the cities and communities of Placerville, Shingle Springs, Cameron Park, El Dorado Hills, Diamond Springs, Camino, and Pollock Pines.

Proposed infrastructure improvements would be installed by the Tribe on the Rancheria approximately 2,000 feet southwest of the present location and connected to an existing water line located along Honpie Road serving the Rancheria (see **Figure 2-2**). Both the existing water line and the water line connecting the relocated meter are located entirely on the Rancheria, which is federal land.

## 2.3 Project Objectives

EID's underlying project objective is to comply with the Writ. The primary objectives of the proposed project are to:

1. Provide water service to the Rancheria consistent with the May 2008 MOU.
2. Provide water service to the Rancheria in a manner consistent with EID's plans, policies, and administrative regulations.
3. Provide sufficient water service to support the consumptive and fire suppression demands of existing development on the Rancheria, including approximately 24 residences, tribal administrative buildings, the gaming facility as developed in 2008, and all landscaping and planned uses.
4. Apply for and obtain, or work with the Tribe to apply for and obtain, a decision from the El Dorado LAFCO to remove the service restrictions from the annexation conditions imposed when the El Dorado LAFCO approved the annexation of the Rancheria to EID's water service area in 1988.

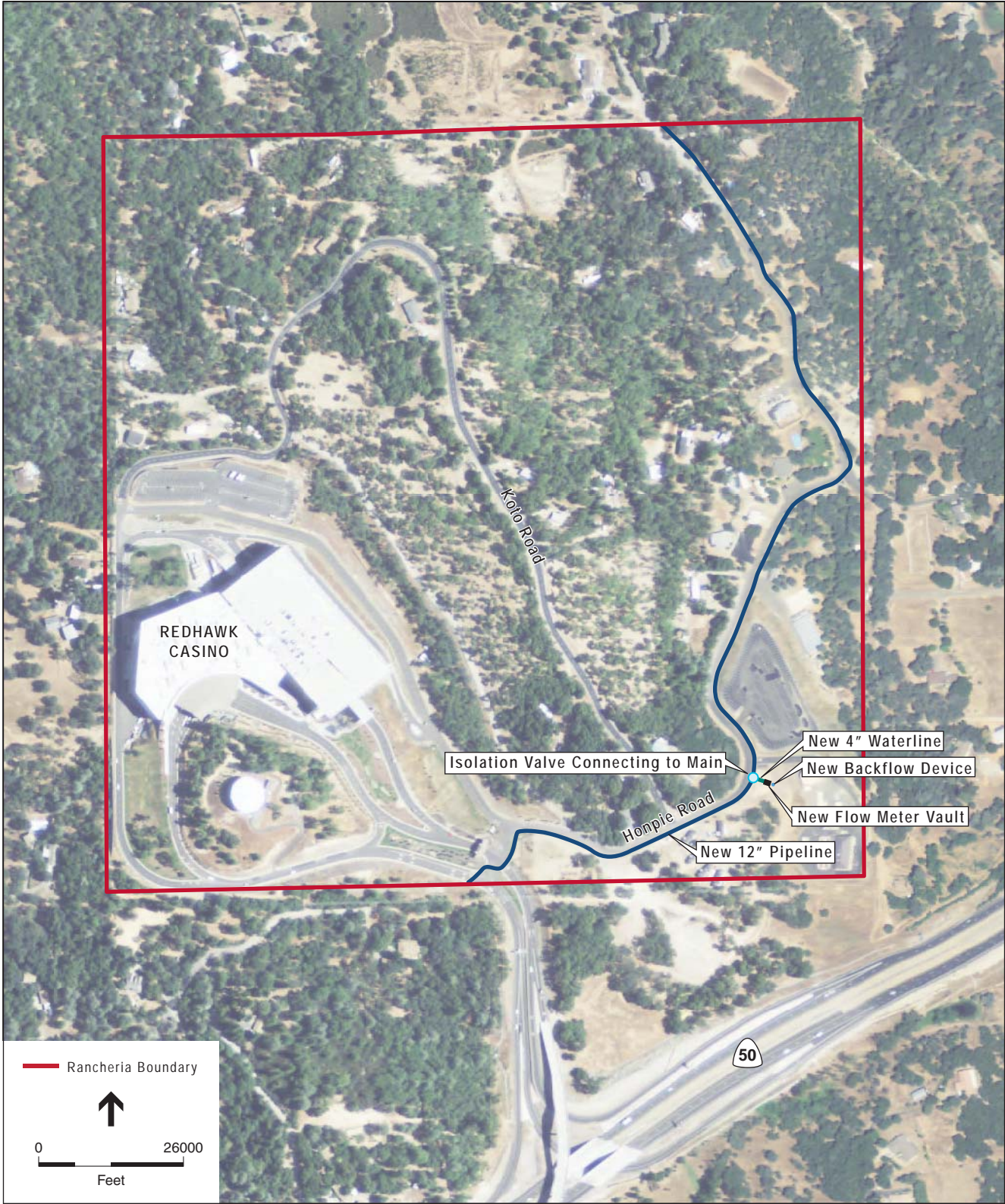
<sup>5</sup> El Dorado Irrigation District, 2011. *Urban Water Management Plan 2010 Update El Dorado County, California*, July 2011.



SOURCE: DeLorme Street Atlas, 2000; and ESA, 2011

El Dorado Irrigation District Memorandum of Understanding EIR . 210446

**Figure 2-1**  
Regional Location Map



SOURCE: EID, 2010; and ESA, 2011

**Figure 2-2**  
Project Facilities

## 2.4 Existing Operations

The following summarizes existing EID operations.

### 2.4.1 Existing EID Operations

EID serves drinking water to approximately 110,000 people through more than 38,000 active service connections. EID relies entirely on surface water to meet its potable water demand. EID's transmission system is composed of three subsystems: the El Dorado Forebay subsystem; the Jenkinson Lake subsystem; and the Folsom Lake subsystem. The three main diversion points for the system are District-owned and -operated Sly Park Dam and Jenkinson Lake, the District's hydroelectric Project 184 at Forebay Reservoir, and Folsom Lake, where the District has rights under a Water Service Contract and a Warren Act Contract with the US Bureau of Reclamation (USBR), and State Water Right Permit 21112. The District also has two satellite diversions, providing service to Outingdale via a diversion from the Middle Fork of the Cosumnes River and to the community of Strawberry via a diversion on the upper South Fork of the American River.<sup>6</sup>

Water conveyance through the distribution system includes a combination of pipelines, regulating reservoirs, tanks, and a limited number of gold rush era ditches. The ditch system that delivers raw water to agricultural users and a water treatment facility is composed of 26.5 miles of ditch, 15 percent of which is piped. The piped potable system consists of 1,239 miles of pipe ranging in size from 2 inches to 48 inches. The District has a total of 36 tanks and reservoirs with a combined storage capacity of 72.2 million gallons (MG). EID water storage facilities include 41,033 acre-feet (AF) in Jenkinson Lake, 1,125 AF in Weber Reservoir, and a total of approximately 37,500 AF in Project 184 storage (Lake Aloha and Caples, Silver, and Echo lakes).<sup>7</sup>

In the El Dorado Forebay subsystem, water is treated at the Forebay water treatment plant (26 mgd capacity) located in Pollock Pines. Water in the Jenkinson Lake subsystem is treated at the Sly Park water treatment plant (64 mgd capacity). The Folsom Lake subsystem conveys treated water from the El Dorado Hills water treatment plant (26.5 mgd capacity).<sup>8</sup>

#### **Water Use by Demand Type**

The historic and projected EID service area populations, water demand, and water supply for the District in a normal water year are identified in **Table 2-1**. Projected demands are based on the growth and population assumptions contained in the 2010 Urban Water Management Plan (UWMP).<sup>9</sup> Projections were developed based on historical growth patterns, market research, and new housing unit commitments (i.e., issued permits or approved subdivisions) for the near future. Since 2005, EID's service area population has grown at an annual rate of 2.8 percent, compared with a state annualized growth rate of 1.4 percent. The District estimates that its demand will

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<sup>6</sup> El Dorado Irrigation District, 2011. *Urban Water Management Plan 2010 Update El Dorado County, California*, July 2011.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

increase in accordance with this population increase through 2030, corresponding to a demand projection of approximately 69,620 acre-feet per year (AFY) by the year 2030. Demand reductions as a result of conservation efforts are not included in these projections.<sup>10</sup> For additional information regarding EID water supply and demand, please refer to Section 3.2, Water Supply, and to the Water Supply Assessment (WSA) included in Appendix C.

**TABLE 2-1**  
**HISTORIC (2007 AND 2010) AND PROJECTED (2015-2030)**  
**EID SERVICE AREA POPULATION, WATER DEMANDS, AND WATER SUPPLY**

	Units	2007 <sup>a, b</sup>	2010	2015	2020	2025	2030
Population	Persons	112,937	110,000	112,200	122,100	132,000	142,560
EID User Water Demand (total)	AFY	35,003	27,761	42,829	45,825	52,750	61,328
Sales to Other Water Agencies	AFY	1,960	1,155	1,200	1,215	1,275	1,330
Additional Water uses and Losses	AFY	5,577	4,764	4,892	5,227	6,003	6,962
Total Demand (without Project)	AFY	43,967	33,680	48,921	52,267	60,028	69,620
Total Supply (Normal Year)	AFY	60,550	70,274	79,046	110,568	112,420	122,420

a. Population Data: EID 2008b, 2010a

b. Water Data: EID 2010b; Tables 27 and 28 for the year 2007 as derived from the 2007 Consumption and Diversion Reports

SOURCE: Reported or calculated based on Kennedy Jenks (2011), EID (2011c)

The District adopted a Drought Preparedness Plan in January 2008. The Plan presents the actions and procedures for preparing for, identifying, and responding to a drought. The objective of the Plan is to help EID preserve essential public services and to minimize the effects of a water shortage on public health and safety, economic activity, environmental resources, and individual lifestyle.<sup>11</sup> Implementation of the Plan involves both voluntary response actions and mandatory response actions, depending on water supply conditions. Voluntary and mandatory actions apply to all EID customers, including the Tribe.

## 2.5 Project Elements

Under the proposed project, EID would provide water service to serve consumptive needs of the Rancheria consistent with the MOU. Specific project elements are described below.

Water service would be provided through a three-inch flow meter located on the Rancheria in an approximately five-foot by seven-foot underground vault (flow meter vault) adjacent to Honpie Road. The meter would provide maximum continuous flow of 95 gpm and a maximum average daily delivery of 135,000 gpd. No physical changes would occur to EID's control, access, operation, maintenance, repair, or replacement capabilities. Water service on the Rancheria would be provided through a tribal utility district independent of EID. The new flow meter would be relocated approximately 2,000 feet to the southwest from the existing meter serving the Rancheria. The flow meter would be connected to approximately 4,025 feet of new 12-inch water supply pipeline

<sup>10</sup> El Dorado Irrigation District, 2011c. *Urban Water Management Plan 2010 Update El Dorado County, California*, July 2011.

<sup>11</sup> El Dorado Irrigation District, 2008a. *Drought Preparedness Plan*, January 2008.

to be installed by the Tribe on the Rancheria along Honpie Road. The underground flow meter vault would be locked and EID would have sole access. Other appurtenances adjacent to the flow meter vault include a backflow prevention assembly structure which would be approximately four feet tall. No new infrastructure would be constructed off the Rancheria in the EID service area and existing EID operations would remain unchanged.

The proposed project would also include the –in-place of an existing six-inch EID waterline that runs just outside of the Rancheria along Artesia Road and all six-inch waterlines and service connections within the Rancheria, which extend from north of Reservation Court to the existing 12-inch line. Abandonment-in-place of the existing asbestos concrete pipeline is EID and industry standard practice that would minimize the need for additional land disturbance and prevent any release of asbestos fibers.

The Tribe installed the water service infrastructure in 2008; it has been in continuous operation since being placed into service that year. Consistent with the Writ and as described in subsection 2.1, however, this project description and accompanying environmental analyses assess the project’s environmental impacts as if these water service improvements are not constructed.

