DATE: May 6, 2010

MEMO TO: Board of Directors

THROUGH: Dennis M. Diemer, General Manager

FROM: Alexander R. Coate, Director of Water and Natural Resources

SUBJECT: Mokelumne Wild and Scenic River Designation

The District has received multiple inquiries from our delegation in Washington D.C. regarding EBMUD’s position on a Wild and Scenic Rivers Act designation for the Mokelumne River. Attached is the information that has been prepared in response to such requests. The information strives to educate readers about the District and its interest in both supporting a wild and scenic designation and preserving important regional water supply options for the future. An example of prior legislation that has succeeded in achieving such co-equal goals is included.

Attachment
EAST BAY MUNICIPAL UTILITY DISTRICT

WILD AND SCENIC RIVER DESIGNATION
FOR THE
MOKELUMNE RIVER

MAY 2010

EBMUD Water and Natural Resources Dept.
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Wild and Scenic River Designation
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1.0 SUMMARY

East Bay Municipal Utility District (EBMUD or the District) has prepared this packet in order to describe its support for the designation of portions of the Mokelumne River as components of the National Wild and Scenic Rivers System.

EBMUD is a public utility responsible for providing water for approximately 1.3 million people in parts of Alameda and Contra Costa Counties in California (See Figure 1). Approximately 90 percent of the District’s water supply comes from the Mokelumne River watershed, where EBMUD owns and operates Pardee Reservoir and Camanche Reservoir on the Mokelumne River. These reservoirs provide drinking water to the East Bay, and releases from these reservoirs help improve supply dependability for downstream water rights holders, serve as a source of green energy (hydropower), provide flood control for San Joaquin County communities, and afford a water quality benefit that supports downstream fisheries and aquatic habitat.

EBMUD has recently completed an update of its Water Supply Management Program (WSMP) to expand upon earlier water supply planning efforts, extending both the water demand projections and plans for addressing the District’s need for water to the year 2040. One of the many future water supply components carried forward into this new WSMP 2040 involves the possible enlargement of Pardee Reservoir. The project has potential regional benefits for entities in Amador, Calaveras and San Joaquin Counties. If EBMUD and regional partners were to decide to move forward with a project to enlarge Pardee Reservoir, it would not occur for some time, likely 15 years from now. Nonetheless, it is important that the potential for a reservoir enlargement in the future be preserved as part of a river designation.

EBMUD seeks to both protect the Mokelumne River through a wild and scenic designation and to preserve important regional supply options that have been carefully considered and included in the long-range plans of EBMUD and other entities for several years. To this end, EBMUD has committed to work with stakeholder groups to achieve a Wild and Scenic River (WSR) designation for the Mokelumne River. The District seeks designation language consistent with its responsibility to provide a reliable water supply for commercial, industrial, and residential customers in the East Bay. EBMUD currently supports the designations as proposed by the US Bureau of Land Management (BLM) and the Foothill Conservancy for 34.45 miles of the Mokelumne River. It does not agree, however, that the lowest 0.34 miles should be designated as recreational because such a designation in this portion of the River has the potential to preclude regional water supply options involving Pardee Reservoir.

This paper briefly describes EBMUD’s planning efforts and the particular significance of the future plans for Pardee Reservoir and also sets forth some specific details regarding the small portion of the segment identified in future regional water supply options. The paper also includes EBMUD’s proposal for a designation as well as some maps and figures to assist with a further understanding of the relevant area.
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2.0 SPECIFICS OF EBMUD'S SUPPORT FOR A WSR DESIGNATION

Table 1 (below) and Figure 2 (attached) provide a listing and illustration of the six segments that BLM has identified on the Mokelumne River for WSR designation. EBMUD understands that since 2008 the Foothill Conservancy (an environmental group based in Amador County) has been seeking legislation to designate these reaches. As shown in Table 1, EBMUD currently supports WSR designations for 34.45 of the 34.79 proposed miles. EBMUD does not support the recreational designation proposed for the lowest 0.34 miles of segment F. EBMUD does support the designation of the upper 2.6 miles of segment F.

Table 1  
Wild and Scenic River Proposal

<table>
<thead>
<tr>
<th>Segment</th>
<th>Classification</th>
<th>Length Proposed by Foothill Conservancy (miles, approx.)</th>
<th>Length Acceptable to EBMUD (miles, approx.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Recreational</td>
<td>5.75</td>
<td>5.75</td>
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<tr>
<td>B</td>
<td>Wild</td>
<td>11</td>
<td>11</td>
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<tr>
<td>C</td>
<td>Recreational</td>
<td>3.04</td>
<td>3.04</td>
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<tr>
<td>D</td>
<td>Wild</td>
<td>9.17</td>
<td>9.17</td>
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<tr>
<td>E</td>
<td>Scenic</td>
<td>2.89</td>
<td>2.89</td>
</tr>
<tr>
<td>F</td>
<td>Recreational</td>
<td>2.94</td>
<td>2.6</td>
</tr>
<tr>
<td>Total</td>
<td>NA</td>
<td>34.79</td>
<td>34.45</td>
</tr>
</tbody>
</table>
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3.0 EBMUD’S WATER SUPPLY MANAGEMENT PROGRAM 2040

