



Sierra Nevada Group

(Mother Lode Chapter)

P.O. Box 1042 Nevada City, California 95959

April 10, 2009

Ms. Tonia Herrera
Associate Engineer
Nevada Irrigation District
1036 West Main Street
Grass Valley, CA
95945

Re: D-S Canal Flume Replacement Project Draft EIR

Dear Ms. Herrera,

The Sierra Nevada Group of the Sierra Club has a number of concerns regarding the adequacy of the D-S Canal Flume Replacement Project Draft Environmental Impact Report (EIR).

CEQA requires that an EIR should fully describe the long-term purpose and scope of a project's impacts. The long-term objectives of increased canal capacity and delivery to existing and new uses should be thoroughly described. Our reading of the document finds these long-term objectives lacking from the description of the project, and these omitted objectives have a clear and substantial effect on the environment, triggering the need for their discussion in the EIR.

The capacity of the proposed conduit is increasing from 70cfs to 105cfs according to the EIR. However, the potential increase of future water delivery is not clearly identified. The intent of the project is to bring more irrigation (raw) water to an area that currently has an unmet demand of 250 customers out of a possible 2348 properties in the service area. The effort and scope of this project belies its ill-defined future intent. What is the possible outcome from increasing water delivery over the longer term beyond the 250 customers? Will the increased water deliveries be confined to non-consumptive use or consumptive use? Is a legal water right in place for such a change?

Wouldn't an increase in water delivery allow for increased growth within these boundaries? The EIR does not sufficiently discuss any impacts of inducing growth

within the boundaries of the proposed increased water deliveries. One expert has commented that the possibility exists for a potential population growth of 50,000 new homes with the amount of new water available. Our reading of the Nevada County General Plan does not suggest that a growth potential in that particular NID service area of Nevada County with its current zoning is anticipated. Yet, the proposed water deliveries could fuel it. In fact, the Nevada County General Plan Land Use element goal which requires that the rural areas of Nevada County are preserved and that growth is limited within those regions (1996 Nevada County General Plan, Goals 1.1, 1.2, 1.3, pp. 17, 18, 28) would increase water supply within the County, including the water supply to rural areas. This is an inconsistency which must be discussed as part of a CEQA process and has not been done sufficiently in this document.

In past comments, questions have been raised regarding the adequacy of the biological studies for this project. Of particular concern is the California Red-legged Frog habitat study. Biological studies and special status plant and animal surveys must be made in a timely fashion at appropriate seasons on more than more occasion.

We also find a deficiency in the EIR based on its lack of meaningful alternatives. The EIR fails to consider alternatives that would eliminate the need for a larger canal. While the EIR does discuss a variety of structures as alternative conveyances, they are rejected as not meeting NID's Raw Water Master Plan of January 2006. However, alternatives that would minimize the County's need for water have not been analyzed at all. The EIR should address a full range of all alternatives, including water conservation and reduced or no deliveries to new urban uses. The EIR needs to be revised to consider alternatives that focus on minimizing the need for water, as opposed to expanding the D-S canal.

The EIR is lacking in sufficiency with regard to climate change and the impacts on water supply due to changes in winter snow pack – whether it will reduce water supplies currently available to NID and other Nevada County users. This lack is part of the larger deficiency in discussing the whole of cumulative effects of the project with regard to other known or potential projects in the area and greenhouse gas emissions as a consequence of new development stemming from increased water deliveries. CEQA requires a robust analysis of cumulative impacts when the project's incremental effects could be cumulatively considerable.

We respectfully request that a revised Environmental Impact Report be prepared to adequately address the deficiencies discussed above in our comments and those of others.

Sincerely,

Barbara Rivenes, Conservation Chair
Sierra Nevada Group/Sierra Club