The Tribe is responsible for the construction of any new infrastructure on the downstream side of the three-inch meter, including backflow protection. As part of the EID’s and the Tribe’s respective construction responsibilities, EID would abandon existing easements on Rancheria land, and the BIA would grant EID easements for all new lines to allow EID acceptance, control, and maintenance of the facilities delivering water to the Tribe.

## **2.5.1 Environmental Commitments**

Measures to protect sensitive environmental resources during the construction phase of the proposed project have been incorporated into the proposed project. These environmental commitments are consistent with mitigation measures adopted on January 22, 2002 by the Shingle Springs Band and the NIGC as part of the Shingle Springs Rancheria Hotel and Casino Project Final EA/Finding of No Significant Impact (FONSI). The mitigation measures described in the Final EA/FONSI (Section 6.0 Mitigation Measures) were implemented to reduce potentially significant adverse impacts associated with the development of the hotel and casino project, which included the installation of water supply infrastructure consistent with the proposed project. The MOU includes the Tribe’s commitment to implement these water supply-related measures as necessary. The Shingle Springs Rancheria Hotel and Casino Project, El Dorado, California Final EA/FONSI is hereby incorporated by reference consistent with CEQA Guidelines section 15150 and is available for review at EID’s main office located at 2890 Mosquito Road, Placerville, California, 95667.

The following are the environmental commitments that are part of the proposed project.

Implement construction related air quality best management practices (BMP’s), rules, and guidelines, consistent with the El Dorado County Air Quality Management District, including the following:

- a. Incorporation of the following construction related BMP's contained within Chapter 8.44 of Title 8 of the El Dorado County Ordinance Code, Section 8.44.030 which specifically addresses "General Requirements for Grading, Excavation and Construction Activities."
  - o Water work areas during excavation and other ground disturbing activities at least twice daily, or more frequently if necessary to prohibit visible dust emissions.
  - o Limit vehicle access and speed.
  - o Maintain high moisture conditions or apply a "binder" to seal fibers of disturbed surfaces or stockpiles.
  - o Cover loads of excavated materials.
  - o Sweep dirt and debris that may contain asbestos from adjacent street to prevent re-suspension.

Implement the following BMPs to protect receiving water quality:

- Sediment curtains would be placed upstream and downstream of the construction zone to prevent sediment disturbed during trenching activities from being transported and deposited outside of the construction zone.
- Spoil sites such that they do not drain directly into drainages and/or seasonal wetlands. If a spoil site would be located so that they drain into a drainage channel or seasonal wetland, catch basins would be constructed to intercept sediment before it reaches the drainage or wetland. Spoil sites would be covered to reduce the potential for erosion.
- Equipment and materials would be stored away from the drainages and wetland areas. No debris shall be deposited within 25 feet of the drainages and wetland areas.

Implement the following measures to protect nesting raptors:

- Tree removal activities would be conducted before or after the raptor nesting season which runs from March 1 through August 31.
- A qualified wildlife biologist would be retained to conduct a survey for nesting raptors during the nesting season at the project site prior to construction activity (i.e., grading). Active raptor nests located within 0.25 mile of construction activity would be mapped.
- If active raptor nests are located on or within 0.25 mile of an active or scheduled construction site, then appropriate buffer zones would be established in consultation with the California Department of Fish and Game (CDFG), and construction activities would be prohibited within this buffer zone until the end of the nesting season or until the young have fledged. A qualified wildlife biologist would monitor the nest to determine when the young have fledged and submit weekly reports to the CDFG throughout the nesting season.
- If necessary, identified nest trees would only be removed prior to the onset of the nesting season (March) or after young have fledged (August).

## 2.6 Construction Considerations

The proposed 4,025-foot pipeline trench on the Rancheria would be two feet wide by six feet deep. Although the length of pipeline installed would vary on a daily basis, it is anticipated an average of 150 to 200 feet of pipeline would be installed daily and installation would occur over

the course of 20 to 27 days. All excavated material would be used as backfill or deposited onsite and no soils material hauling would be required. Construction equipment required for the proposed project would include a 24-inch bucket excavator and up to two pick-up trucks.

Construction activities would be conducted in conformance with the environmental commitments presented under subsection 2.5.1.

## **2.7 Anticipated Regulatory Requirements and Permits**

As the lead agency, EID will make a decision on whether or not to certify the EIR for the proposed project as adequate in compliance with CEQA. As part of the project, the District proposes to apply for and obtain, or assist the Tribe in applying for and obtaining, a decision from the El Dorado LAFCO to remove the service restrictions from the annexation conditions imposed by the El Dorado LAFCO when it approved the annexation of the Rancheria to EID's water service area in 1988.



## CHAPTER 3

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# Environmental Setting, Impacts, and Mitigation Measures

### 3.1 Introduction to the Analysis

#### 3.1.1 Scope of the Draft EIR

Chapter 3, Environmental Setting, Impacts and Mitigation Measures, presents the environmental and regulatory setting, impacts, and mitigation measures (if any) for the environmental resource area(s) evaluated in the Draft EIR. As stated in Chapters 1 and 2, the Writ dictates the overall scope of the EIR. Further, based on the NOP and attached Initial Study Checklist (Appendix A), and on the scoping comments received (Appendix B), the following issue was identified to be addressed in this Draft EIR:

- **Water Supply.** Effects of providing water supply to the Rancheria to serve existing and planned uses consistent with the MOU.

#### 3.1.2 Section Format

The technical section (Water Supply) contains: (1) identification of the issue areas being evaluated; (2) any comments received on the NOP for the issue area; (3) environmental and regulatory setting; (4) standards of significance; (5) method of analysis; (6) proposed project impacts and; (7) mitigation measures, as applicable.

As described in Chapter 2, Project Description, following adoption of the MOU in 2008, the Tribe completed the physical improvements necessary to receive water service consistent with its provisions and those improvements have been in continuous operation since being placed into service that year. Consistent with the Writ and as described in subsection 2.1; however, the environmental analyses assess the project's environmental impacts as if these water service improvements are not yet constructed. Therefore, the environmental setting describes the existing condition at the time the MOU was adopted (May 2008).

Each impact discussion includes an impact statement (in bold text), an explanation of the impact (as it relates to the proposed project), an analysis of the significance of the impact, identification of relevant mitigation measures (in italic text), if appropriate, and an evaluation of whether the identified mitigation measures would reduce the magnitude of identified impacts, if necessary. Each impact statement is assigned a number based on the section and the order they appear (for example, 3.2-1, 3.2-2, etc). Cumulative impacts for each technical issue area are discussed in Chapter 5, Other CEQA Considerations.

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## 3.2 Water Supply

### 3.2.1 Introduction

As discussed in the Initial Study Checklist (Appendix A), the analysis of utilities and service systems is focused on an evaluation of the potential effects of the proposed project on overall water supply and water supply availability in the EID service area, as the Writ directs. The evaluation is project-specific because it isolates the project-generated water demands, but as directed by the Writ, it analyzes the impact of those demands on EID's ability to serve both existing and future customers throughout its entire service area.

This section also includes a discussion of the EID service area and existing operations, existing water supply sources, and existing demand. Relevant regulatory setting is also provided. The analysis presents the criteria used for determining the significance of the projected water usage rates, and an evaluation of potential impacts associated with proposed project implementation. A WSA was prepared to analyze EID's ability to provide water service to the Rancheria consistent with the MOU between EID and the Rancheria and in response to the Writ. Information included in the WSA is incorporated into this section and the complete WSA is included as Appendix C. No comments were received in response to the NOP related to water supply.

### 3.2.2 Setting

The following discussion provides a review of water supply resources and infrastructure in the EID service area. Additional background information can be found in Initial Study Checklist Item 9. Hydrology and Water Quality and in Item 17. Utilities and Service Systems. See Appendix A.

#### **El Dorado Irrigation District**

EID was formed in October, 1925, to provide irrigation water to farmers in the area and domestic water to the City of Placerville. EID presently provides water service for agricultural uses, and for approximately 112,000 residents within its nearly 215 square-mile service area. EID's service area stretches from Pollock Pines and Jenkinson Lake to the east to the El Dorado/Sacramento County border on the west, and includes service within the cities and communities of Placerville, Shingle Springs, Cameron Park, El Dorado Hills, Diamond Springs, and Camino. EID provides municipal water for potable use, irrigation, commercial, and other uses, and also provides recycled water for irrigation and other approved uses within a portion of its service area.

As described in greater detail in Chapter 2, Project Description, water conveyance through EID's distribution system includes a combination of pipelines, regulating reservoirs, tanks, and a limited number of gold rush era ditches. EID's ditch system delivers raw water to agricultural users, and to a water treatment facility, and includes 26.5 miles of ditches, 15 percent of which is piped. Other facilities include over 1,200 miles of pipeline, 5 water treatment plants, 36 storage reservoirs, 37 pumping stations, and a wastewater treatment system that includes 64 lift stations, 560 miles

of pipeline and force mains, and 4 treatment facilities. Major EID water storage facilities include 41,033 AF in Jenkinson Lake, 1,125 AF in Weber Reservoir, and a total of approximately 37,500 AF in Project 184 storage<sup>1,2</sup> (Lake Aloha and Caples, Silver, and Echo lakes). For a discussion of EID water sources and demand, please refer to relevant subsections below.

## Climate

Climate within EID’s service area includes typically dry summers, with rain and some snow in the late fall, winter, and early spring months. The region does not typically experience extreme winter or summer conditions. **Table 3.2-1** provides a summary of precipitation, evapotranspiration (ETo), and temperature, as relevant to EID’s service area and associated water supply availability.

**TABLE 3.2-1  
CLIMATE INFORMATION FOR EID’S SERVICE AREA**

Month	Average Max. Temperature (°F)	Average Min. Temperature (°F)	Average Total Precipitation (in.)	Average Total Snowfall (in.)	Average Snow Depth (in.)	Standard Average ETo (in.)
Jan	53.4	32.6	6.92	1.2	0	1.41
Feb	56.9	35.0	6.65	0.3	0	1.88
Mar	60.5	37.6	5.76	0.4	0	2.99
Apr	66.3	40.5	3.19	0.3	0	4.47
May	74.8	46.3	1.51	0	0	5.91
Jun	83.9	51.9	0.44	0	0	7.46
Jul	92.7	57.2	0.07	0	0	9.00
Aug	91.4	56.2	0.09	0	0	8.21
Sep	85.7	52.1	0.54	0	0	6.23
Oct	74.8	45.0	2.13	0	0	4.19
Nov	61.3	37.4	4.40	0	0	1.84
Dec	53.8	33.1	6.47	0.4	0	1.37
<b>Annual</b>	<b>71.3</b>	<b>43.8</b>	<b>38.17</b>	<b>2.6</b>	<b>0</b>	<b>54.96</b>

SOURCE: Kennedy Jenks, 2011.<sup>3</sup>

## Water Supply Sources

EID’s service area includes much of the western-central portion of El Dorado County, with its western service boundary including the Sacramento County/El Dorado County line, and water service provided in areas from El Dorado Hills through Placerville, and east as far as Jenkinson Lake, near Pollock Pines. EID is divided into two major water supply regions: Eastern/Western (higher elevations) and El Dorado Hills (lower elevations). Water supply sources are primarily located in the higher elevations of the service area, however, Folsom Lake is the primary supply to the El Dorado Hills supply region. For cost savings, and when demand in the El Dorado Hills

<sup>1</sup> EID, 2011. El Dorado Irrigation District Urban Water Management Plan, 2010 Update. July, 2011. Available at: [http://www.eid.org/doc\\_lib/02\\_dist\\_info/UWMP\\_2010update.pdf](http://www.eid.org/doc_lib/02_dist_info/UWMP_2010update.pdf) Accessed on September 13, 2011.

<sup>2</sup> Ibid

<sup>3</sup> Kennedy Jenks, 2011. El Dorado Irrigation District Water Supply Assessment for the Shingle Springs Rancheria. September 12, 2011.

supply region exceeds the infrastructure-constrained Folsom Lake supply, water from the upper supply sources is conveyed to this region. EID does not presently have the ability to pump water from Folsom Lake up to the Western/Eastern supply region.

EID relies solely on surface water to meet water demands within its service area. EID does not pump groundwater. EID's water system includes a primary system, which provides water service to more than 98 percent of its customers, plus two additional satellite systems. The main system is fed by three primary diversion points: (1) EID-owned and operated Sly Park Dam and Jenkinson Lake; (2) EID's Hydroelectric FERC Project 184 at Forebay Reservoir; and (3) Folsom Reservoir via a USBR Water Service Contract, a Warren Contract for rediverted EID ditch and Weber Reservoir water supplies, and one state water right permit (no. 21112). EID maintains two satellite diversions, providing service to Outingdale via a diversion from the Middle Fork of the Cosumnes River and to the community of Strawberry via a diversion on the upper South Fork of the American River.<sup>4</sup> EID also diverts water into the Crawford Ditch from the North Fork of the Cosumnes River for non-potable irrigation uses.<sup>5</sup> EID has approximately 2,750 AFY of recycled water supply available from the communities of El Dorado Hills and Cameron Park.<sup>6</sup>

In addition to EID's surface water withdrawals of pre-1914 water rights along Camp Creek, the South Fork of the American River, the North Fork of the Cosumnes River, Clear Creek, and Squaw Hollow Creek, EID maintains post-1914 appropriative water rights, as well as contract entitlements from the USBR, at Folsom Reservoir, Jenkinson Reservoir, Middle Fork Cosumnes River, and South Fork of the American River. At present, EID does not purchase water from any wholesale supplier, excepting the Water Service Contract with the USBR, as shown in **Table 3.2-2**. However, EID expects to purchase a portion of its future water supply as wholesale water from the El Dorado County Water Agency, which is currently pursuing a Water Service Contract with USBR under Public Law 101-514.<sup>7</sup>

Several factors influence water supply availability to EID. These include hydrology, infrastructure constraints (affecting only El Dorado Hills deliveries), use history, and seasonal diversion and storage policies. EID establishes its firm yield for water supply availability through computer modeling, using the OASIS Model, a computer software package developed by a private entity to model hydrologic conditions in conjunction with certain input parameters. The OASIS Model determines the firm yield of the integrated system for EID, based on the sources shown in Table 3.2-2, as restricted by contractual commitments and supply. During a dry or critically dry year, the annual supply would be reduced, and would include a 25% cutback to 5,660 AFY for USBR EID Contract 14-06-200-1375A and a reduced supply for USBR EID Contract 06-WC-20-3315 to 3,000 AFY.

<sup>4</sup> EID, 2011. El Dorado Irrigation District Urban Water Management Plan, 2010 Update. July, 2011. Available at: [http://www.eid.org/doc\\_lib/02\\_dist\\_info/UWMP\\_2010update.pdf](http://www.eid.org/doc_lib/02_dist_info/UWMP_2010update.pdf) Accessed on September 13, 2011.

<sup>5</sup> Ibid

<sup>6</sup> Kennedy Jenks, 2011. El Dorado Irrigation District Water Supply Assessment for the Shingle Springs Rancheria. September 12, 2011.

<sup>7</sup> EID, 2011. El Dorado Irrigation District Urban Water Management Plan, 2010 Update. July, 2011. Available at: [http://www.eid.org/doc\\_lib/02\\_dist\\_info/UWMP\\_2010update.pdf](http://www.eid.org/doc_lib/02_dist_info/UWMP_2010update.pdf) Accessed on September 13, 2011.

**TABLE 3.2-2  
EID WATER SUPPLY SOURCES**

Source No.	Water Source	Water Supply Area	Facility Name or Location	Contract / Agreement or Appropriator	Water Right Application Number	Water Right Permit Number	Water Right License Number	Entitlement (AFY)	
								Annual Supply (Maximum)	Firm Yield <sup>(1)</sup>
1	Folsom Lake	El Dorado Hills Cameron Park	EDH Raw Water PS	USBR EID Contract 14-06-200-1375A	13370 13371	11315 11316	USBR	7,550	5,660
1	Folsom Lake	El Dorado Hills Cameron Park	Weber Dam EDH Raw Water PS	USBR EID Contract 06-WC-20-3315	Pre-1914 1692	1053	2184	4,560	3,000
2	Jenkinson Reservoir	Contiguous District	Jenkinson Lake Sly Park Dam	EID	5645A 2270	12258 2631	11835 11836	33,400	20,920
2	Camp Creek	Contiguous District	Jenkinson Lake	EID	Pre-1914	N/A	N/A	Included above	Included in 20,920 above
3	South Fork American River at Kyburz and Project 184 Reservoirs	Contiguous District	El Dorado Forebay Diversion to EID Main Ditch	EID	Pre-1914	N/A	N/A	15,080	15,080
4	North Fork Consumes River	Somerset	North Fork Crawford Ditch Camp Creek Segment	EID	Pre-1914	NT/A	N/A	5,000	N/A
4	Clear Creek	Somerset	Crawford Ditch Clear Creek Segment	EID	Pre-1914	N/A	N/A	5,000	N/A
4	Squaw Hollow Creek	Diamond Springs	East Diamond Ditch	EID	Pre-1914	N/A	N/A	N/A	N/A
5	Middle Fork Cosumnes River	Outingdale	Outingdale Subdivision	EID	7478	4071	N/A	104	N/A
6	South Fork American River	Strawberry	Strawberry Subdivision	EID	Pre-1914	N/A	N/A	50	Included in 15,080 above
7	Recycled Water	El Dorado Hills Cameron Park	El Dorado Hills and Deer Creek Reclamation Plants	EID	N/A	N/A	N/A	Plant ADWF	Plant ADWF
8	Folsom Lake	Contiguous District	Project 184	EID	5645B	21112	N/A	17,000	17,000
13	Bass Lake	El Dorado Hills Cameron Park	Bass Lake	EID	Pre-1914	N/A	N/A	60	60

SOURCE: Kennedy Jenks, 2011<sup>8</sup>

<sup>8</sup> Kennedy Jenks, 2011. El Dorado Irrigation District Water Supply Assessment for the Shingle Springs Rancheria. September 12, 2011.

**Table 3.2-3** presents a summary of historic (2010) and projected future (2015-2030) water supplies and sources during a normal water year. As shown therein, water supplies in addition to those available in 2010 are anticipated for 2015 (7,500 AFY) and 2020 (30,000 AFY), based on an anticipated water purchase from EDCWA and an agreement with the Sacramento Municipal Utilities District (SMUD). The EDCWA supply is anticipated based on Public Law 101-514, which legislatively mandated the execution of a Water Supply Contract between the USBR and EDCWA. The contract stipulates availability of 15,000 AFY of water from Folsom Reservoir, and EID expects to receive at least 7,500 AFY of this total via sub-contract with EDCWA. This allocation would be subject to USBR's Shortage Policy for Municipal and Industrial Contractors, which stipulates maximum dry year reductions of 25 percent.

Water available via an agreement with SMUD allows for 30,000 AF of annual storage capacity in SMUD reservoirs under normal year conditions through 2025, and 40,000 AF thereafter. An additional 15,000 AF is available for carryover purposes. After a first dry year in which annual storage supplies would be exhausted, EID projects using 5,000 AF of the 15,000 AF total of carryover supplies in each subsequent year of a multiple dry year sequence.

**TABLE 3.2-3**  
**HISTORIC AND PROJECTED NORMAL YEAR WATER SUPPLY FOR EID (AFY)**

Water Supply Sources		2010	2015	2020	2025	2030
Water Purchased from USBR	Folsom Reservoir	7,550	7,550	7,550	7,550	7,550
Supplier-Produced Surface Water	Jenkinson Lake	23,000	23,000	23,000	23,000	23,000
Supplier-Produced Surface Water	El Dorado Forebay	15,080	15,080	15,080	15,080	15,080
Water Purchased from EDCWA	Folsom Reservoir - PL 101-514 (Fazio)	0	7,500	7,500	7,500	7,500
Supplier-Produced Surface Water	Folsom Reservoir - Warren Act Contract	4,560	4,560	4,560	4,560	4,560
Supplier-Produced Surface Water	Project 184 - Permit 21112	17,000	17,000	17,000	17,000	17,000
Supplier-Produced Surface Water	SMUD-El Dorado Agreement	0	0	30,000	30,000	40,000
Recycled Water	El Dorado Hills and Deer Creek WWTPs	3,084	4,356	5,878	7,730	7,730
Supplier-Produced Groundwater	None	0	0	0	0	0
Transfers in	None	0	0	0	0	0
Exchanges In	None	0	0	0	0	0
Desalinated Water	None	0	0	0	0	0
<b>Total Supply</b>		<b>70,274</b>	<b>79,046</b>	<b>110,568</b>	<b>112,420</b>	<b>122,420</b>

SOURCE: Kennedy/Jenks, 2011<sup>9</sup>

<sup>9</sup> Kennedy Jenks, 2011. El Dorado Irrigation District Water Supply Assessment for the Shingle Springs Rancheria. September 12, 2011.

## Water Demand

According to EID’s 2010 UWMP<sup>10</sup>, EID is expected to serve a population of 142,560 by 2030. Historic and future water demand projections are shown in Table 2-1 in Chapter 2, Project Description. Historic demand figures are based on historic records, as published in EID’s annual consumption report. Demand projections through 2030 are taken from the 2010 UWMP<sup>11</sup>, and are based on projected demands from EID’s draft Integrated Water Resources Management Plan (IWRMP). Annual water demand projections contained in the IWRMP were distributed among the user classes shown in **Table 3.2-4**, in the same proportions as shown for 2010.

In accordance with California Water Code §10631, projections are shown in 5-year intervals, extending 22 years past 2008 when the proposed project was initiated and water demand occurred. Water use for the Project is conservatively assumed to not be included in the demand projections in the 2010 UWMP.<sup>12</sup> Instead, Project water demand is added as a separate line item within the WSA, as shown for the impact assessment, below (see Table 3.2-5).

**TABLE 3.2-4**  
**HISTORIC AND PROJECTED WATER DEMAND FOR EID SERVICE AREA (AFY)**

Water Use Sector	2010	2015	2020	2025	2030
Single Family	14,895	21,725	23,410	29,679	34,505
Multi-Family	1,430	2,086	2,248	2,849	3,313
Commercial/Industrial	2,479	3,616	3,896	4,939	5,743
Landscape	1,073	1,565	1,686	2,138	2,486
Agriculture and Ditches	5,431	7,921	8,536	10,821	12,581
Other Authorized Uses	2,453	5,917	6,049	2,323	2,701
<b>Total Service Area Demand</b>	<b>27,761</b>	<b>42,829</b>	<b>45,825</b>	<b>52,750</b>	<b>61,328</b>

SOURCE: Kennedy/Jenks, 2011<sup>13</sup>; EID, 2011<sup>14</sup>.

## 2011 Meter Availability

A Water Resources and Service Reliability Report is prepared by EID annually to determine current water supply and water meter availability within the District. Board Policy 5010, Water Supply Management, states that the District will not issue any new water meters if there is insufficient water supply. Administrative Regulation 5010, Water Availability and Commitments, outlines the responsibilities for annual reporting, shortages, and new meter restrictions. This policy and regulation provide the means to ensure that meter sales do not exceed water supply and infrastructure capacity. To determine the amount of water that will be available in the coming

<sup>10</sup> EID, 2011. El Dorado Irrigation District Urban Water Management Plan, 2010 Update. July, 2011. Available at: [http://www.eid.org/doc\\_lib/02\\_dist\\_info/UWMP\\_2010update.pdf](http://www.eid.org/doc_lib/02_dist_info/UWMP_2010update.pdf) Accessed on September 13, 2011.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Kennedy Jenks, 2011. El Dorado Irrigation District Water Supply Assessment for the Shingle Springs Rancheria. September 12, 2011.

<sup>14</sup> EID, 2011. El Dorado Irrigation District Urban Water Management Plan, 2010 Update. July, 2011. Available at: [http://www.eid.org/doc\\_lib/02\\_dist\\_info/UWMP\\_2010update.pdf](http://www.eid.org/doc_lib/02_dist_info/UWMP_2010update.pdf) Accessed on September 13, 2011.



year for new meter sales, the District uses the firm yield of the water supply sources minus the total demand for all uses of this water. The District’s overall system firm yield is approximately 63,500 acre-feet from two water supply areas. The supply areas are divided into the El Dorado Hills supply area and the Western/Eastern supply area. The project site is located within the Western/Eastern supply area. **Table 3.2-5** shows the 2011 water meter availability for each water supply region.

