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July 13, 2009

Sacramento County Environmental Coordinator  
Department of Environmental Review and Assessment  
827 7<sup>th</sup> Street, Room 220  
Sacramento, CA 95814

RE: ECOS Comments, Draft EIR, Sacramento County General Plan Update  
SCN #2007082086

To Whom It May Concern:

These comments are submitted by the Environmental Council of Sacramento (ECOS), a membership-based not-for-profit organization located in Sacramento County and committed to achieving a sustainable Sacramento County and region.

Based on our review of the County of Sacramento's General Plan Update (Project) and the Draft Environmental Impact Report (DEIR) prepared for this Project, ECOS has concluded that the DEIR fails to comply with state law requirements under the California Environmental Quality Act (CEQA) in the following ways: the DEIR fails to properly and fully analyze the significant environmental impacts associated with the Project and fails to properly analyze appropriate mitigation measures for these impacts; additionally, the DEIR fails to properly consider a reasonable range of alternatives and fails to provide a proper analysis of alternatives as required by CEQA.

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### **1. The Central Groundwater Basin**

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One measure of whether the Proposed Project would result in a significant impact to the region's water supply is if it would contribute towards exceeding the average yearly sustainable yield of the Central Groundwater Basin. The DEIR uses 273,000 AFA as the sustainable yield, as estimated in the 2000 Water Forum Agreement. We believe that there is a need for a new analysis of the sustainable yield, as well as new studies determining actual groundwater demand. Without a new analysis the County is left with increasing uncertainty about the Central Groundwater Basin, and the DEIR cannot document that sufficient supply will be present to meet demand.

- The current estimate of the sustainable yield is a decade old, and total Central Basin groundwater pumping at buildout (244,049 AFA) is already approaching the Basin's presumed capacity (DEIR, Page 6-67). Obtaining a higher degree of certainty regarding the sustained yield of the Basin is now imperative.
- How much of the capacity of the Central Basin will be impacted by the Aerojet cleanup; how much water will be remediated?
- The DEIR makes an assumption as to how much groundwater can be supplied to new urban growth in the unincorporated area of Zone 40 consistent with the sustainable yield of the Central Groundwater Basin. The DEIR must look at the cumulative environmental impacts of proposed projects, yet potential new water demands of the growing cities of Elk Grove and Rancho Cordova are not accounted for in the DEIR.
- Central Basin demands resulting from private groundwater pumping by rural landowners should also be a part of the additional analysis.

## **2. Water Supply Shortage Associated With the Proposed Project**

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In spite of the DEIR's failure to address the uncertainties above and its best-case scenario for the yield of the Central Basin, a water supply shortage is still anticipated in the County's ability to serve the supply needs of the Proposed Project. To cover whatever the shortage may be, a number of measures to boost supply are discussed with varying degrees of feasibility and reliability. Beyond recycled water, which is expensive but has a high degree of reliability, the other sources of new surface water appear highly speculative, some are unrealistic, and none are secured by contracts or water rights.

### **Enhanced Conservation:**

Given the past performance of water purveyors in Sacramento County, the suggestion that an enhanced level of water conservation can be achieved invites skepticism. The DEIR already assumes purveyors will achieve new water conservation of 25.6%; that will be difficult enough. The number is derived from a Water Forum Agreement estimate based what would be achievable by the region if all the Water Conservation BMPs were fully implemented by all purveyors which are signatories to the Agreement. However, none of the water purveyors relying on the Central Basin to date have come close to achieving this level of conservation. Through 2006, SCWA had met only three of ten Water Conservation BMP targets (see *Water Forum Water Conservation Report, Years Five and Six*).

### **Robust Conjunctive Use Based on Obtaining New Surface Water Supplies:**

Robust conjunctive use depends on new surface water, yet no new water rights, contracts or other assurances of new surface water are documented. Possibilities mentioned include:

- **Unused Freeport Diversion and Conveyance Capacity:** This could be a source of remediated water, but a number of other water purveyors already intend to make use of Freeport capacity, including EBMUD and the City of Folsom. Furthermore, the Freeport facility lacks the federal permits that it needs to become operational. Those permits are directly dependent

on the successful adoption of the South Sacramento Habitat Conservation Plan. The Freeport diversion may also be held hostage to adoption of the Bay-Delta Habitat Conservation Plan.

- Expanded water rights: The prospects of obtaining revoked Auburn Dam water rights are unlikely. The entire available American River supply is already subject to existing water rights, and even if the State Water Resources Control Board saw fit to issue additional water rights, SCWA would be junior to a number of more senior water right holders. Additionally, the granting of any new water rights on either the Sacramento River or American River is very much in doubt given the fact that more water rights have been granted in California than reflected in the actual available water resources, and that the San Francisco Bay-Delta is in a state of collapse and subject to ongoing adjudication.

### 3. Mitigation of Water Supply Shortage

The above discussion leads to the conclusion that the discrepancy between actual water supply and project water demand may be greater than calculated in the DEIR and that the potential sources of additional supply may be very difficult to achieve. However, the significant and unavoidable impact of inadequate supply to accommodate the project can be mitigated by the adoption of stronger policies to ensure that entitlements for new development don't create both an expectation of supply and a legal obligation to provide a supply which may not be achievable. Mitigation measure WS-1 is a step in the right direction:

WS-1. The following policy shall be added to the General Plan: New Development that will generate additional water demand shall not be approved or building permits shall not be issued if sufficient water supply is not available.

However, trigger for withholding approval is far too late in the development process to avoid the expectation and obligation of available water. More importantly, the new growth contemplated in the proposed project is of sufficient scale to warrant pause in assuring that the estimates of current yield for the Central Basin are valid in light of current circumstances and consideration of how the sustainable yield will be shared among jurisdictions with land use control in Zone 40. ECOS recommends the following revision to WS-1 to make it a much more effective mitigation of the significant impact identified by the DEIR:

Modified Mitigation Measure WS-1: The following policy shall be added to the General Plan:

~~New Development that will generate additional water demand shall not be approved or building permits shall not be issued if sufficient water supply is not available.~~ **Zoning or other entitlements shall not be approved for urban development within new growth areas in Zone 40 (as identified by appropriate exhibit) until such time as**

- 1) **A review of the sustainable yield from the Central Basin Groundwater System has been completed and adopted by Water Forum participants**

- 2) **Jurisdictions with land use control in Zone 40 have signed an agreement allocating among them the sustainable groundwater yield established by the Water Forum Agreement, and**
- 3) **An additional long-term water supply has been secured and funded via agreement and/or ordinance to provide recycled, remediated, new surface water or other supply sufficient to accommodate the projected cumulative demand of all planned growth within Zone 40 as identified in the extant General Plan, without assuming additional conservation reductions.**

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