

RIVERSIDE CO
IMPERIAL CO

Salton Sea

Coachella Canal

East Highline Canal

Colorado River

Westside Main Canal

Central Main Canal

All American Canal

US
MEXICO

-  DRAIN
-  CANAL
-  AQUEDUCT/CANAL
-  RIVER
-  COUNTY LINE
-  IID WATER SERVICE AREA BOUNDARY

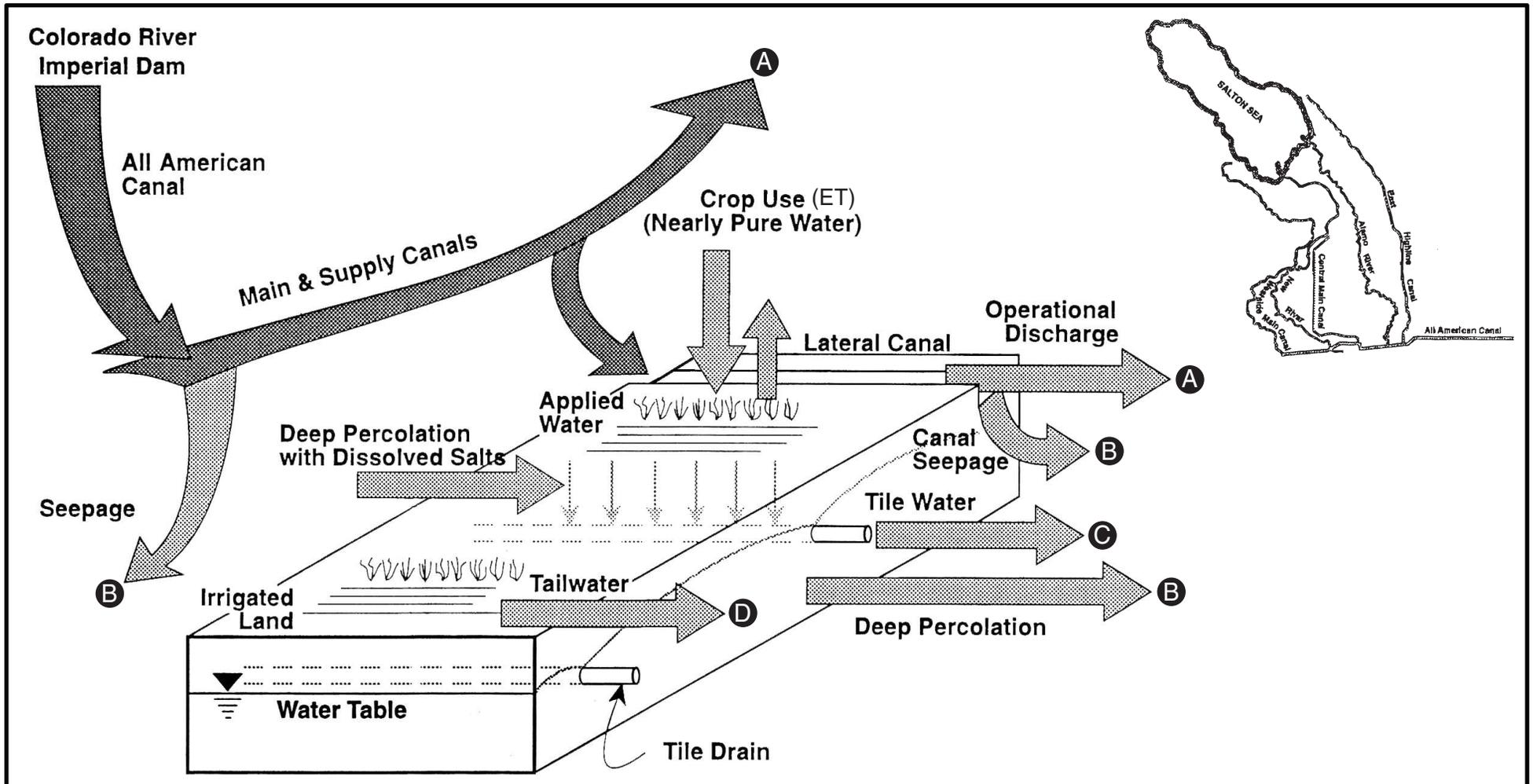


Source:
University of Redlands 1999;
DOI 1999; and Reclamation 1999

5 0 5 Miles

SCALE IS APPROXIMATE

Figure 1-6
Canals and Drains in the
IID Water Service Area
IID Water Conservation and
Transfer Project Final EIR/EIS



- A** Unused water from a canal can discharge to a surface drain, directly to a river, or directly to the Salton Sea. Most lateral canals discharge to a surface drain.
- B** Seepage from unlined canals or reservoirs, which in essence becomes deep percolation, can follow one of two paths. One is slow movement to the Salton Sea, involving travel times of many years to decades. The second path is interception by tile drains or surface drains. The latter path is estimated to be two percent of total seepage.
- C** Subsurface water collected by tile drains normally discharges to surface drains, although a few tile drains discharge to a river or the Salton Sea. Tile drain outlets along a surface drain are typically spaced every 400 to 500 feet.
- D** Water runoff (tailwater) from irrigated fields discharges by gravity to surface drains or is collected in sumps, from where it is pumped to the nearest surface drain or river.

Source: IID 1994

Figure 1-7
Pathway for Water Flow through the
IID Water Irrigation and Drainage System
 IID Water Conservation and Transfer Project Final EIR/EIS

In addition, three lateral interceptor systems are in place, with several more planned. These systems capture lateral spillage (i.e., operational discharge) for reuse within the irrigation system. Each of the three lateral interceptor systems discharges to a reservoir. The captured discharge is used for water regulation and delivery purposes. Like the regulating reservoirs, lateral interceptor systems conserve water and provide improved service to farmers. Section 2, Description of the Proposed Project and Alternatives, further describes the function of lateral interceptor systems, regulating reservoirs, and other water irrigation and drainage facilities in IID's water service area.

1.3.2.2 Drainage

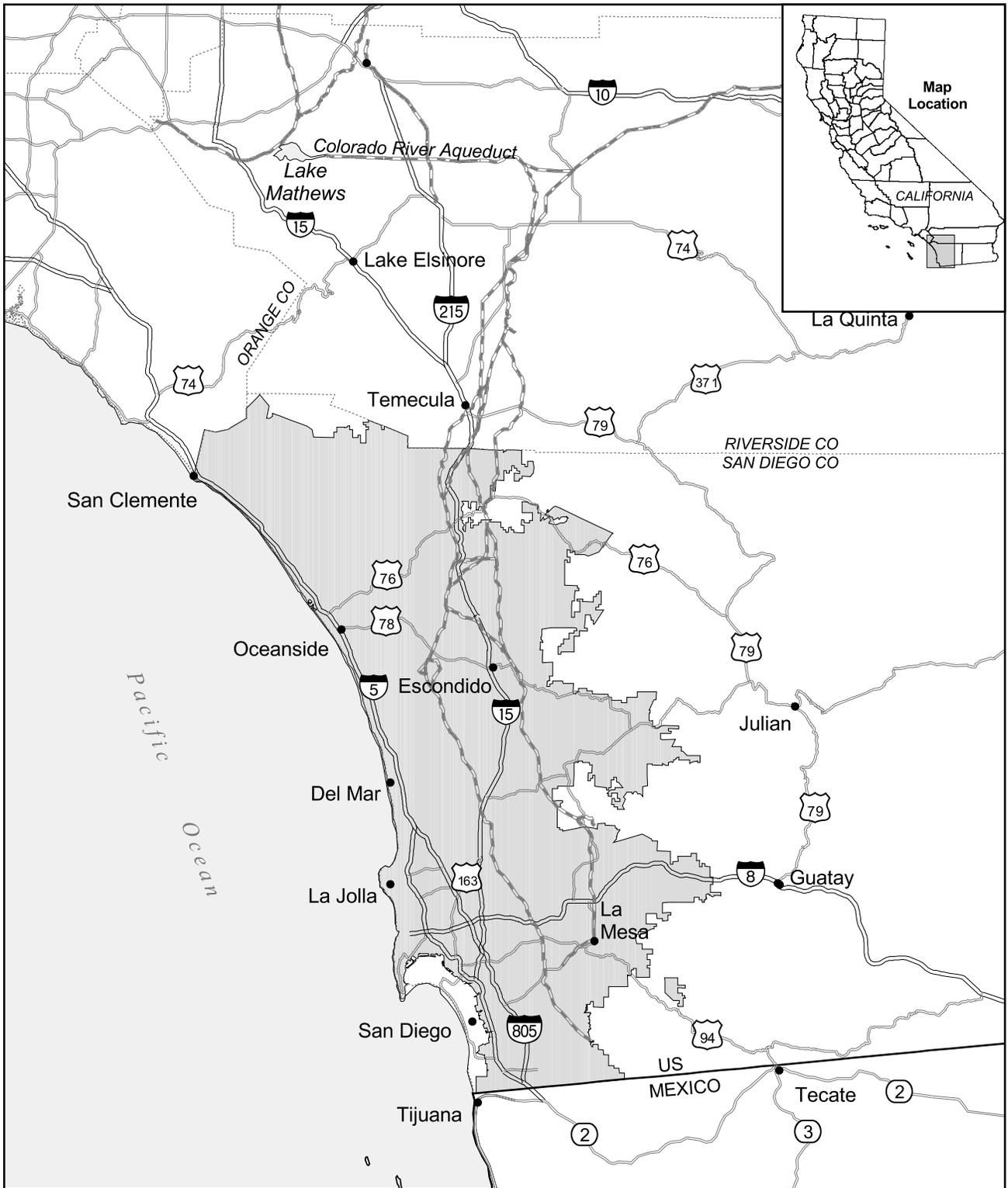
IID's drainage operations include collection, conveyance, measurement, and discharge of drainage water through IID's main and lateral drain system to the New and Alamo Rivers and the Salton Sea. IID is obliged, as stated in its rules and regulations covering drainage, to provide a drain outlet for every 160 acres of farmland within its water service area. To do so, IID operates a complex drainage system consisting of 1,456 miles of open and closed (pipeline) drains, 750 surface and subsurface drainage pumps, thousands of miles of subsurface drains (or tile drains) (which are owned by Imperial Valley farmers), and associated collection pipelines and water recovery systems (IID 2000). As with the canal system, the drain system is composed of main and lateral drains.

Irrigation water that percolates through the soil is collected by on-farm subsurface tile drains and, to a lesser extent, by surface drains. The open drains (mostly lateral drains) collect tailwater and tile water from area farms, as well as operational discharge water emanating from IID's irrigation system. Tailwater is irrigation water that runs off the lower ends of fields and is discharged into drains or is collected in sumps from which it is pumped to the nearest drain or river or directly to the Salton Sea. Tilewater is subsurface drainage water generated primarily through salt-leaching operations performed by farmers. Currently, more than 35,000 miles of subsurface tile drains have been installed by Imperial Valley farmers. Outlets for subsurface tile drains into lateral drains can be at intervals as close as 660 feet but are generally at intervals of 0.25 to 0.50 miles. IID estimates that more than 14,000 subsurface tile drain outlets release drain water from its customers into the drainage system.

Operational discharge is water resulting from lateral fluctuations, carriage water, or delivery changes in farmers' water orders. Most operational water discharges into IID's surface drain system although some operational water discharges directly to the New or Alamo Rivers or to the Salton Sea.

1.3.3 SDCWA Service Area

SDCWA was incorporated in 1944 under the County Water Authority Act (Stats. 1943, c. 545, as amended) for the purpose of augmenting San Diego County's minimal local water resources with a safe, reliable, and sufficient supply of imported water (see Figure 1-8). SDCWA provides its 24-member retail water agencies with water for domestic and agricultural uses. More than 2.8 million people, or approximately 90 percent of San Diego County's total population, receive their water through SDCWA. This number is expected to increase by an additional 1 million by 2015.



- SDCWA SERVICE AREA
- AQUEDUCT/CANAL
- COUNTY LINE
- INTERSTATE HIGHWAY
- REGIONAL HIGHWAY
- INTERNATIONAL BORDER
- CITIES



Source:
University of Redlands 1999;
DOI 1999; and Reclamation 1999



Figure 1-8
SDCWA Service Area
IID Water Conservation and
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SDCWA's mission is related solely to meeting water supply demands. SDCWA does not have the authority to approve either land use plans or building permits within its service area; such authority is exercised by the County of San Diego and by incorporated cities within the SDCWA service area, which includes the city of San Diego. SDCWA, however, in conjunction with the San Diego Association of Governments (SANDAG), has evaluated the long-term water requirements of existing and planned future land uses within its service area. SDCWA has also compared these needs against existing and potential water resources in a Water Resources Plan (SDCWA 2000), which included projections through the year 2015. Current projections by SDCWA indicate that total annual water demand within its service area will increase during the next 20 years from approximately 526 KAFY in 1995 to approximately 787 KAFY in 2015. Although some enhancement of local water resources during that period is anticipated, imported water must continue to provide the majority of the region's total water supply.

Depending on rainfall, availability of local resources (i.e., surface water supplies, groundwater wells, recycled water, and desalinated brackish groundwater), and demand, 75 to 95 percent of water used within the SDCWA service area is imported (SDCWA 2001).