**TABLE 3.2-5**  
**2011 WATER METER AVAILABILITY**

EL DORADO HILLS SUPPLY AREA	WESTERN/EASTERN SUPPLY AREA
Water Supply = 15,163 AF	Water Supply = 36,000 AF
Total Potential Demand = 11,029 A	Total Potential Demand = 34,762 AF
Unallocated Water Supply = 4,134 A	Unallocated Water Supply = 1,238 AF
Water Meter Availability = 5,369 EDU	Water Meter Availability = 2,300 EDU
SOURCE: EID, 2011a. <sup>15</sup>	

## Climate Change and Water Supply

Global climate change is anticipated to affect water resources in California, including within EID’s service area, via changes in precipitation amount, precipitation type (rain versus snow), snowmelt duration, as well as more extreme weather patterns. Future climate projections are typified by high uncertainty, especially at the local level. The following discussion provides an overview of potential climate related changes that could affect water supply within EID’s service area.

A handful of studies indicate that total precipitation in northern California may increase as a result of climate change. For instance, a recent analysis by the United States National Weather Service (USNWS), using data from 1931 through 2005, indicates a long-term trend of increasing annual precipitation in California, especially in northern California, where data show an increase of up to 1.5 inches per decade.<sup>16</sup> A second investigation completed by the Department of Water Resources (DWR) indicates a statistically significant trend towards increased total precipitation in northern and central California since the late 1960s.<sup>17</sup> An investigation of rainfall during November through March of 1930 through 1997 indicates significant increases in California rainfall (distinct from snowfall).<sup>18</sup> An investigation by Bardini et al.<sup>19</sup> indicates potentially decreasing annual precipitation in California. However, this result is likely an artifact of the specific subset of data that the Bardini study relied upon, with extremes at the beginning or end of the time series data substantially affecting the identified trend.<sup>20</sup>

<sup>15</sup> EID, 2011. Water Resources and Service Reliability Report July, 2011.

<sup>16</sup> US National Weather Service (USNWS), 2008. US Temperature and Precipitation Trends. National Weather Service Climate Prediction Center. Available at: <http://www.cpc.ncep.noaa.gov/trndtext.shtml>

<sup>17</sup> California Department of Water Resources (DWR). 2006. *Progress on Incorporating Climate Change into Management of California’s Water Resources*. Technical Memorandum Report, July 2006.

<sup>18</sup> Mote. 2005. Declining Snowpack in Western North America. *Bulletin of the American Meteorological Society* 86(1): 39-49.

<sup>19</sup> Bardini, G., Guillen, S., Pierotti, B, Rooks, H., and Sou, S. 2001. *Climate Change in California: Potential Consequences and Strategies to Cope and Adapt*. California Department of Water Resources Report. 91 pp.

<sup>20</sup> California Department of Water Resources (DWR). 2006. *Progress on Incorporating Climate Change into Management of California’s Water Resources*. Technical Memorandum Report, July 2006.

There is also evidence that the amount of precipitation that occurs on an annual basis is becoming more variable. That is, periods of both high and low rainfall are becoming more common. Specifically, a study performed by DWR<sup>21</sup> indicates that present-day variability in annual precipitation is about 75 percent greater than that of the early 20<sup>th</sup> century.

Changes in the incidence and variability of precipitation are complicated by the form in which precipitation is anticipated to occur – that is, as rain versus snow – and by the rate of spring snowmelt. At present, California’s snow pack acts as a short-term storage reservoir: during the winter months, a substantial portion of California’s precipitation falls as snow, which collects and is stored in the Sierra snow pack. In spring, this stored snow slowly melts, releasing water to rivers and slowly filling reservoirs, and providing an extended window during which municipal, agricultural, and other users can draw from California’s rivers for water supply.

When the effects of climate change are included, the situation is somewhat different, and California would receive less winter snowfall and more winter rainfall. Under this scenario, winter stream flows would be higher, while spring stream flows, which are fed primarily by snowmelt, would be lower. As a result, water available for filling reservoirs during the spring would be reduced, while winter reservoir management could require additional precautions to account for increased flood risk, including more aggressive allocation of reservoir capacity for flood control purposes. Additionally, agricultural withdrawals, and municipal withdrawals could have a reduced spring baseflow from which to draw, as a result of reduced spring snowmelt.

### 3.2.3 Regulatory Framework

The following discussion of the regulatory framework reviews only those laws, acts, regulations, policies, and other regulatory items that specifically apply to this project, along with a brief description of pertinent regulatory agencies.

#### State

##### ***Senate Bill (SB) 610***

Compliance with CEQA, and specifically with California Public Resources Code (PRC) § 21151.9, requires that certain proposed projects prepare a WSA to analyze whether long term water supplies are sufficient to meet the project’s demands in normal, single dry and multiple dry years for a period of 20 years. Preparation of a WSA is required if a project meets the statutory definition of a “project” set forth in Water Code § 10912(a), which means that it includes at least one of the following:

- A proposed residential development of more than 500 dwelling units
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space

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<sup>21</sup> Ibid

- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area
- A mixed use project that includes one or more of the projects specified in the above bullets.

Because the proposed project could serve commercial uses on the Rancheria that exceed a total of 500,000 square feet, EID has prepared a WSA as part of this CEQA process. Completion of a WSA requires collection of proposed water supply data and information relevant to the project in question, an evaluation of existing/current use, a projection of anticipated demand sufficient to serve the project for a period of at least 20 years, delineation of proposed water supply sources, and an evaluation of water supply sufficiency under single-year and multiple-year drought conditions. A WSA was prepared for the proposed project and is included in Appendix C. Note that SB 221, which requires additional verification of anticipated water supplies to be completed at the tentative subdivision map stage, is not required because the proposed project would not include a “subdivision” as defined by SB 221.

## Local

### *El Dorado Irrigation District*

EID’s 2010 UWMP<sup>22</sup> describes EID’s water sources, supplies, demands, and facilities for water diversion, conveyance, treatment, and distribution. The UWMP further discloses current and historic water demand and supply, and provides an estimate of future anticipated water demand and supply, based on available growth projections and current and future water supply sources and contracted agreements, which EID maintains with state and federal agencies. The UWMP’s demand projections consider an array of demand influencing factors, including local climate, physical facilities, and historic and projected trends in population, employment, and housing. The UWMP’s historic water use data, combined with future supply and demand projections from the UWMP, serve as a basis for a separate WSA that was completed in support of the proposed project.<sup>23</sup>

The UWMP also discusses EID’s water conservation planning and management, and delineates a water conservation strategy that is being implemented by EID in order to support water conservation. Conservation measures are delineated pursuant to EID Board Policy 5030, Water Conservation, which requires reasonable and prudent measures to conserve all water and to adopt and implement water-use efficiency programs that will benefit EID’s customers. Measures that EID may take to support conservation within its service area include:

- Staffing and maintaining the position of trained conservation coordinator and providing that function with the necessary resources to implement the BMPs;

<sup>22</sup> EID, 2011. El Dorado Irrigation District Urban Water Management Plan, 2010 Update. July, 2011.

<sup>23</sup> Kennedy Jenks, 2011. El Dorado Irrigation District Water Supply Assessment for the Shingle Springs Rancheria. September 12, 2011.

- Adopting and enforcing a regulation (Administrative Regulation 1041) that prohibits water waste;
- Supporting legislation or policies that prohibit water waste;
- Enacting a drought policy to facilitate implementation of water shortage response measures;
- Implementing school education and public outreach materials and programs;
- Implementing a residential water audit program;
- Implementing a rebate program for installing ultra low flow toilets since this program was initiated in 1995, and high efficiency toilets since 2009;
- Implementing a rebate program for installing high efficiency clothes washers;
- Implementing an Irrigation Management Service, which is the longest operating IMS program in California, providing irrigation scheduling for commercial agriculture customers who have saved an estimated 2,000 AFY.

Through July 2011, implementation of EID's water conservation program has resulted in an annual water savings of approximately 4,000 AF. Additional conservation goals and measures are anticipated to be implemented on an ongoing basis as part of EID's water conservation strategy.<sup>24</sup>

EID's Drought Preparedness Plan<sup>25</sup> presents actions and procedures for preparing for, identifying, and responding to a drought. The objective of the Plan is to help EID preserve essential public services and to minimize the effects of a water shortage on public health and safety, economic activity, environmental resources, and individual lifestyle. Contained within the Drought Preparedness Plan is the Drought Action Plan. The Drought Action Plan sets voluntary and mandatory water use reduction targets within EID's service area, including a tiered response based on drought severity that includes increased rates and other sanctions for non-compliance. Demand reduction targets of 15 percent (Stage 1, voluntary), 30 percent (Stage 2, mandatory), and 50 percent (Stage 3, mandatory) are set based on reduced allotments and strict penalty rates.<sup>26</sup> Voluntary and mandatory actions apply to all EID customers, including the Tribe. The Drought Action Plan, including drought stage water supply conditions, objectives, and response actions including water use reduction targets, is summarized in **Table 3.2-6**. All of the requirements in the Drought Preparedness Plan and the Drought Action Plan apply to the Rancheria. Therefore, in the event of a drought, the Rancheria would be required to take the same measures to mitigate the effects of the drought on water supply as all other users. In that regard, the proposed project does not affect EID's drought response or ability to respond to a drought, nor does it disproportionately affect any existing water users.

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<sup>24</sup> EID, 2011. El Dorado Irrigation District Urban Water Management Plan, 2010 Update. July, 2011.

<sup>25</sup> El Dorado Irrigation District, 2008. *Drought Preparedness Plan*, January 2008.

<sup>26</sup> Ibid.

**TABLE 3.2-6**  
**DROUGHT ACTION PLAN SUMMARY**

<b>Water Supply Conditions</b>	<b>Drought Stage</b>	<b>Objective</b>	<b>Response Actions</b>
Normal 0% Total Supply Reduction	Drought Stage Zero – Ongoing Conservation. Water waste prohibition in effect.	Public awareness	Normal actions
Slightly Restricted Water Supplies (below normal) Up to 15% Total Supply Reduction	Drought Stage 1 – Introductory Stage. Voluntary reductions in use	Initiate public awareness of predicted water shortage and encourage conservation	Encourage voluntary measures to decrease "normal" demand up to 15%
Moderately Restricted Water Supplies Up to 30% Total Supply Reduction	Drought Stage 2 – Voluntary Phase for water use reductions and potential subsequent Mandatory Phase with restrictions on use.	Increase public understanding of worsening water supply conditions, encourage voluntary conservation measures, and enforce some mandatory conservation measures	Encourage some voluntary measures and enforce mandatory measures and implement water rationing to decrease "normal" demand up to 30%  Drought surcharge enacted (potential in-house trigger and board action)
Severely Restricted Water Supplies Up to 50% Total Supply Reduction	Drought Stage 3 – Mandatory restrictions (severe prohibitions) on use	Ensure that water use is limited to health and safety purposes	Enforce extensive restrictions on water use and implement water rationing to decrease demand up to 50% of "normal" demand

### ***El Dorado County Water Agency***

The EDCWA is a public agency that provides coordination and support for long term water resources and water supply planning within El Dorado County. The agency was established in 1959, under the El Dorado County Water Agency Act (Water Code Appendix, Chapter 96).<sup>27</sup> The EDCWA leads, assists, and participates in various ongoing and anticipated water rights projects, including maintaining and securing additional water rights for El Dorado County. The agency also promotes water conservation within the County through various programs. The agency's staff also operates the El Dorado Water and Power Authority (EDWPA), which is a joint powers authority comprised of EDCWA, El Dorado County, and EID. In late 2005, SMUD and EDWPA reached settlement on all issues related to the Upper American River relicensing project which allows for 30,000 AF of annual water storage in SMUD reservoirs under normal year conditions through 2025 and 40,000 AF thereafter; with an additional 15,000 AF available for carryover purposes. The EDCWA is also negotiating with USBR and completing environmental compliance to obtain a Water Supply Contract in accordance with Public Law 101-514, as shown in Table 3.2-3. EID expects to purchase water from EDCWA based on this additional water supply in the future. These two supply sources are shown in Table 3.2-3.