In recognition of the need for long-range planning in order to ensure that EBMUD can reliably provide water to its customers in the future, EBMUD periodically evaluates the District’s future water needs and develops plans to meet those needs. In 1993, the District developed a Water Supply Management Plan (WSMP) that examined District water needs through 2020 and identified a program to meet those needs in both normal and dry years. This prior program included conservation, recycling, conjunctive use and surface storage, including potential future enlargement of Pardee Reservoir.

In 2007, the District began work on the WSMP 2040, building on the prior work to extend the planning horizon another 20 years. The WSMP 2040 planning effort began with a detailed estimate of the District’s anticipated water need going forward to the year 2040. Because existing supplies are insufficient in dry years, the effort identified new supplies to meet the increase need for water in 2040. EBMUD increased conservation and recycling programs to the maximum limits of effectiveness and included conjunctive use, water transfers and desalination as future options. Enlarging Pardee Reservoir, a potential project that was in the 1993 WSMP, was also retained in WSMP 2040. In addition to water supply benefits, enlarging Pardee Reservoir would provide other benefits including additional hydropower generation, reduced greenhouse gas emissions, and the potential to provide greater cold water reserves for fish.

In its implementation of WSMP 2040, EBMUD’s Board of Directors committed to broad stakeholder participation and regional cooperation and not to proceed with a future Enlarge Pardee project until after:

- A regional partnership has developed and studied the feasibility of a regional project;
- Multiple elevation and capacity configurations for enlarging Pardee Reservoir have been considered at or below a spillway elevation of 600 feet;
- It is determined that the regional project provides regional benefits and is supported by upcountry stakeholders;
- It is confirmed that additional water is needed based on the status of customer demand and progress toward conservation, recycling and other water supply elements;
- The degree to which customer rationing has been achieved and the quantity of water that is available from the Mokelumne River during droughts have been considered; and
- A project specific EIR is prepared and comprehensive public outreach has been done.

Consistent with the programmatic analysis completed to date, EBMUD has broadly evaluated a range of pool elevations and storage volumes for an enlarged reservoir. Detailed project-specific studies, including cost-benefit analyses and comparisons of options will be done when and if a regional project is developed. A discussion as to the program-level nature of WSMP 2040 and the limited degree of analysis performed at the program-level stage is provided as a master response contained in the Final PEIR (see web link for further details: http://www.ebmud.com/our-water/water-supply/projects-and-long-term-planning/water-supply-management-program/water-supply-0). EBMUD does not plan to undertake project-specific analysis for an enlargement of Pardee Reservoir for some time, and it will likely not occur until at least 15 years from now.
SUGGESTED LEGISLATIVE LANGUAGE

Consistent with EBMUD's planning goals and objectives, EBMUD recommends the following language for the designation of the Mokelumne River segment downstream of Electra as recreational:

Mokelumne, California

(A) The 2.6 miles of the Mokelumne River, from 300 feet below Electra After bay to 1,700 feet upstream of the upstream face of the existing (as of 2008) U.S. Highway 49 bridge crossing, as a recreational river.

Nothing in this section shall preclude the licensing, development or operation of facilities on portions of the Mokelumne River that are outside the boundary of the wild and scenic river areas designated in this section, including the reconstruction, expansion or replacement of existing facilities located downstream from the segments designated by this paragraph.
5.0 EXAMPLES OF PRIOR LEGISLATION THAT PROVIDES BOTH WILD AND SCENIC RIVER PROTECTION AND PRESERVES EXISTING OR PLANNED WATER PROJECT OPPORTUNITIES

Language of the nature recommended by EBMUD has been used in the past by others where there was an interest to both protect a River’s wild and scenic values through WSR designation yet also preserve the possible future development of a particular water resource project.

Similar language was used when designating river segments in California that lie just south of the Mokelumne. Specifically, when Congress designated segments of the Tuolumne River’s main stem in the 1980s, it not only designated stretches as wild and scenic, it also included qualifications to enable future water resource development. The portion of the designation that calls for the protection of the Tuolumne reads in part:

The main river from its sources on Mount Dana and Mount Lyell in Yosemite National Park to Don Pedro Reservoir consisting of approximately 83 miles as generally depicted on the proposed boundary map entitled ‘Alternative A’ contained in the Draft Tuolumne Wild and Scenic River Study.

The legislation also includes the following statement:

Nothing in this chapter shall preclude the licensing, development, operation, or maintenance of water resources facilities on those portions of the North Fork, Middle Fork or South Fork of the Tuolumne or Clavey Rivers that are outside the boundary of the wild and scenic river area as designated in this section.