Currently, all water imported by SDCWA is purchased from MWD (the only source of imported water to the region). MWD diverts water from the Colorado River under its water delivery contracts with the Secretary through the Colorado River Aqueduct (CRA), and MWD also obtains water from the State Water Project (SWP). The SWP brings water from the Sacramento-San Joaquin Delta through the California Aqueduct to southern California. Depending on the time of year and MWD policy determinations, between 75 and 100 percent of the water purchased by SDCWA from MWD comes from the Colorado River. MWD is described further in Section 1.3.4.

Since first receiving imported water from MWD in 1947, SDCWA has relied solely on MWD water supplies to satisfy the region's increasing need for imported water. For years, MWD consistently met SDCWA's water requirements, and MWD has stated that future water needs will also be satisfied. However, SDCWA's interest in diversifying its imported water supply sources increased in 1991 during a prolonged drought when MWD water supply cutbacks of up to 31 percent substantially affected SDCWA's ability to meet demands. Therefore, SDCWA has determined that it needs to examine alternate water sources to meet a portion of the region's imported water requirements and to bolster the reliability of its water supply.

1.3.4 MWD Service Area

MWD is a consortium of 26 cities and water districts, including SDCWA, that provides water to approximately 17 million people in parts of Los Angeles, Orange, San Diego, Riverside, San Bernardino, and Ventura Counties for primarily municipal and industrial uses. MWD was formed in 1928 under the Metropolitan Water District Act which was passed by the state legislature to build the CRA, a facility MWD owns and operates. In addition, MWD purchases water from the SWP as a SWP contractor. See Figure 1-9 for the location and extent of MWD's Service Area.

MWD has a fourth priority entitlement of 550 KAFY within California's normal-year 4.4 MAFY apportionment of Colorado River water (see Table 1-1 in Section 1.4.2). Beyond the



- MWD SERVICE AREA
- SDCWA SERVICE AREA
- COUNTY LINE
- AQUEDUCT
- INTERSTATE HIGHWAY
- REGIONAL HIGHWAY
- INTERNATIONAL BORDER
- RIVER
- CITIES

Source:
University of Redlands, 1999; DOI, 1999;
and USBR, 1999

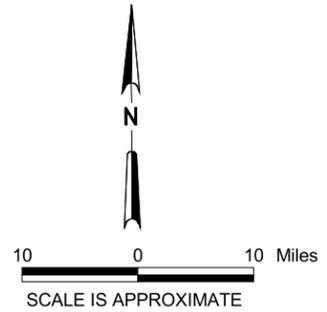


Figure 1-9
MWD and SDCWA Service Areas
IID Water Conservation and
Transfer Project Final EIR/EIS

4.4 MAFY normal-year limitation, MWD has a fifth priority right to an additional 662 KAFY, which includes the combined 5a priority right to 550 KAFY and 5b priority right to 112 KAFY.¹ The CRA has an annual capacity to carry 1.3 MAFY; until 1996, MWD kept the CRA full, primarily with apportioned but unused water from Arizona and Nevada and unused California agricultural water. By 1997, however, Arizona began taking nearly all of its 2.8 MAFY apportionment following substantial completion of the Central Arizona Project (CAP). Since 1996, MWD has been able to keep the CRA full mainly through the Secretary's annual declarations of surplus Colorado River water.

1.3.5 CVWD Service Area

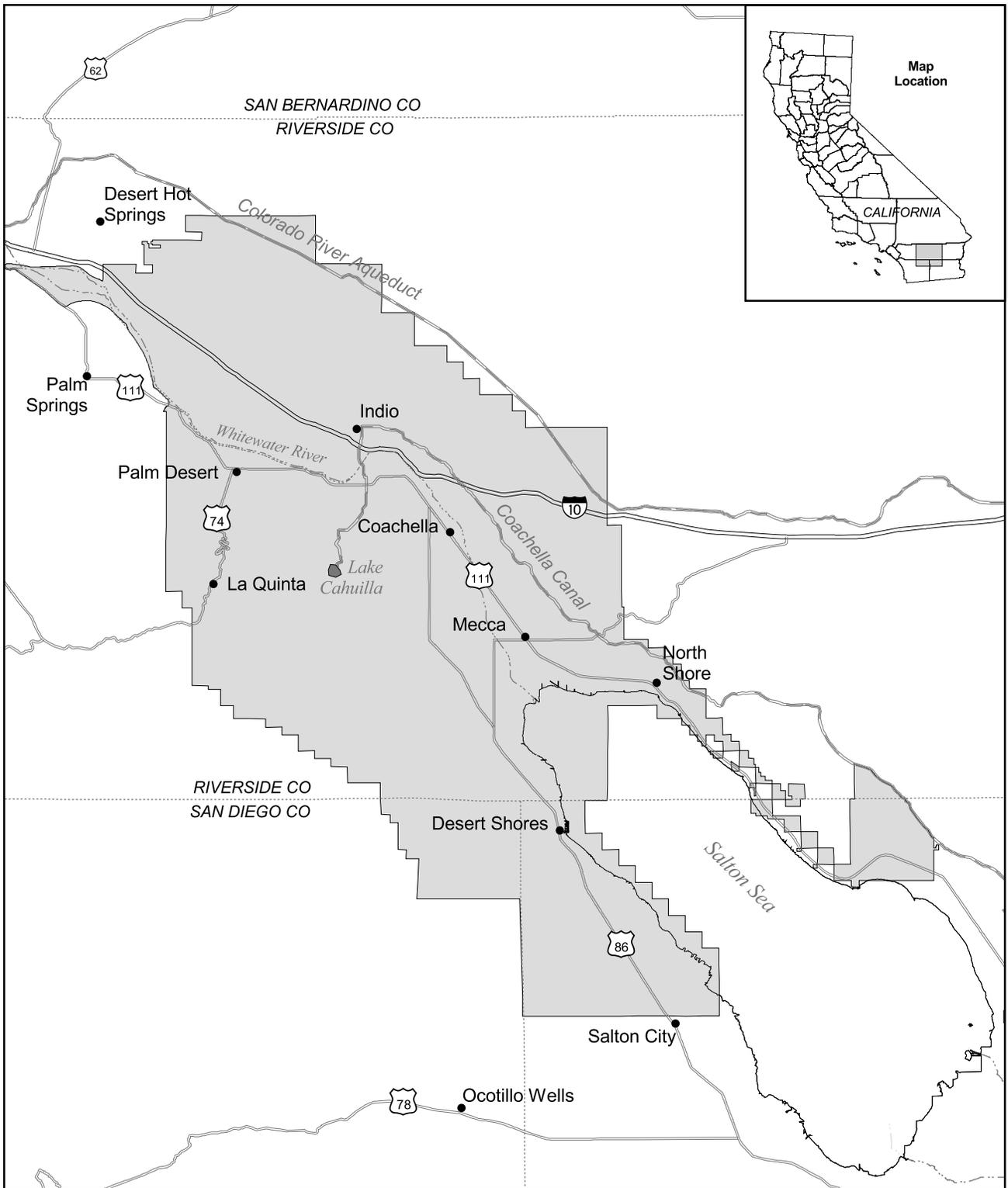
CVWD is a local government agency, which was formed in January 1918 under the County Water District Act [California Water Code (Water Code) § 30000 *et seq.*]. Nearly 640,000 acres are within its service area boundaries. Most of this land is in Riverside County, but the CVWD service area also extends into Imperial and San Diego Counties. Only a portion of the CVWD service area (Figure 1-10), defined as Improvement District No. 1, is entitled to receive Colorado River water via the AAC and the Coachella Canal. Along with IID, CVWD has Priority 3 rights to 3.85 MAFY of Colorado River water minus the quantity used by holders of Priorities 1 and 2 (see Table 1-1 in Section 1.4.2), for use in Improvement District No. 1. CVWD's Priority 3 rights are subordinated to IID's rights as a result of the 1934 Compromise Agreement between IID and CVWD.