### ***EDCWA Water Resources Development and Management Plan***

Pursuant to the 2004 El Dorado County General Plan and prior planning efforts, the EDCWA directed that a Water Resources Development and Management Plan (Plan) be prepared for the County.

<sup>27</sup> El Dorado County, 2011. Chapter 96, El Dorado County Water Agency Act. Available at: [http://www.co.el-dorado.ca.us/water/water\\_pdf/Chapter\\_96.pdf](http://www.co.el-dorado.ca.us/water/water_pdf/Chapter_96.pdf) Accessed on May 15, 2011.

Following resolution of legal challenges to the County General Plan, as well as various other delays, the Plan was released in 2007. It is designed to coordinate water resource planning activities within El Dorado County, and to identify actions and water resource alternatives to meet the water needs in El Dorado County. The plan: (1) addresses the water supply needs of the entire county including its five water purveyors and those areas presently un-served by a purveyor; and (2) identifies potential technical, environmental, and institutional constraints for each water resource alternative.

For each purveyor's service area and for the currently un-served areas, the plan estimates water demand projections, identifies water supply shortages, evaluates water supply sources and infrastructure options, and recommends actions and infrastructure improvements. Projected needs and improvements are estimated to the year 2025, and a range of possible needs and improvements are estimated to accommodate build-out of the current County General Plan.

The primary goals of the Plan are to:

- Coordinate various water resource planning efforts within El Dorado County
- Provide technical water supply gap analysis for the Cosumnes, American, Bear, and Yuba, Integrated Regional Water Management Plan (CABY IRWMP)
- Be consistent with 2004 General Plan land use
- Document the projected water needs of the county through 2025 and beyond
- Identify actions and water resource alternatives to meet water needs of El Dorado County
- Identify potential technical, environmental, and institutional constraints for each water resource alternative
- Develop water resource alternatives that have general local support
- Develop a phasing and implementation plan to the year 2025 and beyond

The plan also seeks to address water supply and water supply reliability issues associated with climate change, and the potential effects of climate change on water supply in northern California/El Dorado County, during the ensuing decades.

### ***El Dorado County Land Use Planning***

EID does not have the authority to make land use decisions within the County; instead the County and incorporated cities within the County have authority over land use decisions within their respective jurisdictions. These decisions are made consistent with the El Dorado County General Plan and individual City General Plans. Because the Shingle Springs Rancheria is held in trust for the Shingle Springs Band of Miwok Indians by the federal government, the Tribe has sovereign land use authority on the Shingle Springs Rancheria, governed by the Tribe and a Tribal Land Use Plan. El Dorado County's General Plan land use maps designate the Rancheria as AP – Adopted Plan. According to General Plan Policy 2.2.1.2, this designation recognizes areas for which specific land use plans have been prepared and adopted. These plans are accepted and incorporated in the County General Plan, and the land use map associated with such a plan constitutes the General Plan map for each such area. The Tribe has identified the proposed project as being consistent with the Tribal Land Use Plan. Thus, development on the Rancheria pursuant

to the Tribe's sovereign land use authority is consistent with the El Dorado County General Plan AP designation.

## **3.2.4 Impacts and Mitigation Measures**

### **Method of Analysis**

The analysis of water supply is based on the WSA that was completed for the proposed project (see Appendix C). The WSA was completed pursuant to Public Resources Code §21151.9, as well as California Water Code § 10631, 10657, 10910, 10911, 10912, and 10915, as applicable (i.e., SB 610). The WSA and the impact assessment provided below evaluate water supplies that are currently or would be available during normal, single dry, and multiple dry water years for 20 years in the future. These supplies are evaluated based on their sufficiency to meet existing demands, expected demands of the Project, and reasonably foreseeable planned future water demands to be served by EID. This methodology isolates project-specific demands and shows the magnitude of difference created by adding those demands to EID's service-area wide balance of demands and supplies.

### **Standards of Significance**

Based on Appendix G of the CEQA Guidelines, an impact on water supply is considered significant if implementation of the proposed project:

- Requires new or expanded water supply resources or entitlements

## **Impacts and Mitigation Measures**

### **Impacts Analyzed in the Initial Study**

The proposed project includes the installation and operation of a new three-inch flow meter located on the Rancheria adjacent to Honpie Road. The meter would allow maximum continuous flow of 95 gpm and maximum average daily delivery of 135,000 gpd. Water would flow through a new, approximately 4,025-foot 12-inch pipeline to be installed by the Tribe on the Rancheria along Honpie Road. No new infrastructure would be constructed off the Rancheria in the EID service area and existing EID operations would remain unchanged. Impacts associated with the installation and operation of the water supply delivery infrastructure that is included as part of this project is included in the Initial Study Checklist (see Appendix A). These impacts are considered less than significant and thus, no further analysis is required. Therefore, these impacts were not carried forward to this EIR.

**Proposed Project**

**Impact 3.2.1: New or expanded water supply or entitlements could be needed to meet existing and future water demand during normal and dry years on the Rancheria and in the EID service area outside of the Rancheria. (Less than Significant)**

The proposed project involves providing water service to the Rancheria consistent with the MOU. As described in Chapter 2, Project Description, the MOU states that EID would provide the Rancheria with water service at a maximum rate of 95 gpm and an average volume of 135,000 gpd, equivalent to a maximum of 154 AFY. This would result in a net increase of 215.75 EDU over the existing 45 EDU of service by EID to the Rancheria. This increase in water supply to the Rancheria would not significantly impact EID’s ability to meet service area demand outside of the Rancheria.

**Normal Water Year Conditions**

**Table 3.2-7** presents current and projected EID water demand, proposed project water demand, and total water supply available during normal water years, based on data available from EID’s 2010 UWMP, and as discussed in detail in the WSA (Appendix C). Proposed project demand is conservatively assumed to be the maximum allowable amount (per the MOU) of 154 AFY. As shown in Table 3.2-7, under normal water year conditions EID’s total water supply exceeds EID’s total water demand (including the proposed project) in Years 2015 through 2030 (future supply and demand included in the 2010 UWMP and analyzed in the WSA for the proposed project). As also shown in Table 3.2-7, proposed project demand would represent a total of 0.26 percent to 0.51 percent of the difference between total water supply and demand under normal water year conditions. The EID water supply projections shown in Table 3.2-7 include new water supply sources shown in Tables 3.2-2 and 3.2-3 and described in associated text.

**TABLE 3.2-7**  
**NORMAL YEAR SUMMARY OF HISTORIC AND PROJECTED EID WATER DEMAND, PROJECT DEMAND, AND EID SUPPLY (AFY)**

Category	2007 <sup>a, b</sup>	2010	2015	2020	2025	2030
EID Water Supply	60,550	70,274	79,046	110,568	112,420	112,420
EID Water Demand	43,967	33,834	49,075	52,421	60,182	69,774
Difference (Supply - Demand)	16,583	36,440	29,971	58,174	52,238	42,646
Maximum Project Demand	154	154	154	154	154	154
Project Demand as a Percent of Difference	N/A	N/A	0.51%	0.26%	0.29%	0.36%

a. Population Data: EID 2008b, 2010a  
b. Water Data: EID 2010b; Tables 27 and 28 for the year 2007 as derived from the 2007 Consumption and Diversion Reports  
SOURCE: Kennedy Jenks, 2011<sup>28</sup>, and EID (2011c)

<sup>28</sup> Kennedy Jenks, 2011. El Dorado Irrigation District Water Supply Assessment for the Shingle Springs Rancheria. September 12, 2011.



### Single Dry Year Conditions

**Table 3.2-8** summarizes projected single dry year EID water supply and service area demand. As shown in Table 3.2-8, EID's total water supply would exceed EID's total water demand (including the proposed project) in Years 2015 through 2030. Proposed project demand would represent a total of 0.30 percent to 0.65 percent of the difference between total water supply and demand under single dry year water conditions.

**TABLE 3.2-8  
SINGLE DRY YEAR SUMMARY OF PROJECTED EID WATER DEMAND,  
PROJECT DEMAND, AND EID SUPPLY (AFY)**

Category	2015	2020	2025	2030
EID Water Supply	72,721	104,243	106,095	116,095
EID Water Demand	49,075	52,421	60,182	69,774
Difference (Supply – Demand)	23,646	51,822	45,913	46,321
Maximum Project Demand	154	154	154	154
Project Demand as a Percent of Difference	0.65%	0.30%	0.34%	0.33%

SOURCE: Kennedy Jenks, 2011<sup>29</sup>.

### Multiple Dry Year Conditions

**Table 3.2-9** summarizes projected multiple dry year EID water supply and service area demand. The analysis conservatively assumes that even in multiple dry years, the proposed project would continue to utilize its full entitlement, and also that the total service area demand would remain at normal-year levels notwithstanding EID's Drought Preparedness Plan and Drought Action Plan. As shown in Table 3.2-9, in Years 2015 through 2030 EID's total water supply exceeds EID's total water demand during multiple dry years. As shown, water supplies available to meet proposed project demand decrease during each consecutive dry year. By dry year 3, EID's total water supply exceeds EID's total water demand by 175 AFY (2030) to 17,528 AFY (2020). Proposed project demand would represent a small percentage of the difference between total supply and demand in all years and for each consecutive dry year, except for the third consecutive dry year in Year 2030. However, even during the third consecutive dry year projected in 2030, and assuming no drought- or conservation-based demand reduction by either the proposed project or the service area as a whole, sufficient water supply (175 AFY) would still be available to serve proposed project demand.

<sup>29</sup> Kennedy Jenks, 2011. El Dorado Irrigation District Water Supply Assessment for the Shingle Springs Rancheria. September 12, 2011.

**TABLE 3.2-9  
MULTIPLE DRY YEAR SUMMARY OF PROJECTED EID WATER DEMAND,  
PROJECT DEMAND, AND EID SUPPLY (AFY)**

Category	2015	2020	2025	2030
<b>Dry Year 1</b>				
EID Water Supply	71,449	86,449	86,449	86,449
EID Water Demand	49,075	52,421	60,182	69,774
Difference (Supply - Demand)	25,521	53,697	47,788	38,196
Maximum Project Demand	154	154	154	154
Project Demand as a Percent of Difference	0.60%	0.29%	0.32%	0.40%
<b>Dry Year 2</b>				
EID Water Supply	66,449	76,449	76,449	76,449
EID Water Demand	49,075	52,421	60,182	69,774
Difference (Supply - Demand)	17,374	24,028	16,267	6,675
Maximum Project Demand	154	154	154	154
Project Demand as a Percent of Difference	0.89%	0.64%	0.95%	2.31%
<b>Dry Year 3</b>				
EID Water Supply	64,949	69,949	69,949	69,949
EID Water Demand	49,075	52,421	60,182	69,774
Difference (Supply - Demand)	15,874	17,528	9,767	175
Maximum Project Demand	154	154	154	154
Project Demand as a Percent of Difference	0.97%	0.88%	1.58%	88%

SOURCE: Kennedy Jenks, 2011.<sup>30</sup>

### ***Climate Change Effects on Water Supply***

As discussed previously, there is a high level of uncertainty with respect to the potential effects of climate change on water resources in Northern California, including within EID's service area. However, in general, climate change could result in a net reduction in water supply availability, due to reduced winter snowfall, reduced snowpack, and earlier or reduced spring snowmelt. Additionally, the incidence of extreme weather events, including droughts, could potentially increase. Because EID relies exclusively on surface water supplies, these effects could result in a net reduction in the volume of water that is available to EID on an annual basis. As a result, the chance of occurrence for dry years, including multiple dry years, could increase.

As shown in Table 3.2-9, EID would maintain a substantial surplus of water even during multiple dry years, through 2025. By 2030, however, that surplus is projected to be minimal, based on the figures and projections contained in the 2010 UWMP.<sup>31</sup> However, as discussed in Section 5 of the WSA (see Appendix C), Sections 4 and 5 of the 2010 UWMP,<sup>32</sup> and immediately above, the multiple dry year supply and demand projections shown in Table 3.2-9 represent a conservative

<sup>30</sup> Kennedy Jenks, 2011. El Dorado Irrigation District Water Supply Assessment for the Shingle Springs Rancheria. September 12, 2011.

