



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

North Central Region

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GAVIN NEWSOM, Governor

CHARLTON H. BONHAM, Director



June 4, 2024

Brian Deason

Environmental Resources Supervisor

El Dorado Irrigation District

2890 Mosquito Road

Placerville, CA 95667

bdeason@eid.org

Subject: El Dorado Irrigation District Five-Year Conserved Water Transfer Project
NEGATIVE DECLARATION (ND)
SCH No. 2024050686

Dear Brian Deason:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an ND from El Dorado Irrigation District (EID) for the El Dorado Irrigation District Five-Year Conserved Water Transfer Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

EID plans to transfer up to 740 acre-feet (AF) annually of its pre-1914 water right water to Westland's Water District (WWD). The proposed project includes potential annual transfers of conserved water from 2024 to 2028. In the spring of 2022, EID completed construction of the Upper Main Ditch Piping Project (piping project). The piping project involved converting the earthen unlined Upper Main Ditch that delivered water from El Dorado Forebay to the Reservoir 1 Water Treatment Plant to a piped conveyance (Main Pipeline). The water made available for transfer is water that was previously lost through evaporation and seepage from the Upper Main Ditch and is now conserved through operation of the Main Pipeline.

Under the proposed project, EID's diversions from the South Fork American River (SFAR) at the El Dorado Diversion Dam will not change. The same amount of water will be diverted into the El Dorado Canal and conveyed to the El Dorado Forebay. From Folsom Reservoir, the conserved water would be re-regulated by the U.S. Bureau of Reclamation (Reclamation) for delivery to WWD for use in their service area south of the Delta. The actual transfer quantity of conserved water will depend on hydrologic conditions and consumptive demand patterns leading up to and during the transfer period; however, the quantity will not exceed 740 AF annually between 2024 and 2028.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist EID in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT 1: Reporting, Tracking, and Project Schedule ***2.7-2.8 Reporting and Tracking Procedures, pages 11-12***

Issue: The ND describes procedures EID proposes to employ in order to report and track water transferred in the proposed project, as well a schedule for the conveyance of water, but does not provide adequate details on tracking and timing.

Recommendation: CDFW recommends EID provide additional detail related to the timing of accounting and tracking, such as whether tracking will occur in real-time or at the end of the diversion season. CDFW also requests additional information related to how results of the Summary Report will be used to inform future transfers and/or project operations.

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COMMENT 2: Water Balance and Seepage Loss Estimates
Attachment B: Technical Memorandum, pages 9-20

Issue: The Technical Memorandum outlines the approach used to estimate the amount of Main Ditch seepage losses that would have reached the SFAR and are therefore not included in the volume of water to be transferred. The analysis concludes that the rainfall and snowmelt associated with water year type is a primary factor in the amount of seepage loss reaching the SFAR, and that water year type provides a reasonable means of estimating seepage loss under future transfer scenarios.

Recommendation: CDFW appreciates the technical analysis performed to estimate seepage losses. CDFW is curious as to whether EID has explored carryover effects of consecutive wet or dry years on estimated seepage loss percentages; for example, if three or more wet years occur consecutively, does 33% remain an appropriate seepage loss estimate? CDFW recommends exploring potential effects of carryover groundwater storage as a result of water year types, or accumulated deficits resulting from consecutive dry or critical years, in order to inform and potentially refine seepage loss estimates. Additionally, CDFW recommends updating this analysis with data from water year 2021, as only 10 years of data were used to determine seepage loss estimates.

COMMENT 3: Additional Information Related to Quantity of Conserved Water
2.0 Project Description and Attachment B: Technical Memorandum

Issue: The Project Description and Attachments included in the ND provide details related to the quantity of conserved water that will ultimately be made available for transfer as part of the proposed Project. However, further information is needed to adequately assess the quantity of conserved water available.

Recommendation: CDFW recommends EID revisit the 2016 water loss analysis and critically assess whether “discussions with EID staff” and “review of mathematical models” provide sufficient information to determine estimated losses outside of the range of observed flows. Should these estimates be deemed insufficient and removed from the analysis, CDFW recommends including data from water year 2021 to the dataset.

CDFW also recommends EID make available the previous record of consumptive use or stored water under the water right proposed for transfer to confirm the quantity of conserved, transferable water. The calculations and the record of previous uses under water right S009034 determine water eligible for transfer and may affect the availability of water for downstream users, including public trust resources such as fish and wildlife, and ultimately determine if the conserved water transfer will avoid potential injury to downstream beneficial uses and public trust resources (Wat. Code, § 1706).

COMMENT 4: Impacts to Folsom Reservoir Coldwater Pool
4.4 Biological Resources, pages 24-27

Issue: The coldwater pool in Folsom Reservoir provides habitat for a variety of coldwater fish species, including rainbow trout (*Oncorhynchus mykiss*) and Chinook salmon (*Oncorhynchus tshawytscha*). In addition, the coldwater pool provides a significant source

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of cold water in the summer and early fall in the Lower American River for fall-run Chinook salmon and the federally threatened Central Valley steelhead (*Oncorhynchus mykiss*), and Reclamation manages releases from the coldwater pool for the protection of these species. The ND states that the proposed project will not result in any changes in reservoir water temperatures or subsequent changes to volume of the coldwater pool. It is unclear how EID made this determination.

Recommendation: In order to fully evaluate any potential impacts of the proposed Project to the volume of the coldwater pool and coldwater releases to the Lower American River, CDFW recommends EID consult with Reclamation and conduct a temperature analysis. The ND states that transfer water may either remain instream in the SFAR until Folsom Reservoir, or it may be diverted into the El Dorado Canal and Forebay and returned to the SFAR after non-consumptive power generation. The ND should consider whether the transfer will lead to more water from the El Dorado Forebay entering Folsom Reservoir and provide information on the typical water temperatures of the Forebay and SFAR during the transfer period.

The temperature analysis should verify that the volume of coldwater habitat available in the reservoir and for downstream releases will not change as a result of this project, and that Reclamation will continue to be able to meet temperature requirements in the Lower American River.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North

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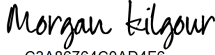
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Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the ND for the El Dorado Irrigation District Five-Year Conserved Water Transfer Project to assist EID in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Alyssa Obester, Senior Environmental Scientist (Specialist) at alyssa.obester@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Morgan Kilgour
Regional Manager

ec: Briana Seapy, Senior Environmental Scientist (Supervisor)
Alyssa Obester, Senior Environmental Scientist (Specialist)
Bridget Gibbons, Environmental Scientist
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento