August 11, 2025

Mr. Brian Deason
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2890 Mosquito Road
Placerville, CA 95667

Submitted electronically to: P21112EIR@eid.org

Re: Comments on the DEIR for the Modification of Water Right Permit 21112

Dear Mr. Deason,

This letter is submitted as the comments of Friends of the River, California Sportfishing Protection Alliance, American Whitewater, California Outdoors, American River Outfitters Association, and American River Recreation Association (NGO Coalition) regarding the June 2025 Draft Environmental Impact Report (DEIR) for the Modification of Water Right Permit 21112, prepared for the El Dorado Irrigation District (EID).

According to the DEIR, EID is proposing to modify Water Right Permit 21112 in order to add an additional authorized upstream point of diversion and an additional place of storage and point of re-diversion to storage to more effectively and efficiently manage water in the District's system and to meet future water demands within El Dorado County.

We appreciate the work EID has done to date to identify potential impacts of the proposed modifications. However, there remain a number of potential significant impacts which have not been adequately evaluated, including but not limited to how the Project will be operated and perform under likely climate change scenarios, how the project might impact the experience of the South Fork American River for recreationists and, by extension, the local recreation economy, and how the project may impact growth and development in El Dorado County. Additionally, it is worth reiterating that the local community has voiced significant concerns about the proposed Project and its impact on their community, economy, and river system.

In summary, the DEIR appears to be inadequate in its evaluation of the impacts of the proposed Project and fails to address all likely operational scenarios should the proposed Project be approved. Specifically, the DEIR:

- Fails to incorporate climate change scenarios in its modeling of operational scenarios including:
    - Warming-induced shifts in runoff timing
    - Increasing frequency of Dry and Critically Dry years
- Fails to adequately address the impacts of the proposed Project on whitewater boating and recreation and
    - Fails to provide adequate mitigation measures
- Fails to assess how the proposed Project would incentivize and enable the transfer of EID water out of its service area and
    - Fails to disclose out-of-basin transfers as a project objective
- Fails to address the cumulative impacts of the proposed Project and other proposed water project developments in the watershed
- Fails to identify and address how the Project might incentivize further development and population growth

I. The DEIR Must Incorporate Modeling of Project Operations Under Likely Climate Change Scenarios

The DEIR includes detailed hydrological modeling that seek to address changes in seasonal flows based on an established Baseline and Future Baseline, both with existing infrastructure and following construction of the proposed Project ("Post-Construction).[1]

The study period referenced by the HEC-ResSim model simulations is October 1, 1974 to September 30, 2001.[2] The DEIR describes this in Appendix B2, 1.4 stating, "The study period…

[1] *See*, e.g., DEIR, at 3.6.6, p. 3-16, 3-17, 3-18, 3-19, 3-20, 3-21.
[2] *See*, e.g., DEIR, Appendix B2, HEC-ResSim Modeling Technical Report, at 1.4, 1.5, p. 3-5.

provides a range of water supply conditions… [and] includes single critically dry years, extended droughts, and wet periods, all of which are expected in the future."[3]

While this study period may include a variety of relevant water years, it does not negate the need for modeling of Project operations under a range of likely climate change scenarios. The current DEIR states that "it is assumed that past hydrologic conditions are a reasonable indicator of the range of potential future hydrologic conditions".[4]

The Coalition believes that this assumption renders the analysis incomplete and is not an adequate or reliable basis on which to move forward on the proposed Project. The DEIR must include modeling of Project operations and impacts under climate change scenarios, including, but not limited to, warming-induced shifts in snowmelt and runoff timing and the likely increasing frequency of Dry and Critically Dry years. Further, all project impacts, as well as operational plans, should account for this updated modeling and address all relevant changes as a result.

II. The DEIR Must Adequately Address the Impacts of the Proposed Project on Whitewater Boating and Recreation

The South Fork American River is one of the most highly used year-round destinations for whitewater recreation in the nation. User groups include not only private boaters from El Dorado County, but also visitors from across the country and abroad. Further, the South Fork American River has allowed for the development of a robust commercial whitewater economy that plays a significant role in the local and regional economy, with upwards of 20 commercial outfitters operating on the river.

In February of 2024, El Dorado Water Agency published "Outdoor Recreation in the Upper American River Watershed: An Analysis of Economic Impact and Value."[5] This report found that outdoor recreation tourism, including whitewater recreation, is a significant economic driver in the Upper American River Watershed (UARW), bringing substantial tourism and driving resident and tourist spending. In fact, the report finds that total consumer spending associated with outdoor recreation in the UARW in 2022 was $382 million and supported wages for 2,500 jobs.[6]

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[3] *See*, DEIR, Appendix B2, Hec-ResSim Modeling Technical Report, at 1.4, 1.5, p. 3-5

[4] *See*, e.g., DEIR, Appendix B2 at 1.4, p. 3, "The study period of October 1, 1974, to September 30, 2021, provides a range of water supply conditions adjusted for the influence of upstream flow regulation. This study period includes single critically dry years, extended droughts, and wet periods, all of which are expected in the future. It is assumed that past hydrologic conditions are a reasonable indicator of the range of potential future hydrologic conditions.

[5] "Outdoor Recreation in the Upper American River Watershed: An Analysis of Economic Impact and Value", prepared by Radbridge Incorporated for the El Dorado Water Agency, February 20, 2024. [https://www.edwateragency.org/files/assets/wateragency/v/1/documents/202402_edwa_uarw-recreation-analysis.pdf]

[6] *See*, *id*, p. 30.

Significantly, the report notes that the ecological integrity and natural beauty of the UARW plays a critical role in the region's economy as a primary driver of tourism.[7]

Given this data, it is clear that outdoor recreation, including whitewater recreation, plays a significant economic role in the UARW. Therefore, the impact of the proposed Project on recreation is significant not only because many residents and tourists go to the South Fork for recreation, but also because the river sustains this local economic engine.

While the DEIR seeks to evaluate the impact of the proposed Project on boatable flows, and acknowledges the potential loss of boatable days in certain years, it fails to adequately identify the impacts of the proposed Project on recreation under a range of likely climate change scenarios.[8] Further, the DEIR fails to account for the impact to the local recreation economy as a result of the reduction in boatable days, particularly in Dry and Critically Dry years.

In addition, the DEIR uses a broad hydrologic modeling definition that inflates the number of boatable days by not considering whether the identified flows would have a qualitative impact on the experience of whitewater recreationists and their decisions to boat. In its calculations of lost boatable days, the DEIR assumes a "Boatable Flow Range" that does not accurately reflect the experience of all whitewater recreationists on the South Fork American, which include hardshell kayaks, inflatable kayaks, rafts, packrafts, river boards and standup paddleboards. Each whitewater user type is impacted differently by changing flows. For instance, the DEIR's stated minimum "Boatable Flow Range" at Chili Bar and The Gorge (700cfs and 800cfs respectively) is far below what the majority of whitewater rafters deem boatable.[9]

Significantly, the DEIR fails to offer meaningful mitigation strategies and undervalues the impact of lost boatable days and reductions in flow (including reductions in flow that remain within boatable ranges). The DEIR fails to determine whether, and to what extent, a reduction in boatable flows and days will reduce the overall attractiveness of the river to recreationists, and how this may result in a greater negative impact to regional recreation than captured in the number of boatable days lost.

Finally, the DEIR fails to adequately evaluate the impacts of the proposed Project on Sacramento Municipal Utility District's ability to meet the required conditions of its Federal Energy Regulatory Commission (FERC) hydropower license for the Upper American River Project. SMUD is required to provide 12 additional days of recreational flows on the Slab Creek section of the South Fork American River under the current license.[10] These flows are triggered when recreation use numbers surpass a prescribed 5-year daily average of 95 boaters.[11] These

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[7] *See*, *id*, p. 37.
[8] *See*, e.g., DEIR at 4.16 Recreation, Impacts on Whitewater Boating on the South Fork. *See also*, e.g., DEIR, Appendix F, Recreation Analysis Supporting Data
[9] See, DEIR, Table 4.16-1, p. 4.16-7
[10] *See,* FERC eLibrary Accession #20140723-3046 (29676979), p. 209
[11] *See,* FERC eLibrary Accession #20241223-5424, p. 12

additional recreational flow days were not evaluated under the HEC-ResSim hydrologic modeling used for the DEIR because EID determined it is unknown when the trigger for requiring these additional flows would be met. However, the use trigger does not change the obligation of SMUD to provide up to 12 additional days of recreational flow once it is met. Of particular concern is that SMUD must have the ability to provide 6 additional days of recreational flow in Critically Dry years and 12 additional days in Dry years. These are the water year types EID's hydrologic model identified as having the greatest potential loss of opportunistic boatable days. Without accounting for these SMUD required flows in the parameters of the hydrologic modeling, the impacts of the proposed Project on whitewater recreation remain unclear.

The DEIR must identify and address the likely impact of the proposed Project on whitewater recreation under climate change scenarios, address the true cost of the loss of boatable days and the reduction in opportunistic flows on the recreation experience, evaluate the impact to SMUD's ability to meet license-required recreational flows, and provide appropriate mitigation measures to minimize both the experiential losses of river flows and the economic impacts of these losses for the regional recreation economy. The only adequate way to do such an analysis is to include the missing required recreational flow parameters at Slab Creek in the HEC-ResSim hydrologic model and through further consultation with the whitewater and river recreation community.[12]

III. The DEIR Must Assess How the Proposed Project Would Incentivize the Direct or Indirect Transfer of EID Water Out of its Service Area

El Dorado Irrigation District has engaged in water transfers that resulted in water being sold out of the American River Watershed and outside of the District's services area. As stated in EID's 2020 Urban Water Management Plan, **"**the District has transferred its water assets to others outside of the District's service area when not needed to meet the current or planned needs of its customers. Due to the success of these transfers, the District will continue to seek opportunities to transfer its water assets when not needed for its customers."[13]

It is therefore reasonably foreseeable that EID still intends to transfer (sell) water out of the watershed in the near future. Further, it is apparent that the proposed Project may directly or indirectly enable such water transfers (sales) by freeing up water under EID's pre-1914 water rights for sale.

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[12] The undersigned organizations have the knowledge and expertise to provide such professional consultation services.
[13] EID 2020 Urban Water Management Plan, at 3.6, p. 3-11. [https://www.eldoradocounty.ca.gov/files/assets/county/v/1/documents/land-use/planning-amp-zoning/environmental-impact-report-documents/marble-valley/eid-2021-urban-water-management-plan.pdf]

Facilitation of out-of-basin water transfers should therefore be included as a project objective. The DEIR fails to disclose how the stated project objective to "[i]ncrease flexibility and reliability in water delivery systems" also applies to out-of-District water deliveries.[14]

Some of EID's pre-1914 water rights, currently diverted for use in the upper watershed, would effectively be freed up for out-of-basin transfer by EID's ability to divert Permit 21112 water at Kyburz (including storage in Jenkinson Lake) under the proposed Project. Therefore, although the District is not proposing to expand Permit 21112's place of use outside EID's service area, the proposed project could enable the transfer of water under EID's other water rights without the place of use constraints.

Transfers generally involve some demonstration that the transferred water could have been used or stored in the watershed of use but are instead being sold to buyers outside the service area. Thus, transfers can create some additional risk of creating supply constraints for EID customers in future years if storage, particularly in Caples Reservoir, is drawn down to facilitate transfers.

The DEIR does not adequately address EID's expressed interest in transferring (selling) water outside of the watershed and does not disclose how the proposed Project may allow for, or incentivize, such sales. The DEIR should disclose and address these operational scenarios, including whether EID will seek to use Permit 21112 water to "backfill" the sale of water under their pre-1914 water rights using the increased operational flexibility of the proposed Project. This disclosure is a necessary element to inform the decision-making process of the State Water Resources Control Board, a responsible agency under CEQA.

IV. The DEIR Must Address the Cumulative Impacts of the Proposed Project and Other Proposed Water Supply Development in the Watershed

In October of 2024, El Dorado Water Agency (EDWA) released a DEIR for the El Dorado Water Reliability Project (EDWRP). With this Project, EDWA seeks to secure the rights (State Filed Applications 5644 and 5645) to an additional 40,000afy from the Upper American River and its tributaries.[15] EDWA states that this additional water would be "put to reasonable and beneficial use to help meet projected water demands" in El Dorado County.[16]

The DEIR for the proposed modification of Water Right Permit 21112 only briefly mentions the El Dorado Water Reliability Project, claiming that "there is insufficient detail available

[14] *See* DEIR at 1-2.2 Project Objectives, p. 1-2.
[15] *See*, DEIR, El Dorado Water Reliability Project, October 2024
[16] *See*, DEIR, El Dorado Water Reliability Project, at ES.1, p. ES-1

regarding how this project would be operated... to make an informed assessment of potential cumulative impacts."[17]

This dismissal is inadequate. The EDWRP seeks to remove a substantial amount of water from the Upper Watershed, and seeks to put this water to use (in part) in the same service area that EID seeks to use water diverted under the modification of Permit 21112. Given the availability of the Draft EIR and supporting documents for the EDWRP, it is more than reasonable that the cumulative impacts of these projects should be assessed and considered within the scope of this DEIR.