<sup>31</sup> EID, 2011. El Dorado Irrigation District Urban Water Management Plan, 2010 Update. July, 2011.

<sup>32</sup> Kennedy Jenks, 2011. El Dorado Irrigation District Water Supply Assessment for the Shingle Springs Rancheria. September 12, 2011.

analytical approach, in that they do not consider implementation of any additional water conservation efforts beyond those presently implemented, nor do they consider the mandatory rationing that would occur under EID's Drought Preparedness Plan and Drought Action Plan.

As discussed previously, demand reduction measures would result in a net reduction in demand of approximately 15 percent to 50 percent pursuant to the Drought Preparedness Plan and Drought Action Plan. As the severity of drought increases, so does the degree to which demand reduction measures would be enforced. Additional conservation efforts (described above under the Regulatory Framework subsection for EID), would also be implemented pursuant to EID Board Policy 5030. These conservation efforts are expected to result in additional water conservation that would occur on an ongoing basis, in addition to drought-related demand reduction measures. Therefore, in the event that climate change results in a net reduction in water supply availability, EID anticipates that additional water conservation measures, combined with dry year/drought-related demand reduction measures, would be ample to alleviate potential reductions in supply. The WSA demonstrates that sufficient water supply would be available to serve the proposed project as well as its existing customers, even considering the potential yet uncertain effects of climate change on water supply.

### **Conclusion**

As previously discussed, this analysis was based on the WSA developed for the proposed project (see Appendix C). The WSA represents a cumulative analysis because it assesses whether or not EID's overall supply can meet future demand, including the proposed project. As shown in Tables 3.2-5 through 3.2-7, during normal, single dry year and multiple dry year conditions, sufficient water supply would be available to meet proposed project water demand without affecting EID's ability to serve its service area outside of the Rancheria or requiring EID to develop additional supplies or entitlements not already anticipated and in progress to meet future water demand through at least 2030. As further discussed in the WSA and discussed above, the District has the capability to respond to both near-term and long-term changing water supply conditions, implementation of multiple-stage demand reduction plans. Although implementation of dry year demand reduction requirements and ongoing water conservation planning would reduce total demands, even if they did not, project supplies are sufficient to meet total demands. Considering the potential effects of climate change on water supply, a combination of ongoing water conservation planning and dry year demand reduction requirements are expected to be sufficient to maintain supply even during multiple year drought conditions. As a result, this is considered a less-than-significant impact.

**Mitigation:** None required.

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## CHAPTER 4

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### Alternatives

#### 4.1 Introduction

Section 15126.6 of the CEQA Guidelines requires an evaluation of “a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant effects, and evaluate the comparative merits of the alternatives.” Furthermore, an EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. The purpose of the alternatives analysis is to determine whether a variation of the proposed project would reduce or eliminate potentially significant project impacts in the basic framework of the project’s objectives. The focus and definition of the alternatives evaluated in this EIR are governed by the “rule of reason” set forth in section 15126.6(f) of the CEQA Guidelines requiring evaluation of only those alternatives “necessary to permit a reasoned choice.” Further, an EIR “need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.”

EID’s underlying project objective is to comply with the Writ. The primary objectives of the proposed project are to:

1. Provide water service to the Rancheria consistent with the May 2008 MOU.
2. Provide water service to the Rancheria in a manner consistent with EID’s plans, policies, and administrative regulations.
3. Provide sufficient water service to support the consumptive and fire suppression demands of existing development on the Rancheria, including approximately 24 residences, tribal administrative buildings, the gaming facility as developed in 2008, and all landscaping and planned uses.
4. Apply for and obtain, or work with the Tribe to apply for and obtain, a decision from the El Dorado LAFCO to remove the service restrictions from the annexation conditions imposed when the El Dorado LAFCO approved the annexation of the Rancheria to EID’s water service area in 1988.

#### 4.2 Alternatives Analysis

Alternatives considered and evaluated below include:

1. No Project Alternative
2. Water Trucking Alternative

3. Conservation/Recycled Water Alternative
4. Groundwater Alternative
5. Conjunctive Use Alternative

A description of each alternative is presented below along with a discussion of project-specific and cumulative environmental impacts and the relationship of the alternatives to proposed project objectives. It is important to note here that the proposed project does not have any significant environmental impacts. As stated, the purpose of an alternatives analysis is to identify ways to mitigate or avoid potentially significant environmental impacts. The fact that the proposed project would not result in any potentially significant impacts, therefore, must be considered in this particular alternatives analysis and in the conclusion that the proposed project is the environmentally superior alternative which also best satisfies the project objectives.

### **4.2.1 Alternative 1 - No Project Alternative**

CEQA Guidelines section 15126.6(e)(1) requires that an EIR evaluate a “no project” alternative to provide a comparison of the impacts of approving the proposed project with the impacts of not approving the proposed project. Pursuant to CEQA Guidelines section 15126.6(e)(3)(B), the No Project Alternative discusses “the property remaining in its existing state” or the continuation of the existing condition (baseline). This alternative would continue to adhere to the conditions contained in the 1988 El Dorado LAFCO resolution approving the Rancheria’s petition to annex into the EID service area for the purpose of water service. EID would continue to provide water for residential uses only (40 residential lots, or 45 EDU), including accessory uses and for tribal use limited to community facilities, schools, playgrounds, recreational facilities, a residential home for tribal elders and community grazing or garden projects. The Tribe would not install new water service infrastructure for delivery of water from EID.

#### **Impact Analysis**

Under this alternative EID would not supply additional water beyond that currently approved under the 1988 El Dorado LAFCO resolution. In addition, no new water supply distribution infrastructure would be installed or operated. Therefore, none of the impacts identified for the proposed project would occur.

#### **Relationship to Project Objectives**

The No Project Alternative would not meet Project Objective 1 because EID would not provide water service to the Rancheria as described in the MOU. This alternative would meet Project Objective 2 because continuing to provide water consistent with the 1988 El Dorado LAFCO resolution would be consistent with EID’s plans, policies and administrative regulations. The No Project Alternative would not meet Project Objective 3 because the existing supply under the 1988 LAFCO agreement is inadequate to meet the consumptive water and fire suppression needs of the Rancheria for existing and planned uses. Because EID’s water service would conform to

the restrictions in the 1988 El Dorado LAFCO resolution, no action would be required from LAFCO as described in Project Objective 4.

## 4.2.2 Alternative 2 - Water Trucking Alternative

Under this alternative, water delivery would be provided by private water trucking companies that would truck water to the site on a daily basis for storage in a 200,000 gallon on-site potable water tank to supplement existing water supply from EID consistent with the El Dorado LAFCO 1988 resolution and existing on-site recycled water supply. It is assumed that water delivery of 135,000 gpd would be needed to meet the peak-day demand for the Tribe. Consistent with the assumptions presented in the 2001 Shingle Springs Rancheria Hotel and Casino Project EA/FONSI, assuming that a water truck that could haul 4,000 gallons per trip, approximately 34 trips per day would be required to meet this demand. As described in the 2001 EA/FONSI, water would be provided by Aeropure Water in Stockton, California, or a similar private company contracted by the Tribe.<sup>1</sup> Construction of above ground water storage tank(s) and improvements to existing water conveyance facilities on the Rancheria may be required but would be consistent with facilities described in the 2001 Shingle Springs Rancheria Hotel and Casino Project EA/FONSI. EID would continue to supply water to the Rancheria consistent with the El Dorado LAFCO 1988 resolution. EID would not install any new water supply infrastructure on or off of the Rancheria or supply water as set forth in the MOU.

### Impact Analysis

The Water Trucking Alternative would involve the construction and operation of one or more above-ground storage tanks and additional water supply distribution infrastructure beyond that proposed for the project. Therefore, additional ground disturbing and construction activities would occur which would result in similar types of short-term project-specific and cumulative construction-related impacts (air emissions, noise levels, greenhouse gas (GHG) emissions, biological resources, cultural resources, water quality, etc.) when compared to the proposed project, which is proposed to be installed primarily within an existing road; however these impacts would likely be greater in magnitude because more facilities likely would be required.

Potentially new significant operational (off-Rancheria) project-specific and cumulative impacts include visual impacts from nearby locations associated with new above-ground water storage tanks; and increased noise, air quality, and GHG emissions associated with 34 new round-trip water truck trips per day. In addition, this alternative would result in new impacts attributed to transportation and circulation including road maintenance and decreased levels of service along truck routes.

Under this alternative there would be no effect on EID water supply availability because EID would not be supplying water beyond that currently provided and approved in the 1988 El Dorado LAFCO resolution. However, potential new project-specific and cumulative impacts to

<sup>1</sup> Water trucking assumptions based on *Shingle Springs Rancheria Hotel and Casino Project Final Environmental Assessment/Finding of No Significant Impact*, December 2001.

water supply sources outside of the EID service area could occur, depending on the source of the trucked water and whether a new source of water would be developed to serve the Rancheria by truck, including new impacts to groundwater and surface water resources. The potential for this impact and the magnitude of such an impact would depend on the location and type of water resource being used for trucking.

Unlike the proposed project, depending on the magnitude of significance of impact under this alternative, mitigation measures could be required. Since the level of the impacts is not known, it is also not known whether the impacts associated with this alternative could be mitigated to a less-than-significant level.

### **Relationship to Project Objectives**

The Water Trucking Alternative would not meet Project Objective 1 because EID would not provide water service to the Rancheria as described in the MOU. This alternative would meet Project Objective 2 because continuing to provide water consistent with the 1988 El Dorado LAFCO resolution would be consistent with EID's plans, policies and administrative regulations. This alternative would meet Project Objective 3 as it was found to be a feasible water supply alternative in the Shingle Springs Rancheria Hotel and Casino Project EA/FONSI. Because EID's water service would conform to the restrictions in the 1988 El Dorado LAFCO resolution, no action would be required from LAFCO as described in Project Objective 4.

### **4.2.3 Alternative 3 - Conservation/Recycled Water Alternative**

Under this alternative, EID would continue to provide water service to the Rancheria consistent with the El Dorado LAFCO 1988 resolution through existing infrastructure. All other water supply demand on the Rancheria would be met through a combination of increased water conservation measures and the use of recycled water. At the time of the MOU, the Tribe had existing recycled water treatment, storage, and distribution facilities to meet the irrigation, toilet flushing, and fire suppression needs of the casino facility. It is unlikely that current recycled water facilities would produce an adequate supply to serve other uses on the Rancheria without expansion. Therefore, implementation of the Conservation/Recycled Water Alternative would likely require construction of new recycled water storage and distribution infrastructure. This alternative would also likely require upgrades to the existing Rancheria treatment facility to provide the additional recycled water supply necessary to meet demand. Implementation of this alternative could also necessitate changes in the water use for existing and planned Tribal development, and the construction of additional infrastructure or facilities to accommodate those changes. Because the recycled water supply physically cannot exceed the amount of water available to treat to recycled water standards, increased conservation measures would need to be focused on on-potable uses, and it is not certain that a combined increase in recycled water use and conservation could meet all service needs at the Rancheria. EID would not install any new water supply infrastructure on or off of the Rancheria or supply water as set forth in the MOU.



## Impact Analysis

The Conservation/Recycled Water Alternative would likely involve the construction and operation of new recycled water treatment, storage and distribution infrastructure. If so, additional ground disturbing and construction activities would occur which would result in similar types of short-term project-specific and cumulative construction-related impacts (air emissions, noise levels, GHG emissions, biological resources, cultural resources, water quality, etc.) when compared to the proposed project which is proposed to be installed primarily within an existing road; however impacts would likely be greater in magnitude because more facilities could be required. Potentially new significant operational project-specific and cumulative impacts would include visual impacts associated with the new above ground facilities; and increased noise levels associated with the operation of new pumps. Unlike the proposed project, depending on the magnitude of significance of impact under this alternative, mitigation measures could be required to mitigate impacts to a less-than-significant level. Under this alternative there would be no effect on EID water supply availability because EID would not be supplying water beyond service consistent with the 1988 El Dorado LAFCO resolution, unless the combination of increased conservation and recycled water proved insufficient, in which case there might be a need for EID to supply additional water.