CVWD is responsible for domestic water importation and distribution; wastewater collection, reclamation, and redistribution; regional flood protection; irrigation water importation and distribution; irrigation drainage collection and disposal drainage; groundwater management; and water conservation. Water travels 159 miles to the CVWD service area from Imperial Dam on the Colorado River to Lake Cahuilla, a terminal reservoir on the Coachella Canal to CVWD's Improvement District No. 1. The Coachella Canal is 122 miles long and branches from the main AAC. It has a capacity of 2,578 acre-feet (AF) in a 24-hour period, which is 941.2 KAFY (CVWD 2000).

1.4 Background and History of the Colorado River, IID's Water Rights, and Development of the Proposed Project

This section provides the background and history of the Proposed Project, including an overview of the allocation of Colorado River water among water rights holders in California and the key LCR diversion facilities. Additionally, the SWRCB decisions related to the Proposed Project, the development of the IID/SDCWA Transfer Agreement, and the QSA are also discussed. Further information on the federal and state laws, regulations, policies, and other decisions that govern the allocation of Colorado River water is presented in Section 3.1, Hydrology and Water Quality.

¹ In 1946, the City of San Diego agreed to merge its priority 5b rights to 112 KAFY with, and into, the rights of MWD (see Table 1-1).



- CVWD SERVICE AREA ①
- AQUEDUCT/CANAL
- COUNTY LINE
- INTERSTATE HIGHWAY
- REGIONAL HIGHWAY
- INTERNATIONAL BORDER
- RIVER
- CITIES



Note:

- ① Additional water supplies would be put to beneficial use within CVWD's Improvement District No. 1 in the lower Coachella Valley.

Source:
University of Redlands 1999;
DOI 1999; and Reclamation 1999

5 0 5 Miles

SCALE IS APPROXIMATE

Figure 1-10
CVWD Service Area
IID Water Conservation and
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1.4.1 Description of the Colorado River

From its headwaters in the Rocky Mountains of Colorado, the Colorado River flows southwest for 1,470 miles to the Gulf of California in Mexico. It drains an area of approximately 242,000 square miles, and the river or its tributaries travel through parts of seven Colorado River Basin (Basin) states in the U.S. The Colorado River is also the International Boundary between the U.S. and Mexico for approximately 23.7 miles between Arizona and Mexico. From the International Boundary, it travels southward to form the boundary between the Mexican states of Baja California and Sonora before flowing into the Gulf of California.

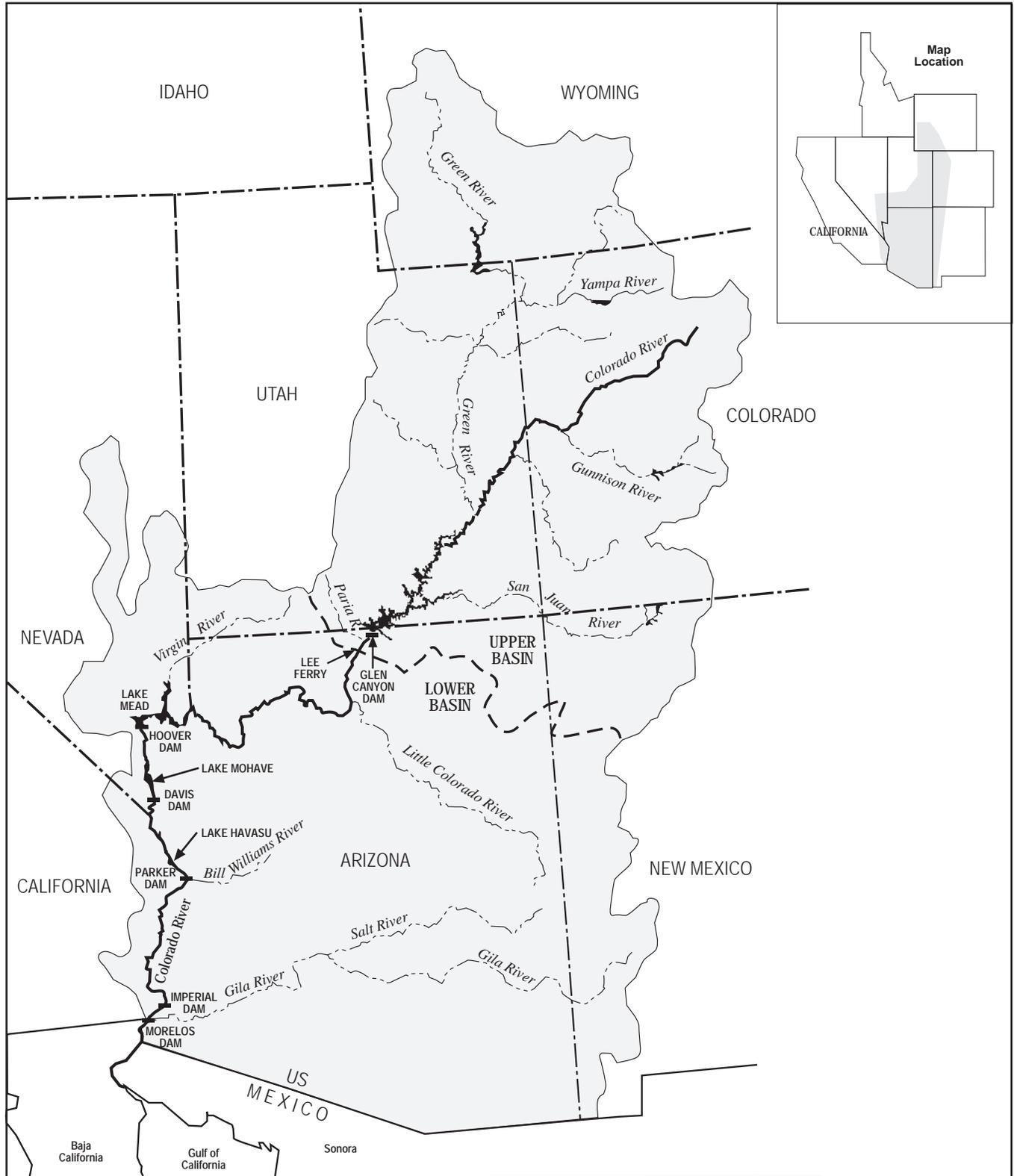
The Upper Basin includes portions of Arizona, Colorado, New Mexico, Utah, and Wyoming; the Lower Basin consists of portions of Arizona, California, Nevada, and New Mexico. In addition to the Upper and Lower Basin states, other traditional users of Colorado River water include the Republic of Mexico and several Indian tribes within the U.S. Figure 1-11 shows the location and extent of the Colorado River Basin. The major tributaries of the Colorado River include the Green, Yampa, White, Gunnison, Dolores, San Juan, Little Colorado, Virgin, Bill Williams, and Gila Rivers. The dividing point between the Upper and Lower Basins, as defined in the Colorado River Compact of 1922 (Compact), is at Lee Ferry, Arizona, approximately 17 miles downstream of Glen Canyon Dam.

The Colorado River's unregulated flow is subject to great annual variation, and reservoirs have been constructed on the River to regulate this variability. Two reservoirs – Lake Powell (behind Glen Canyon Dam) in the Upper Basin and Lake Mead (behind Hoover Dam) in the Lower Basin – have a combined, active-storage capacity of approximately 51 million acre-feet (MAF). Additional facilities on the Colorado River with relevance to California include the Davis, Parker, Headgate Rock, Palo Verde, Imperial, and Laguna Dams. Lake Mohave (behind Davis Dam) is a regulating reservoir with a power plant at the dam. Lake Havasu (behind Parker Dam) is the forebay and desilting basin for MWD's CRA in California and the CAP canal in Arizona. A power plant is also located at the dam. Palo Verde Dam serves as the Colorado River diversion structure for irrigated agriculture in eastern Riverside County, California, and the Imperial Dam serves as the Colorado River diversion structure for the AAC in California, which supplies water to IID, CVWD, and the Gila Gravity Main Canal in Arizona.

The Laguna Dam serves as a desilting basin on the Colorado River. Off-stream regulatory storage is provided by the Senator Wash Dam. Figure 1-2 illustrates the location of the LCR, along with its key water distribution and regulation facilities.

1.4.2 Law of the River

Over the years, common law, federal and state laws, interstate compacts, an international treaty, court decisions, federal contracts, federal and state regulations, and multi-party agreements have developed to collectively govern the use of the Colorado River. This body of law is commonly referred to as the "Law of the River." This overview does not describe the entire body of law known as the Law of the River.



- DAM
- EXTENT OF BASIN
- UPPER/LOWER BASIN BOUNDARY
- COLORADO RIVER
- OTHER RIVERS
- STATE BOUNDARY

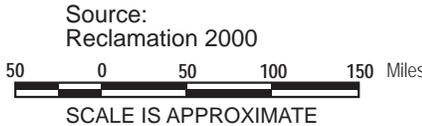


Figure 1-11
Colorado River Basin
 IID Water Conservation and
 Transfer Project Final EIR/EIS

"Apportionment" refers to the distribution of Colorado River water between the Upper and Lower Basin States as identified in the Compact and among the Lower Division States as identified in the BCPA and the Decree. "Entitlement" is the legal authorization to beneficially consume Colorado River water. Some entitlements were obtained on or before June 25, 1929, through historical diversion rights under state law, which rights are recognized under the Decree. Some entitlements may have originated as federal reserved rights, or under a contract with the U.S. through the Secretary or as a Secretarial reservation of water. It is the entitlement, not the apportionment, that establishes a right to consumptive use of Colorado River water.

An appropriative water right is the right to divert or extract water for use on nonriparian or nonoverlying land, or for nonriparian or nonoverlying uses. Most entities that hold water rights to Colorado River water are appropriative users. The priority of most appropriative water rights in the western U.S., including California, is based on the date the water was first diverted and put to beneficial use. This is commonly referred to as the "first in time, first in right" doctrine. In the context of Colorado River water, the term "present perfected rights" refers to water rights based on diversion and beneficial use, and thereby "perfected" under state law, prior to the effective date of the Boulder Canyon Project Act (BCPA) of June 25, 1929. Generally these "perfected" water rights have a high priority as a result of their early date of diversion.

In the 1920s, the U.S. government became involved in the storage, delivery, and use of Colorado River water for irrigation and domestic uses. In 1928, Congress enacted the BCPA (effective in 1929), which authorized the Secretary to construct Hoover Dam and the AAC and to contract for the delivery and use of water from these facilities for irrigation and domestic uses. Congress conditioned the BCPA on the ratification of the 1922 Compact by at least six of the Colorado River Basin states, including California. The BCPA was further conditioned upon the California state legislature irrevocably and unconditionally agreeing to limit California's aggregate annual consumptive water use (diversions less returns to the river) of and from the Colorado River to no more than 4.4 MAFY of the 7.5 MAFY apportioned to the Lower Basin states by the Compact, plus not more than one-half of any excess or surplus waters unapportioned by the Compact, with such use to be always subject to the terms of the Compact.

By 1929, six states, including California, had ratified the Compact. The California legislature passed the California Limitation Act, which satisfied the conditions precedent in the BCPA. Shortly thereafter, the Secretary constructed Hoover Dam and the AAC and executed contracts for water delivery and use from those facilities. Arizona ratified the Compact in 1944.

Prior to entering into water delivery contracts with California agencies, the Secretary requested those agencies to agree to relative priorities of rights among themselves. In response, seven major California agencies having interests in the Colorado River executed the California Seven-Party Agreement of 1931 (Seven-Party Agreement) that established quantities and priorities to the use of Colorado River water made available to California, which were incorporated into water delivery contracts subsequently entered into with the Secretary. Table 1-1 shows the quantities and priorities established by the Seven-Party Agreement.

TABLE 1-1
Priority System Established by the Seven-Party Agreement

Priority	Description	Annual AF
1	Palo Verde Irrigation District—gross area of 104,500 acres	
2	Yuma Project (Reservation District) – not exceeding a gross area of 25,000 acres	
3a	Imperial Irrigation District and lands in Imperial and Coachella Valleys to be served by AAC ²	
3b	Palo Verde Irrigation District –16,000 acres of mesa lands	
		3,850,000 ¹
4	Metropolitan Water District and/or City of Los Angeles	550,000
	SUBTOTAL	4,400,000
5a	Metropolitan Water District and/or City of Los Angeles and/or others on coastal plain	550,000
5b	City and/or County of San Diego ³	112,000
6a	Imperial Irrigation District and lands in Imperial and Coachella Valleys	
6b	Palo Verde Irrigation District—16,000 acres of mesa lands	300,000 ⁴
7	Agricultural use	all remaining water
	TOTAL	5,362,000⁵

Notes:

¹The total amount of water available to satisfy Priorities 1, 2, 3a, and 3b is 3.85 MAFY.

