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## 7. WATER: Calif. diversion project benefits from compromise, community outreach

Arthur O'Donnell, *Land Letter* editor

As water district officials from Sacramento and Oakland turned shovels of dirt this week during a groundbreaking ceremony for the \$900 million Freeport Regional Water Project, they were also burying a dispute over water rights that stretches back 35 years. Along the way, litigation turned to compromise and community buy-in, allowing something of a consensus to guide development of the state's largest water diversion projects in decades.

Even the environmental analysis documentation has been hailed as a national model for its clarity and thoroughness in exploring alternatives, while laying the foundation for future agreements that could involve novel groundwater banking programs as fresh water supplies become even more precious.

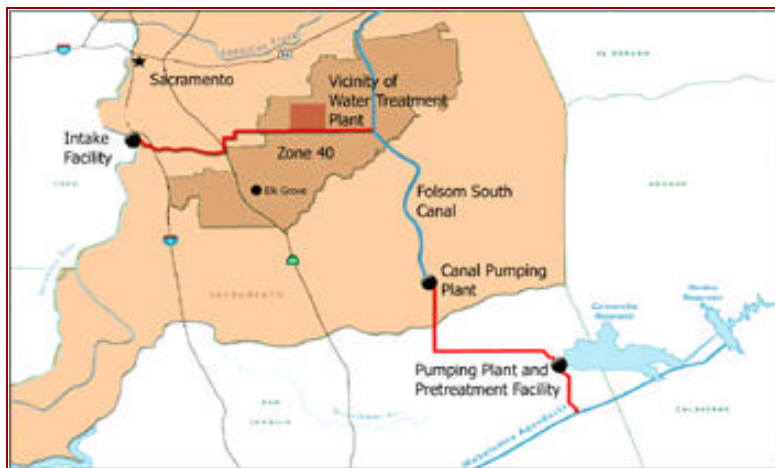
And the most amazing thing, according to Freeport project community outreach coordinator Cecelia Curry, is that there has not been "a single phone call of complaint from a neighbor since we started construction."

The Freeport project is being constructed by a joint powers agency, comprised of the Sacramento County Water Authority (SCWA) and the East Bay Municipal Water District (EBMUD), in order to assure sufficient water for these growing communities over the next two decades. The project will divert up to 185 million gallons of water per day from the Sacramento River, with EBMUD taking 100 million gallons and SCWA 85 million.

EBMUD's share of the project cost will be about \$567 million, with SCWA putting in about \$333 million.

The compromise, reached after years of litigation among the districts and several environmental groups, allows

for diversions from a new pumping facility on the Sacramento River at the Freeport bend, rather than letting EBMUD exercise historic rights to divert water from the more ecologically vulnerable American River near Folsom's Lake Natomas. Besides the water intake structure and pumping station, the project entails over 39 miles of pipe and canals transport and a new water treatment plant in Sacramento.



The Freeport Regional Water Project allows communities to divert supplies from the Sacramento River, rather than the ecologically vulnerable American River. Map courtesy of FRWP. Click on the image for a larger version of the map.

"There was a long history of differences over how the region should resolve the allocation dispute, particularly how the East bay receives its water allocations from the American River watershed," said Gregg Ellis, an analyst for the engineering firm Jones and Stokes, which conducted the environmental impact reports for the project. "For such a long time each side was trying to stick to its position and it took quite a bit of time to round the corner."

That agreement came in 2002, when the two districts agreed to cooperate rather than compete for the water. Still, there were residual lawsuits filed by environmental groups that challenged a Bureau of Reclamation issued permit.

Local residents also got upset when the project was announced and it became clear the new route would pass through or close to their neighborhood.

"We went to the City Council twice, and more than 200 people showed up," said outreach coordinator Curry. "We held 25 to 30 workshops and got residents involved with the architectural review committee and landscape committee, so neighbors got to help choose the design."

In addition, the environmental impact report explored almost 200 different alternatives that fell into five configurations, said Ellis. "We worked with the engineers to select a range of feasible alignments," he said. "A big part of the analysis and outreach goal was to rely as much as possible on existing corridors." Given the boom in residential housing in the area in recent years, he said, "It's quite a challenge to come up with a clean corridor."

The resulting route will cut through two counties almost directly west from Freeport to meet the existing Folsom South Canal, then south and east to connect with EBMUD's Mukelumne aqueduct for delivery to about 1.3 million customers in Oakland and other East Bay communities.

As part of the environmental mitigation package, there will be water reserves for the Consumnes River near Sacramento and programs to ensure habitats for various endangered animals and plants.

All these things added to the cost of the project, which was originally estimated at \$670 million, said Curry. The agency is still working out all of its easements and rights-of-way agreements, which also turned more costly as the region became more developed. "The cost of materials and steel has also gone sky high," she added.

Still, in the end, water district officials were pleased to begin the formal construction phase this month, with expectations that complete construction of facilities needed to deliver EBMUD's share of the water will be finished by late 2009.

And Jones and Stokes's work on the project received national recognition in the form of an award for outstanding environmental analysis from the Association of Environmental Professionals in 2005. According to the association's citation, the "high quality and thorough analysis of the Freeport document helped ensure that the final project was not challenged on any grounds," including under all the provisions of state or federal environmental laws.

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