## Relationship to Project Objectives

The Conservation/Recycled Water Alternative would not meet Project Objective 1 because EID would not provide water service to the Rancheria as described in the MOU. This alternative would meet Project Objective 2 because continuing to provide water consistent with the 1988 El Dorado LAFCO resolution would be consistent with EID's plans, policies and administrative regulations. It is uncertain whether this alternative would meet Project Objective 3 because it is not proven that EID water supply, consistent with the 1988 El Dorado LAFCO resolution, combined with increased recycled water supply and water conservation, would be adequate to meet the consumptive water and fire suppression needs of the Rancheria for existing and planned uses. If EID's water service continued to conform to the restrictions in the 1988 El Dorado LAFCO resolution, no action would be required from LAFCO as described in Project Objective 4; if additional EID water supplies were necessary, LAFCO action would be required and Project Objective 4 would be met.

### 4.2.4 Alternative 4 - Groundwater Alternative

Under the Groundwater Alternative, the Tribe would develop additional groundwater wells to provide water to support existing and planned growth on the Rancheria. Currently there is one on-site well on the Rancheria, located along Honpie Road near the intersection with Koto Road, which is currently used for fire suppression. This well was drilled in April 1980, to a depth of 250 feet and was reported to initially produce water at a rate of 20 gpm; however, the well's production rate fluctuates as a result of poor and limited recharge<sup>2</sup> that is common to the region. To facilitate the Groundwater Alternative, an unknown number of new wells would need to be installed and

<sup>2</sup> *Shingle Springs Rancheria Hotel and Casino Project Final Environmental Assessment/Finding of No Significant Impact*, December 2001.

operated. Groundwater pumping tests would be required to confirm the total number of wells and safe yield. Construction of storage tanks and modifications to local water distribution facilities would be required to allow for storage of groundwater during periods of peak demand and for fire suppression and distribution of the groundwater to Rancheria uses. Under this alternative, EID would continue to supply water to the Rancheria consistent with the El Dorado LAFCO 1988 resolution, through existing infrastructure. EID would not install any new water supply infrastructure on or off of the Rancheria or supply water as set forth in the MOU.

### **Impact Analysis**

The Groundwater Alternative would involve the installation of new groundwater wells. Given the limited amount of equipment and staging area needed to drill groundwater wells, the installation of the wells themselves would result in limited construction impacts. However, implementation of this alternative would also require the construction of storage and distribution facilities that would likely result in similar types of short-term project-specific and cumulative construction-related impacts (air emissions, noise levels, GHG emissions, biological resources, cultural resources, water quality, etc.) when compared to the proposed project. Because the location and number of new wells to be constructed is unknown, temporary construction impacts could be less than or greater in magnitude when compared to the proposed project, which is located primarily within an existing road. Potentially new significant operational project-specific and cumulative impacts would include visual impacts associated with the new above ground well and storage facilities; and increased noise associated with new well pumps. In addition, there would be new impacts to groundwater levels associated with additional pumping of groundwater that could significantly affect wells adjacent to the Rancheria and over time could affect groundwater over a broader area, including private wells outside of the Rancheria. Unlike the proposed project, depending on the magnitude of significance of impact under this alternative, mitigation measures could be required. Lastly, because groundwater production and recharge on the Rancheria has historically been limited and has fluctuated during drought conditions,<sup>3</sup> there is a possibility that the construction of additional groundwater wells would still result in insufficient water supply to meet the consumptive water and fire suppression needs of the Rancheria for existing and planned uses, or that the reliability concerns would result in an even greater number of wells being drilled and greater impacts on the groundwater in the vicinity of the Rancheria. Under this alternative there would be no effect on EID water supply availability because EID would not be supplying water beyond service consistent with the 1988 El Dorado LAFCO resolution, unless groundwater sources proved insufficient, in which case there may be a need for EID to supply additional water.

### **Relationship to Project Objectives**

The Groundwater Alternative would not meet Project Objective 1 because EID would not provide water service to the Rancheria as described in the MOU. This alternative would meet Project Objective 2 because continuing to provide water consistent with the 1988 El Dorado LAFCO resolution would be consistent with EID's plans, policies and administrative regulations. It is

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<sup>3</sup> Shingle Springs Rancheria Hotel and Casino Project Final Environmental Assessment/Finding of No Significant Impact, December 2001.

uncertain whether this alternative would meet Project Objective 3 because it is unproven whether the combination of EID water supply consistent with the 1988 El Dorado LAFCO resolution and groundwater would be adequate to meet the consumptive water and fire suppression needs of the Rancheria for existing and planned uses because of the uncertainty of adequate potable groundwater supplies on the project site as described above. If EID's water service continued to conform to the restrictions in the 1988 El Dorado LAFCO resolution, no action would be required from LAFCO as described in Project Objective 4; if additional EID water supplies were necessary, LAFCO action would be required and Project Objective 4 would be met.

## 4.2.5 Alternative 5 - Conjunctive Use Alternative

The Conjunctive Use Alternative examines the potential for the Tribe to meet its existing and planned water supply needs of approximately 135,000 gpd through a combination of increased water conservation efforts, increased use of recycled water, increased use of groundwater, and water trucking. Each of these water supply sources are described previously in subsections 4.2.2 through 4.2.4. Implementation of Conjunctive Use Alternative would require construction and operation of storage tanks, water supply distribution infrastructure, and groundwater wells on the Rancheria. The number of water trucks required to supply the Rancheria would be reduced to some degree from the Water Trucking Alternative but would likely still make up the majority of the water supply given the limitations and uncertainties of increased water conservation, increased recycled water use, and groundwater supplies. Under this alternative, EID would continue to supply water to the Rancheria consistent with the El Dorado LAFCO 1988 resolution, through existing infrastructure. EID would not install any new water supply infrastructure on or off of the Rancheria or supply water as set forth in the MOU.

### Impact Analysis

The Conjunctive Use Alternative would involve the construction and operation of storage tanks, water supply distribution infrastructure, groundwater wells, and the expansion of recycled water treatment and distribution facilities on the Rancheria. Therefore, additional ground-disturbing and construction activities would occur which would result in similar types of short-term project-specific and cumulative construction-related impacts (air emissions, noise levels, GHG emissions, biological resources, cultural resources, water quality, etc.) when compared to the proposed project, which is proposed to be installed primarily within an existing road; however they would likely be greater in magnitude because more facilities could be required.

Potentially significant new project-specific and cumulative operational impacts would include visual impacts associated with the new above ground facilities; and increased noise levels associated with the operation of new pumps. Unlike the proposed project, trucking water would result in increased noise, air quality, and GHG emissions associated with the new round trip water truck trips. In addition, this alternative would result in new impacts associated with transportation and circulation including road maintenance and decreased levels of service along truck routes. There also would be impacts to groundwater levels associated with the additional pumping of groundwater that could affect production of neighboring wells off the Rancheria. The use of trucked water could

also result in new impacts to water supply sources outside of the EID service area depending on whether a new source of water would be developed to serve the Rancheria, including new impacts to groundwater and surface water resources. The potential for this impact and the magnitude of such an impact would depend on the location and type of water resource being used for trucking.

Unlike the proposed project, depending on the magnitude of significance of impact under this alternative, mitigation measures could be required. Since the level of the impact is not known, it is also not known whether this impact could be mitigated to a less-than-significant level. Under this alternative there would be no effect on EID water supply availability because EID would not be supplying water beyond that approved in the 1988 El Dorado LAFCO resolution.

### **Relationship to Project Objectives**

The Conjunctive Use Alternative would not meet Project Objective 1 because EID would not provide water service to the Rancheria as described in the MOU. This alternative would meet Project Objective 2 because continuing to provide water consistent with the 1988 El Dorado LAFCO resolution would be consistent with EID's plans, policies and administrative regulations. This alternative would meet Project Objective 3 by providing a reliable water supply to the Tribe through water trucking, which was found to be a feasible water supply alternative in the Shingle Springs Rancheria Hotel and Casino Project EA/FONSI, and which would supplement increased conservation/recycled water and groundwater supplies to the extent necessary. Because EID's water service would conform to the restrictions in the 1988 El Dorado LAFCO resolution, no action would be required from LAFCO as described in Project Objective 4.

## **4.3 Environmentally Superior Alternative**

CEQA requires identification of an environmental superior alternative; that is, the alternative that has the least significant impacts on the environment. **Table 4-1** presents a comparison of the scale of impacts by issue area for the proposed project and each of the alternatives. While there is some uncertainty about the magnitude of some of the impacts of the studied alternatives when compared to the proposed project, in most cases it is clear that the level of impact for each action alternative is equal to or greater than the proposed project because the impacts of the proposed project are none or negligible. While the No Project Alternative would not result in any environmental impacts because no new infrastructure would be constructed and operated, it would not achieve most of the project objectives.

As shown in Table 4-1 and as discussed in the alternatives analysis above, none of the alternatives other than the No Project Alternative is clearly environmentally superior to the proposed project. When the No Project Alternative is the environmentally superior alternative, CEQA Guidelines section 15126.6(e)(2) states that the EIR shall also identify an environmentally superior alternative from among the other alternatives. When none of them is environmentally superior to the proposed project, it is sufficient for the EIR to explain the environmental advantages and disadvantages of each in comparison to the proposed project. In this case, the proposed project represents the environmentally superior alternative. All proposed alternatives other than the No Project Alternative

have the potential to result in greater project-specific and cumulative environmental impacts when compared with the proposed project, specifically related to air emissions, noise levels, GHG emissions, biological resources, cultural resources, water quality, groundwater resources, and transportation and circulation. Furthermore, only the proposed project would achieve all of the stated project objectives.

**TABLE 4-1  
COMPARISON OF ENVIRONMENTAL EFFECTS OF THE  
ALTERNATIVES TO THE PROPOSED PROJECT**

<b>Environmental Issue Area</b>	<b>Proposed Project</b>	<b>No Project</b>	<b>Water Trucking</b>	<b>Conservation/ Recycled Water</b>	<b>Groundwater</b>	<b>Conjunctive Use</b>
Aesthetics	LS	-	+	+	+	+
Agriculture and Forestry	NI	0	0	0	0	0
Air Quality	LS	-	+	+	+	+
Biological Resources	LS	-	+	+	+	+
Cultural Resources	LS	-	+	+	+	+
Geology/Soils	LS	-	+	+	+	+
Greenhouse Gas Emissions	LS	-	+	+	+	+
Hazards/ Hazardous Materials	LS	-	0	0	0	0
Hydrology/Water Quality	LS	-	+	+	+	+
Land Use/Planning	LS	-	0	0	0	0
Mineral Resources	NI	0	0	0	0	0
Noise	LS	-	+	+	+	+
Population/Housing	LS	-	0	0	0	0
Public Services	NI	0	0	0	0	0
Recreation	LS	-	0	0	0	0
Transportation/Traffic	LS	-	+	0	0	+
Water Supply	LS	-	+	-	+	+
Cumulative Water Supply	LS	-	-	-	-	-

NI = No Impact  
 LS = Less than Significant Impact  
 When compared to the proposed project would the Alternative:  
 Substantially Lessen or Avoid Impact (-)  
 Result in Increased Impact (+)  
 Result in Same Impact (0)

As it relates to the Conservation/Recycled Water and Conjunctive Use Alternatives, the feasibility and scale of the required facilities to meet the proposed water demand through conservation and water recycling is currently unknown and would require a detailed engineering analysis to determine if this level of conservation and water recycling is feasible and would be able to meet existing and planned development on the Rancheria. The Groundwater Alternative would result in a potentially unreliable supply based upon historical groundwater supply reliability issues present on the Rancheria. Additionally, increased groundwater pumping has the potential to result in significant impacts related to drawdown of existing wells adjacent to the Rancheria. Thus, reliability on groundwater is suspected to be insufficient to meet future long-term water supply needs for the Rancheria.