²CVWD's Priority 3 rights are secondary to IID's rights as a result of the 1934 Compromise Agreement between IID and CVWD.

³In 1946, the City of San Diego agreed to merge its rights with, and into, the rights of MWD.

⁴The total amount of water available to satisfy Priorities 6a and 6b is 300 KAFY.

⁵The California Plan describes the strategy to assist California to reduce its annual use to its legal apportionment of 4.4 MAF in normal years, or to meet its needs from sources that do not jeopardize the apportionments of others (see Section 1.5.1).

As shown in Table 1-1, allocation volumes for each diverter are not specific within Priorities 1-3 and 6, but they are quantified with an aggregate maximum limitation. That is, the individual diverters do not have exact apportionments, but the sum of their respective apportionments are capped at an aggregate, maximum amount. The maximum amount of Colorado River water rights under the Seven-Party Agreement is 5.362 MAF, or 0.962 MAF more than California's total basic apportionment of 4.4 MAF in a normal year. Therefore, diversions of more than 4.4 MAF under Priorities 5a, 5b, and 6 are dependent on surplus water being available, or on Arizona or Nevada not diverting their full apportionments.

In 1964, the U.S. Supreme Court entered its Decree setting forth the BCPA apportionment of water available for release from water controlled by the U.S. in the Colorado River to users in Arizona, California, and Nevada. The Decree also established certain federal reserved

rights, and provided for the quantification of present perfected rights, all to be supplied from the apportionments of the respective states. As noted in Section 1.4.2, in the context of Colorado River water, "present perfected rights" refers to water rights based upon diversion and beneficial use prior to the effective date of the BCPA (June 25, 1929). The aggregate annual diversion entitlements of miscellaneous and Indian present perfected rights holders within California who are not parties to the Seven Party Agreement is approximately 75 KAF.

Under the Decree, a "normal year" is a year in which sufficient mainstream Colorado River water is available for release to satisfy 7.5 MAF of annual consumptive use in the three Lower Division states (California, Arizona, and Nevada). A "surplus year" is one in which sufficient mainstream water is available for release to satisfy in excess of 7.5 MAF of annual consumptive use in the three Lower Division states. A "shortage year" is one in which insufficient mainstream water is available for release to satisfy 7.5 MAF of annual consumptive use in the three Lower Division states.

The Decree requires the Secretary to release mainstream water controlled by the U.S. as follows: In a normal year, the Secretary shall make 2.8 MAF available to Arizona, 4.4 MAF available to California, and 0.3 MAF available to Nevada. In a surplus year, the Secretary, in addition to the normal year allocations, shall apportion 50 percent of the water in excess of 7.5 MAF for use in Arizona and 50 percent for use in California. As a result of a subsequent contract between Nevada and the U.S., this has now been modified so that 46 percent of the surplus is apportioned for use in Arizona and four percent is apportioned for use in Nevada. In a shortage year, the Secretary must first satisfy present perfected rights in order of priority and then apportion the remaining water consistent with the BCPA and the Decree, but in no event shall more than 4.4 MAF be apportioned for use in California, including all present perfected rights.

Lastly, the Decree provides the Secretary with authority to make available water apportioned to but unused by a state during a particular year for consumptive use in another Lower Division state. Such apportionment does not give any right to the use of that water in subsequent years. California has been the beneficiary of this provision in that it has historically been allowed to divert water that was allocated to but not used by Arizona and Nevada. Pursuant to the U.S.-Mexico treaty of 1944, Mexico is guaranteed 1.5 MAF in normal years and 1.7 MAF in surplus years.

1.4.3 IID's Water Rights

This section describes IID's Colorado River water rights. For a more detailed discussion of the allocation of Colorado River water and a definition of terms, refer to Section 1.4.2, Law of the River, and the glossary in this EIR/EIS.

IID's Appropriative Rights. IID holds legal title to all its water and water rights in trust for landowners within the District (Water Code § 20529 and 22437; Bryant v. Yellen, 447 U.S. 352, 371 [1980], fn. 23). IID's rights to appropriate Colorado River water are long standing. Beginning in 1885, IID's predecessors-in-interest made a series of appropriations of Colorado River water under California law for use in the Imperial Valley. Pursuant to then-existing California law, these appropriations were initiated by posting public notices for approximately 7 MAFY at the point of diversion and recording such notices in the Office of

the County Recorder. IID was formed in 1911 and became the holder of approximately 7 MAFY of pre-1914 state-based appropriative rights.

As a result of the Seven-Party Agreement, which is described in Section 1.4.2, IID agreed to limit its California pre-1914 appropriative water rights in quantity and priority to the apportionments and priorities contained in the Seven-Party Agreement. Following execution of the Seven-Party Agreement, between 1933 and 1936, IID filed eight California applications to appropriate water pursuant to the California Water Commission Act. IID filed these applications without waiving its rights as a pre-1914 appropriator, and the applications sought, through state proceedings, rights to the same quantity of Colorado River water as had been originally appropriated – more than 7 MAFY. However, the applications also incorporated the terms of the Seven-Party Agreement, thus incorporating the apportionment and priority parameters of the Seven-Party Agreement into IID's appropriative applications. Permits were granted on the applications in 1950.

IID's Contract with the Secretary. As described in Section 1.4.2, California was apportioned 4.4 MAFY out of the Lower Division apportionment of 7.5 MAFY, plus 50 percent of any available surplus water pursuant to the BCPA. On September 28, 1931, the Secretary adopted general regulations incorporating the terms of the Seven-Party Agreement. The apportionment of California's share of Colorado River water was made by the Secretary of the Interior by entering into contracts with California right holders. The Secretary entered into a permanent water service delivery contract with the IID on December 1, 1932.

Subordination by CVWD. At the time the IID entered into its contract with the Secretary, the lands to be served with Colorado River water in the Coachella Valley to the north were anticipated to become a part of the IID. However, the Coachella farmers eventually decided that they preferred to have their own delivery contract with the Secretary, and an action was brought by CVWD to protest IID's court validation of the 1932 IID water service contract with the Secretary of the Interior. In 1934, IID and CVWD executed a compromise agreement that allowed CVWD to have its own contract with the Secretary but provided that CVWD would subordinate its Colorado River entitlement in perpetuity to IID's entitlement.

In summary, IID has senior water rights to the Colorado River established under state law, when California is limited to 4.4 MAFY, in the amount of 3.85 MAFY minus the amounts used by Priorities 1 and 2. Although Priorities 1 and 2 are not fixed quantities, the average annual use for Priorities 1 and 2 (minus return flows) is approximately 420,000 AFY, leaving approximately 3.4 MAFY for use by IID.

