



EAST BAY MUNICIPAL UTILITY DISTRICT

2130 ADLER STREET P.O. BOX 24051 OAKLAND, CA 94623 • (415) 835 3000

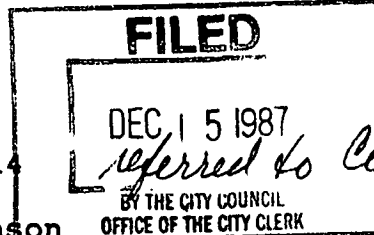
December 14, 1987

RECEIVED
DEC 15 1987

by hand
9:05

CITY ATTORNEY'S OFFICE

The Honorable Anne Rudin
Mayor, City of Sacramento
City Hall
901 "I" Street
Sacramento, California 95814



The Honorable C. Tobias Johnson
Chairman, Sacramento County Board of Supervisors
Chairman, Board of Directors of Sacramento County Water Agency
700 "H" Street, Suite 2450
Sacramento, California 95814

Dear Mayor Rudin and Chairman Johnson:

The Memorandum of Understanding dated July 14, 1987, establishes a major program for development and use of water to be diverted directly from the American River and from the Folsom South Canal, and clearly constitutes a "project" requiring prior environmental review under CEQA. The East Bay Municipal Utility District hereby requests that the City and the County of Sacramento rescind the MOU and suspend action on the individual project components until the City and the County have each fully complied with the California Environmental Quality Act.

If the City and the County rescind the MOU and embark on the required environmental documentation process, EBMUD stands ready to participate in that effort with the many other agencies and entities interested in appropriate resource management of American River water. If the City and the County do not take such action, EBMUD will have no choice but to protect its interests by filing suit to make certain that full compliance with CEQA precedes implementation of this important plan. State law requires that the lawsuit be filed on or before January 8, 1988 if such an action proves necessary. We do not take this matter lightly, and we are fully cognizant of the significance of such a lawsuit being brought against one public agency by another.

The components of the MOU will require numerous physical changes in the environment. CEQA requires that environmental analysis of "the whole of an action" which may result in physical change in the environment be completed as early as feasible. CEQA also requires that environmental documentation not be prepared in a



BOARD OF DIRECTORS: SANFORD M. SKAGGS, President; WALTER R. McLEAN, Vice President;
HELEN BURKE JACK HILL KENNETH KOFMAN KENNETH H. SIMMONS MARY C. WARREN

मध्य प्रदेश

मध्य प्रदेश

The Honorable Anne Rudin
The Honorable C. Tobias Johnson
December 14, 1987
Page 2

"piecemeal" fashion so as to avoid consideration of the significant adverse environmental effects of an entire project.

The MOU contemplates a \$400 million or more water development program for utilization of the water resources of the American River. There are many competing demands on the American, as has become evident in the:

- o protracted litigation involving the EBMUD contract with the Bureau of Reclamation;
- o many efforts to assert and enhance instream flow needs;
- o lengthy and overlapping sets of deliberations concerning Auburn dam;
- o many years of discussion and dispute between the City and the County which preceded the MOU; and
- o water marketing analysis now being conducted by the Bureau.

None of these actions takes place in a vacuum. They are interrelated, and involve conflicting claims to priority for future use of American River water. Except for the City/County MOU, each of these efforts is happening in a setting involving intense public scrutiny:

- o EBMUD's contract is being held to a strict standard of accountability in EDF v. EBMUD;
- o the Bureau's marketing effort is going through full environmental documentation; and
- o the extensive public and legislative review of the Auburn Dam development proposals.

The development project upon which the City and the County are embarking should, under the law and in fairness to the many persons and entities interested in the American, receive the same level of attention and public participation. The environmental documentation process required by CEQA would allow this goal to be met.

For example, in City and County planning to use American River water to meet burgeoning growth, it must be understood that the water available from the American River is limited. The Bureau's marketing EIS shows the River may be over-subscribed.

27

The Honorable Anne Rudin
The Honorable C. Tobias Johnson
December 14, 1987
Page 3

Conservation and efficiency are critical to modern resources planning. Comparison of projections of future water demand in City and County areas with other communities throughout the state shows assumptions of extremely high per capita consumption in Sacramento. With a limited resource and the Constitution's mandate that all water use be reasonable, the continued use of unmetered systems must be subjected to review. Since the City and the County intend to provide water for newly developing areas, there are significant opportunities for measures to achieve efficiency. CEQA provides the means to review these and other issues.

The City and the County still have an opportunity to comply with CEQA and fulfill their statutory responsibility to evaluate environmental consequences of their proposed actions. The comprehensive analysis and balancing of the important water resources and environmental issues can still be done, and a full CEQA compliance process can provide an excellent vehicle to facilitate this process. We urge you not to miss this chance. Without full CEQA compliance, each step the City and the County undertake is likely to be vulnerable.

We look forward to your response, and would welcome an opportunity to discuss this subject with you or your representatives.

Very truly yours,


SANFORD M. SKAGGS
President

RBM:gme

cc: Members of the Board of Supervisors
Members of the City Council
Lee B. Elam, Esq., Sacramento County Counsel
James Jackson, Esq., City Attorney

rbm/sacto.ltr