## CHAPTER 5

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### Other CEQA Considerations

Section 15126 of the CEQA Guidelines requires that all aspects of a project be considered when evaluating its impact. As part of this analysis, an EIR must identify: (1) potentially significant environmental effects of the proposed project (project-specific and cumulative); (2) potentially significant environmental effects that cannot be avoided if the proposed project is implemented; (3) potentially significant irreversible environmental changes that would result from implementation of the proposed project; and (4) potential growth-inducing impacts of the proposed project. This chapter of the EIR includes the following sections to address the requirements of Section 15126: 5.1 Growth-Inducing Analysis; 5.2 Cumulative Impacts (see also Chapter 3); 5.3 Significant Irreversible Environmental Changes; and 5.4 Significant and Unavoidable Impacts.

#### 5.1 Growth-Inducing Impacts

##### 5.1.1 CEQA Definition of Growth Inducement

The CEQA Guidelines require that an EIR evaluate the growth-inducing impacts of a proposed project (Section 15126.2[d]). A growth-inducing impact is defined by the CEQA Guidelines as:

*[T]he ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth... It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.*

A project could directly and/or indirectly induce growth. Direct growth inducement could result if a project resulted in establishing a new demand for public services, facilities, or infrastructure, such as construction of new housing. Indirect or secondary growth could occur if a proposed project would establish substantial new permanent employment opportunities (e.g., commercial, industrial or governmental enterprises) or if it would involve a substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand.

A project could indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint or increasing the capacity of a required public service, such as increased water supply capacity. As defined in the CEQA Guidelines, growth inducement itself is not necessarily an adverse impact; however it is the potential consequences of growth, the secondary effects of growth, which may have an environmental impact. Potential

secondary effects of growth include increased demand for other community and public services and infrastructure, increased traffic and noise, and adverse environmental impacts such as degradation of air and water quality, degradation or loss of plant and animal habitats, and conversion of agricultural and open space land to developed uses.

## 5.1.2 Approach to Analyzing Growth-Inducing Effects

The proposed project would result in a direct growth inducement effect if it would establish new demand for public services, facilities, or infrastructure, such as construction of new housing. The proposed project would result in an indirect growth inducement effect if it removed an obstacle to growth (for example, causing EID to increase its water supply or the capacity of its delivery system) or contributed to secondary effects due to population growth and associated development.

An adverse secondary impact could occur if the growth induced as a result of the proposed project is not consistent with or accommodated by a local planning document, typically a General Plan and EIR. General plans and other local land use plans provide for land use development patterns and growth policies that allow for the “orderly” expansion of urban development supported by adequate urban public services, such as water supply, sewer service, and new roadway infrastructure. A project that would induce “disorderly” growth (i.e., a project in conflict with local land use plans and policies) could indirectly cause adverse environmental impacts, for example, loss of agricultural land that has not been addressed in the planning process.

However, in the case of the proposed project, the Rancheria is held in trust for the Shingle Springs Band of Miwok Indians by the federal government, and therefore physical improvements on the Rancheria are not subject to El Dorado County land use jurisdiction. As described in Section 3.2, land use on the Rancheria is governed by a Tribal Land Use Plan and specific development ordinances consistent with the El Dorado County General Plan. The Tribe has identified the proposed project as being consistent with the Tribal Land Use Plan. Thus, development on the Rancheria pursuant to the Tribe’s sovereign land-use authority is consistent with the El Dorado County General Plan.

## 5.1.3 Analysis

Under the proposed project, EID would provide water service to the Shingle Springs Rancheria consistent with the MOU and the Tribal Land Use Plan to serve existing uses on the Rancheria. EID would provide the Rancheria with water service at a maximum rate of 95 gpm and an average volume of 135,000 gpd (a net increase of 215.75 EDU over the existing 45 EDU of service). The WSA prepared for the proposed project (Appendix C) identified that projected EID water supplies available during normal, single dry and multiple dry years would meet the projected water demands for existing and planned future population and growth, including demand associated with the project, during the 20-year projection period. The project does not necessitate or include any increases in water supply capacity beyond those already included in EID’s 2010 UWMP.

All proposed water supply distribution facilities would be constructed specifically to serve the Rancheria consistent with the MOU and Tribal Land Use Plan, and would not serve other uses



outside the Rancheria or be used to foster additional unplanned growth within the Rancheria. These facility improvements accordingly do not increase the capacity of EID's water delivery system. Growth and development on the Rancheria, including the casino and hotel, would occur with or without the proposed project and were reviewed pursuant to NEPA and CEQA. Specifically, the casino and hotel project was reviewed pursuant to NEPA in 2001. Caltrans and the BIA also prepared and certified a joint NEPA/CEQA document in 2002, which analyzed off-Rancheria impacts of the interchange and the hotel and casino. Measures to protect sensitive environmental resources as a result of potentially significant impacts, including growth inducing impacts associated with development on the Rancheria, were implemented. Measures identified to reduce potentially significant adverse impacts associated with the development of the hotel and casino project included the installation of water supply infrastructure consistent with the proposed project. Because the proposed project would only serve existing and planned development on the Rancheria, potential growth associated with such development has been analyzed and mitigated as part of the Shingle Springs Rancheria Hotel and Casino Project Final EA/FONSI. The proposed project would not add water supply capacity or infrastructure for uses outside the Rancheria or result in capacity to be added to existing water systems. Therefore, the proposed project would not result in direct or indirect growth inducing impacts.

## 5.2 Cumulative Impacts

### 5.2.1 Methodology

A project may have significant environmental effects when viewed in connection with the effects of past, other current, and probable future projects. CEQA Guidelines Sections 15065(a)(3) and 15130(a) define these effects as "cumulatively considerable," and require that these impacts are discussed within an EIR. Section 15130(b) of the CEQA Guidelines states that the following three elements are necessary to an adequate discussion of significant cumulative impacts:

- Either: (A) a list of past, present, and probable future projects producing related or cumulative impacts, including those projects outside the control of the Lead Agency (i.e., the list approach); or (B) a summary of projections contained in an adopted general plan or related planning document or in a prior adopted or certified environmental document that described or evaluated regional or area-wide conditions contributing to the cumulative impact (i.e., the plan approach).
- A summary of expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available.
- A reasonable analysis of the cumulative impacts of the relevant projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the Project's contribution to any significant cumulative effects.

### 5.2.2 Context for Cumulative Impacts Analysis

UWMPs are prepared by California's urban water suppliers to support their long-term resource planning and ensure adequate water supplies are available to meet existing and future water

demands. Every urban water supplier that either provides over 3,000 acre-feet of water annually or serves more than 3,000 or more connections is required to assess the reliability of its water sources over a 20-year planning horizon, updated every 5-years, and must consider normal, dry, and multiple dry years. Thus the context of water supply described within UWMPs is cumulative in nature, and the UWMP provides the required background elements for this cumulative impacts analysis.

In preparing the 2010 UWMP, the District coordinated with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies. Specifically, the District coordinated with and sent a letter to the EDCWA, the El Dorado County Planning Department, the City of Placerville, and the City of Folsom.

As described above, the CEQA Guidelines identify two basic methods for establishing the cumulative environment in which the project is to be considered: the use of a list of past, present, and reasonably anticipated future projects, or the use of adopted projections from a general plan or other regional planning document. The focus of this EIR is existing and future water supply availability; hence, it uses the second approach. The 2010 UWMP and WSA are the regional water supply planning documents, and therefore provide the background context for that analysis. All other issues were determined to be less than significant or have no impact in the Initial Study Checklist (Appendix A), and therefore required no further analysis. Because the focus of the analysis is on current and future water supply availability that draws from the EID 2010 UWMP and WSA, the analysis presented in Section 3.2, Water Supply, provides a cumulative context for analysis, and therefore the cumulative analysis in this EIR relies on the “plan approach” for identifying and evaluating cumulative impacts.

The cumulative impact analysis presented here is a summary of the discussion provided in Section 3.2, which relied on data contained in the proposed project WSA (Appendix C) and from EID’s 2010 UWMP. The water demand projections contained in the UWMP, which are incorporated in this EIR and in the WSA, were generated by EID based on population projections within EID’s service area (see Table 2-1 in Chapter 2, Project Description).

As discussed in Chapter 2, the growth and population projection assumptions used in support of the UWMP were developed based on historical growth patterns within EID’s service area, combined with market research, and new housing unit commitments (i.e., issued permits or approved subdivisions) for future conditions. Water demand projections were estimated, within the UWMP, based on a combination of population projections (see top row of Table 2-1) and historic and target per capita water use rates, as described in Section 3 of the 2010 UWMP. In this manner, the water demand projections contained in the UWMP provide a sufficient basis for evaluating cumulative project impacts through the 20-year projection timeframe of the 2010 UWMP.

### **5.2.3 Cumulative Impact Analysis**

The water supply and demand projections contained in the WSA for the proposed project, as well as EID’s 2010 UWMP, consider the potential effects of ongoing growth and associated increases

in population and water use that would result from estimated growth in housing, commercial/industrial uses, landscape, agricultural, and other authorized water uses. These demands within EID's service area are summarized in Table 3.2-4 (Section 3.2, Water Supply). Additional demands, including water sales to other agencies, losses, and other demands, are also considered within the UWMP, and have been incorporated into the demand figures contained Tables 3.2-7, 3.2-8, and 3.2-9. Similarly, water supply projections included in Tables 3.2-7, 3.2-8, and 3.2-9 include water that is currently available under existing conditions, as well as water available from existing and new supplies, as relevant throughout the 2010 to 2030 timeframe, based on UWMP data. Therefore, the analysis of the project-specific impact contained in subsection 3.2.4 of Section 3.2, Water Supply, is also relevant to the cumulative impact analysis presented here, because the demand and supply values described in Section 3.2 reflect cumulative conditions for the 2015-to-2030 projection timeframe and reflect the proposed project's impact on those cumulative conditions.

In accordance with the analysis presented in Section 3.2, sufficient water would be available to provide water to the proposed project, in combination with anticipated cumulative water demand and cumulative water supply conditions, through 2030. Specifically, even without continued implementation of water conservation practices, and without implementation of drought-related demand reduction requirements, the WSA and the 2010 UWMP conclude that sufficient water supply would be available to EID to serve anticipated cumulative demand, including the proposed project, during normal, single dry, and multiple dry years through 2030. Therefore, considering the potential effects of climate change on water supply, a combination of ongoing water conservation planning and dry year demand reduction requirements are expected to be sufficient to maintain supply even during multiple year drought conditions. As a result, the cumulative water supply impact of the proposed project would be less than significant.

### 5.3 Significant Irreversible Environmental Changes

CEQA Guidelines Section 15126.2(c) requires an evaluation of the significant irreversible environmental changes that would be caused by a project if implemented, as described below:

*Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse there after unlikely. Primary impacts, and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.*

The CEQA Guidelines discuss the need to evaluate and justify the consumption of nonrenewable resources and the extent to which the project commits future generations to similar uses of nonrenewable resources. In addition, CEQA requires that irreversible damage resulting from an environmental accident associated with the project be evaluated.

Construction of the proposed project would indirectly result in a commitment of nonrenewable natural resources. Construction and installation of the proposed project facilities, including the

flow meter vault, 4,025 feet of new 12-inch water supply pipeline, and backflow prevention assembly structure would result in the commitment of nonrenewable nature resources such as gravel, petroleum products, steel and other materials. However, use of nonrenewable natural resources would be limited due to the limited scope of new project facilities. Project operation would result in a commitment of energy resources such as fossil fuels as part of routine maintenance activities; however, maintenance activities associated with the proposed project would be minimal when compared to existing conditions. Therefore, the amount of nonrenewable resources required to serve the proposed project would be limited. It is assumed that the rate and amount of energy consumptions would not result in the unnecessary, inefficient or wasteful use of resources and would be accomplished in a manner consistent with applicable laws and regulations.

## **5.4 Significant and Unavoidable Impacts**

CEQA Guidelines Section 15126.2(b) states that an EIR must describe any significant impacts, including those that can not be mitigated to a level of insignificance. Implementation of the proposed project would not result in any significant and unavoidable impacts.

## **CHAPTER 6**

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## CHAPTER 7

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