1.4.4 IID's Development of Water Conservation and Transfer Projects

IID's initial interest in developing water conservation and transfer projects was a response to proceedings before the SWRCB in the 1980s regarding IID's use of water. In both Decision 1600 (SWRCB 1984) and Order 88-20 (SWRCB 1988), SWRCB ordered IID to develop and implement a meaningful water conservation plan. SWRCB noted that California is limited to 4.4 MAF of Colorado River water in a normal year. Under such circumstances, MWD would be limited to 550 KAF, less than one-half of its historical diversions. In Decision 1600, SWRCB concluded: "A transfer of conserved water could partially satisfy future Southern California needs."

In Order 88-20, SWRCB found conservation of 367.9 KAFY to be a reasonable long-term goal for IID's Water Conservation Plan and found that a transfer from IID's water service area to urban areas of Southern California would be beneficial for California. SWRCB directed IID to use diligent efforts to secure sufficient funding to implement the Water Conservation Plan. SWRCB retained jurisdiction to review and monitor IID's conservation actions.

IID determined that a water transfer project would provide a means of protecting its water rights. As discussed above, under California laws designed to encourage water conservation and voluntary transfers, title to conserved water remains with the transferring party. Thus, IID could allow conserved water to be used by another entity while retaining its historic water rights, which have been, and continue to be, an important basis for economic activity in the Imperial Valley.

In 1988, IID and MWD entered into an Agreement for Implementation of a Water Conservation Program and Use of Conserved Water (1988 IID/MWD Agreement) which provided for MWD to bear the costs of various conservation projects implemented by IID within the IID water service area. As compensation for these costs, MWD is entitled to divert from the Colorado River an amount of water equal to the amount conserved by the conservation projects. The conservation projects have been fully implemented, and the estimated amount of conserved water generated by the projects at full implementation is approximately 100 to 110 KAFY.

1.4.5 IID/SDCWA Transfer Agreement

To conserve additional water for transfer, IID sought to develop a water conservation program that includes: (1) on-farm irrigation system conservation measures, which require the participation of Imperial Valley landowners and tenants; and (2) water delivery system conservation measures. IID also required a contractual mechanism for funding the costs of such a conservation program, including costs of water delivery system and on-farm irrigation system improvements and facilities, landowner incentives to implement on-farm conservation measures, environmental mitigation costs, and other implementation costs. In addition, IID anticipated that the proceeds from sale of conserved water would provide economic benefits to cooperating landowners, tenants, and IID, and an economic stimulus to the Imperial Valley. The proceeds would also fund the costs of implementing conservation measures, environmental mitigation, and mitigation of third-party impacts.

With these objectives in mind, IID and SDCWA began discussions for a water conservation and transfer agreement in mid-1995. The IID/SDCWA Transfer Agreement is the result of these negotiations and is considered by each party to be viable and mutually beneficial. The IID/SDCWA Transfer Agreement is further described in Section 2.2.4.1 and a Summary is included in Appendix A.

This EIR/EIS evaluates implementation of the IID/SDCWA Transfer Agreement as a separate transaction (providing up to 300 KAFY to SDCWA), which is one scenario for implementation of the Proposed Project. This EIR/EIS also evaluates the modified water transfers that would take place if the QSA is approved and implemented as described in Section 1.4.7 below, which is a second scenario for implementation of the Proposed Project.

1.4.6 California's Colorado River Water Use Plan

In 1996, the Secretary deferred further consideration of any long-term Colorado River surplus guidelines until California put in place a realistic strategy to ensure that it would be able to reduce its annual use of Colorado River water to 4.4 MAFY in normal years or to meet its needs from sources that do not jeopardize the apportionments of others.

Development of this strategy was considered by the Secretary to be a prerequisite for approval of any further cooperative Colorado River water transfers between California agencies. In an effort to prepare for likely reductions of Colorado River water available to California, the Colorado River Board of California prepared the California Plan, which was released in draft form in May 2000 and is available for public review at www.crb.water.ca.gov/reports.htm.

The California Plan provides a framework for the state to coordinate and assist in the cooperative implementation of diverse programs, projects, and other activities that would reduce California's use of Colorado River water and facilitate conformance with California's annual apportionment. It involves the conservation of water within southern California and the transfer of conserved water from agricultural to predominantly urban uses. It also identifies future groundwater conjunctive use projects that would store Colorado River water when available. The proposed QSA, described in Section 1.4.7 below, is designed to include key contractual arrangements among IID, MWD, and CVWD, which are needed to implement major components of the California Plan. The Proposed Project, whether implemented with or without the QSA, would accomplish a key goal of the California Plan by transferring up to 300 KAFY of Colorado River water from IID to other users.

1.4.7 Quantification Settlement Agreement

Subsequent to execution of the IID/SDCWA Agreement, IID, CVWD, and MWD negotiated the terms of the proposed QSA. Although not a signatory to the proposed QSA, SDCWA is a member agency of MWD. SDCWA participated in the QSA negotiations and benefits from, or is affected by, certain of its terms. The QSA is a consensual reallocation of Colorado River water based on a series of proposed agreements, which include water conservation/transfer and exchange projects among IID, CVWD, and MWD. The proposed QSA provides part of the mechanism for California to reduce its water diversions from the Colorado River in normal years to its apportioned amount of 4.4 MAF under the California Plan (see Section 1.4.6). The implementation of the proposed QSA, which includes water conservation and water transfers from agricultural use to principally urban use, would result in a net reduction of Colorado River diversions to California.

If the QSA is fully approved by the participating agencies and if the conditions to implementation of the QSA are satisfied or waived, SDCWA would be limited to the primary amount (130 to 200 KAFY) of transferred water under the IID/SDCWA Transfer Agreement, CVWD would have an option to acquire up to 100 KAFY, and MWD would have an option to acquire any portion of the 100 KAFY that CVWD elects not to acquire. The second scenario for implementation of the Proposed Project assessed in this Draft EIR/EIS provides for the water transfers that will apply if the QSA is implemented.

IID, MWD, CVWD, and SDCWA are the co-lead agencies for the preparation, in accordance with CEQA, of a *Final Program EIR for the Implementation of the Colorado River Quantification*

Settlement Agreement (Final QSA PEIR) (CVWD et al. 2002). The QSA is further described in Section 2.2.4.2 and the Final QSA PEIR is further described in Section 1.5.2. The federal approvals required to implement water deliveries in accordance with the QSA will be evidenced by the Secretary's execution of the Implementation Agreement (IA). The assessment under NEPA required for execution of the IA is described in Section 1.5.3.

1.5 Projects and CEQA/NEPA Documentation Related to the Proposed Project

This section describes the planned water resources management actions and programs affecting the allocation and distribution of Colorado River water that are closely related to the Proposed Project. These actions and programs have undergone or are currently undergoing environmental review. Figure 1-12 illustrates the relationship between the Proposed Project and other closely related environmental actions/documents.