Congress developed the Tuolumne River designation in careful consultation with the water resource engineers for the City of San Francisco and its local partners, to provide a solution that ensured protection of the river’s outstanding values without unreasonable interference with necessary water operations.

The WSR statute includes many other examples, and similar carefully negotiated designations have been developed elsewhere in California.
6.0 AREA OF EXCLUSION MAP / FIGURE

Figure 3 illustrates the small portion of the River that needs to be excluded from WSR designation in order to accommodate the possible future enlargement of Pardee Reservoir in a regional project. Specifically, Figure 3 shows the following features:

- The location of the Middle Bar Bridge;
- The location of the Highway 49 Bridge;
- The Electra Afterbay;
- The existing limits of the top-of-pool elevation of EBMUD’s existing Pardee Reservoir (568 ft MSL);
- The extent of the downstream recreational designation (Segment F) as proposed for recreational classification by the Foothill Conservancy; and
- The lower portion of Segment F that EBMUD does not support for recreational classification.

While EBMUD does not believe that a designation of the lower-most 0.34 mile stretch of segment F as “recreational” is appropriate, EBMUD would continue to accommodate the current recreational use of the river in the future. Most uses are not expected to significantly change and would be recognized and preserved in the evaluation of a surface storage project in the future.

During the WSMP 2040 public process, questions were raised regarding how an Enlarge Pardee Reservoir project could impact the Middle Bar Bridge, the Highway 49 Bridge, and recreational features of the River. At this point, because the WSMP 2040 is a program-level water supply planning effort and project-specific studies and analyses of an enlargement of the reservoir have not been performed, it is not possible to evaluate these questions in any definitive detail. Those questions would be fully evaluated and answered as part of the project level EIR if and when EBMUD and its regional partners were to proceed with the project in the future.
7.0 POTENTIAL REGIONAL PARTICIPATION

The documentation listed below illustrates the importance of a future project to enlarge Pardee Reservoir in the regional water supply planning efforts being undertaken by various member entities that are part of the Mokelumne River Forum.

Potential participation in a regional project that would include an enlarging of Pardee Reservoir is a key component in several planning documents. Those documents, as noted in Table 2, below, are public available and have been posted on the internet.

Table 2
Documents Referencing a Potential Regional Water Supply Project
(including as an element the ability to enlarge Pardee Reservoir)

<table>
<thead>
<tr>
<th>Author</th>
<th>Location / Reference</th>
<th>Details</th>
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<tbody>
<tr>
<td>The State of California, Department of Natural Resources</td>
<td>2009 California Water Plan, Volume 1, Chapter 4</td>
<td>This most-recent (2009) update by the California Department of Water Resources of the California Water Plan discusses the Mokelumne River Forum’s Inter Regional Conjunctive Use Project concept. The IRCUP is a project that would be regional in scope, include multiple Mokelumne River interests, and includes conceptual reservoir enlargements, including Pardee Reservoir.</td>
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<tr>
<td>The Northeastern San Joaquin County Groundwater Banking Authority (GBA)</td>
<td>2007 Eastern San Joaquin Integrated Regional Water Management Plan (IRWMP)</td>
<td>Chapter 8, Section 8-1 of the GBA’s IRWMP is devoted to discussion of a potential water supply project that would be developed in partnership with other Mokelumne River basin interests (an Inter Regional Conjunctive Use Project). Central to the project is the concept of reservoir enlargements, including Pardee Reservoir.</td>
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<tr>
<td>Members of the Upper Mokelumne River Watershed Authority</td>
<td>2006 Mokelumne / Amador / Calaveras Integrated Regional Water Management Plan (MAC IRWMP)</td>
<td>Chapter 5, Section 5.5.3 of the MAC IRWMP is devoted to discussion of a potential water supply that would be developed in partnership with other Mokelumne River basin interests (an Inter Regional Conjunctive Use Project). Central to the project is the concept of reservoir enlargements, including Pardee Reservoir.</td>
</tr>
<tr>
<td>East Bay Municipal Utility District (EBMUD)</td>
<td>2009 Water Supply Management Program 2040 (WSMP 2040) Final Plan</td>
<td>Chapter 6 of the WSMP 2040 Final Plan includes a discussion of the Enlarge Pardee Component of a potential Upcountry Regional Project. The text, beginning on page 102, covers a program-level review of the concept of an enlarged reservoir including how it would be developed as a regional-partnership effort undertaken with Foothill and San Joaquin water interests.</td>
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Figure 1
East Bay Municipal Utility District
Service Area and Mokelumne Facilities
Figure 2
Proposed Mokelumne River Wild and Scenic Designation Eligible Segment Map

Extent Supported by EBMUD

Map Prepared by Foothill Conservancy, May 2008
Ref: “Wild and Scenic Mokelumne, A River for Everyone”

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Figure 3
Proposed Mokelumne Recreational Designation
(Segment F)

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