The DEIR must adequately address the interaction between the proposed Project and other relevant present and future projects. Specifically, the DEIR should assess and disclose the potential cumulative impacts of the Project and the proposed El Dorado Water Reliability Project.

V. The DEIR Must Identify and Address How the Project Might Incentivize Further Development and Population Growth

Pursuant to the CEQA Guidelines, the "Growth-Inducing Impact of the Proposed Project" "shall be discussed," "preferably in separate sections or paragraphs of the EIR." (*Cal. Code of Regulations, Title 14 § 15126.*)

As stated in the proposed Project's objectives, El Dorado County expects significant population growth over the coming decades. Indeed, this population growth is a major factor in the proposal of this Project. The DEIR assumes increased water demand based on projections from EID's 2020 UWMP through the year 2045. However, the DEIR does not adequately account for how the proposed Project may induce population growth and development within EID's service area.

The DEIR states that the proposed Project's "increase in water supply reliability would not induce substantial population growth, either directly or indirectly because there would be no increase in the total amount of water allowed to be diverted or stored under the District's water right Permit 21112".[18] The DEIR later reiterates that the Post-Construction Operational Impacts would not induce growth, stating that "The proposed diversion is intended to increase water supply reliability by maximizing the flexibility to meet demands with multiple points of diversion of the water supply and would enable the District to divert water higher in the system at times when water is most abundant. However, this increase in water supply reliability would

[17] *See*, DEIR, at Table 6-2, p. 6-6
[18] *See*, DEIR, at Environmental Impacts 4.14-1, p. 4.14-6, 14.6-7

not induce substantial population growth, either directly or indirectly".[19] However, this analysis is incomplete.

Although the proposed Project does not seek to increase the amount of water *currently allowed* to be diverted or stored under Permit 21112, this does not mean that water deliveries within EID's service area will not *actually* increase as a result of the proposed Project. For instance, not all of the permitted diversion and storage is already being put to use. Therefore, it is reasonably foreseeable that use of the new points of diversion and rediversion to increase deliveries to substantial portions of EID's service area, could contribute to increased development and population growth, particularly in eastern El Dorado County. Such growth would have its own impacts not analyzed in the DEIR.

The DEIR should describe and account for the growth-inducing impacts of the proposed Project, as well as the reasonably foreseeable environmental impacts that such growth would cause. The fact that the proposed Project would not inherently increase the amount of water allowed to be diverted does not preclude the potential for increased water deliveries and growth under Project operations compared to existing conditions.

Conclusion

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Proposed Modification of Water Right Permit 21112, prepared for the El Dorado Irrigation District.

The NGO Coalition appreciates the work EID has done to date to identify potential impacts of the proposed modifications. However, as included in this letter, there remain a number of potential significant impacts which have not been adequately evaluated. These include, but are not limited to, how the Project will be operated and perform under likely climate change scenarios, how the project might impact the experience of the South Fork American River for recreationists and the local recreation economy, how the Project might enable future water transfers, how project operations will interact with other proposed diversions within the watershed, and how the project may impact growth and development in El Dorado County.

As described above, we believe that the potential impacts of these factors are significant and worthy of further assessment and disclosure. We strongly recommend that the final EIR consider and address these impacts.

Additionally, it is worth reiterating that the local community has voiced significant concerns about the proposed Project and its impact on their community, economy, and river system.

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[19] *See*, DEIR, at Environmental Impacts 4.14-1, p. 4.14-7

Certain potential impacts, including the proposed Project's enabling of out-of-watershed transfers and the impacts of the proposed diversion on whitewater recreation, have potentially substantial impacts on the daily lives and economies of local residents. It is our belief that the final EIR should respond to these concerns.

Respectfully submitted,

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