Some of the actions and programs listed below have impacts that could result in cumulative impacts in combination with those of the Proposed Project. These are assessed in Section 5, Other NEPA and CEQA Considerations. Other projects that also could contribute to cumulative impact when combined with the Proposed Project, but that are less closely related to the allocation and distribution of Colorado River water, are also described in Section 5.

1.5.1 Interim Surplus Guidelines and Related EIS

As discussed in Section 1.4.6 above, California has developed the California Plan to assist in reducing its use of Colorado River water to its annual apportionment. The Secretary has developed specific Interim Surplus Guidelines that will provide mainstream users of Colorado River water, particularly those in California that currently use surplus water, with a greater degree of predictability concerning the likelihood of a surplus determination in a given year during an interim period (from 2002 to 2016). The Interim Surplus Guidelines are used to determine the conditions under which the Secretary may declare the availability and volume of surplus water for use within the states of Arizona, California, and Nevada. The guidelines facilitate California's transition to a reduced supply of Colorado River water, and adoption of the guidelines is a condition precedent to implementation of the QSA. The guidelines will be applied each year as part of the Annual Operating Plan for Colorado River Reservoirs. The guidelines provide certain benchmarks, or milestones, for reduction of California's Colorado River water use. In the event that these milestones are not achieved, the guidelines expressly provide that subsequent surplus determinations will be made on a more conservative basis until such time as California is in compliance with the required reductions.

The Final Interim Surplus Guidelines EIS assesses the impacts of these guidelines (Reclamation 2000f) and a Record of Decision (ROD) was approved (Federal Register, Vol. 66, No. 17, January 25, 2001, Notices) (Reclamation 2002). A copy of the Final Interim Surplus Guidelines EIS and ROD is available from Reclamation, Yuma Office, P.O. Box D, Yuma AZ 85366.

California Plan

• Requires California to reduce its use of Colorado River water from average of 5.3 MAFY to 4.4 MAFY in a normal year.

QSA ①

• IID Water Conservation and Transfer Project and HCP

- Coachella Canal Lining Project
- All American Canal Lining Project
- Other Components ②

Impacts evaluated in QSA PEIR

COLOR KEY

- Impacts Evaluated in IID Water Conservation and Transfer Project EIR/EIS and HCP
- Impacts Evaluated in Other Environmental Compliance Documents

ACRONYMS

QSA	Quantification Settlement Agreement
IID	Imperial Irrigation District
SDCWA	San Diego County Water Authority
CVWD	Coachella Valley Water District
MWD	Metropolitan Water District
PEIR	Program Environmental Impact Report
IA	Implementation Agreement
IOP	Inadvertent Overrun and Payback Policy
MAFY	Million Acre Feet per Year
KAFY	Thousand Acre Feet per Year
HCP	Habitat Conservation Plan

FOOTNOTES

- ① The proposed QSA is a consensual reallocation of Colorado River water among IID, CVWD, and MWD for up to 75 years. It provides part of the mechanism for California to reduce its Colorado River water diversions under the California Plan.
- ② For a complete description of QSA components, see QSA PEIR.
- ③ Details of water conservation measures are included in Section 2.
- ④ Relevant impacts from the draft Coachella Valley Management Plan PEIR are included in this EIR/EIS.

IID Water Conservation and Transfer Project EIR/EIS and HCP

1. IID Forbearance at 3.1 MAFY, Subject to the IOP

- IID commitment to reduce Colorado River water use to 3.1 MAFY

2. Water Conservation ③

- Any Combination of:
- On-farm Irrigation System Improvements
 - Water Delivery System Improvements
 - Fallowing

3. Water Transfer under Two Scenarios:

- IID/SDCWA Transfer Agreement Implementation Only: 130 to 300 KAFY to SDCWA

- QSA Implementation: Up to 200 KAFY to SDCWA and up to 100 KAFY to CVWD and/or MWD

4. Change in Point of Diversion

- Reclamation's approval of change in point of diversion from Imperial to Parker Dam for water transferred to SDCWA and/or MWD

5. Habitat Conservation Plan

- IID's compliance with federal and California endangered species acts

Impacts of the IOP are also assessed in the IA EIS.

Impacts of water use by CVWD are also evaluated in the Coachella Valley Water Management Plan PEIR. ④ Impacts of water use by MWD are also evaluated in the QSA PEIR.

Impacts of change in point of diversion are also evaluated in the IA EIS and QSA PEIR.

Project Alternatives

1. No Project
2. 130 KAFY Conservation and Transfer to SDCWA (on-farm irrigation system improvements as exclusive conservation measure)
3. 230 KAFY Conservation and Transfer to SDCWA, CVWD, and/or MWD (all conservation measures)
4. 300 KAFY Conservation and Transfer to SDCWA, CVWD, and/or MWD (fallowing as exclusive conservation measure)

Figure 1-12
Relationship of this Final EIR/EIS to Other Projects and Ongoing Environmental Compliance Documents

The Interim Surplus Guidelines are assumed to be in effect for purposes of the assessment of the Proposed Project set forth in this EIR/EIS. The Proposed Project will assist California in meeting the benchmarks for reduction of Colorado River water use included in the guidelines.

1.5.2 Proposed QSA and QSA PEIR

The proposed QSA negotiated by IID, MWD, and CVWD is described in Section 1.4.7. The QSA authorizes a number of diverse programs and activities, including the water conservation and transfer projects included in the Proposed Project, assuming implementation under the second scenario (QSA Implementation).

IID, MWD, CVWD, and SDCWA are the co-lead agencies for the preparation, in accordance with CEQA, of the QSA PEIR (CVWD et al. 2002). The QSA PEIR is a programmatic assessment of the environmental effects of implementation of the QSA by these California water agencies and is intended to provide an overall assessment of the multiple projects included in the QSA. The Draft QSA PEIR was made available for public review on January 30, 2002. The Final QSA PEIR was certified by the four co-lead agencies in June 2002. The document is available from MWD, 700 N. Alameda Street, Los Angeles CA 90012.

The QSA includes the allocation of conserved water to be generated by certain projects that have previously been assessed in final CEQA/NEPA documentation. The Final QSA PEIR incorporates information from this documentation, described below, in assessing the QSA program:

- **All American Canal Lining Project EIR/EIS:** The Final EIS/EIR for the All American Canal Lining Project, Imperial County, California (Reclamation and IID 1994, reviewed and determined to still be adequate in 1999), assessed the construction of a 23-mile lined canal parallel to the existing All American Canal. The purpose of the project is to conserve a portion of the water being lost through seepage from the existing canal. The project has the potential to conserve approximately 67,700 AFY. This project has been approved although not yet constructed. This document is available at IID Headquarters, 333 East Barioni Blvd., Imperial CA 92251.
- **Coachella Canal Lining Project EIR/EIS:** The Final EIS/EIR for the Coachella Canal Lining Project, Riverside and Imperial Counties, California, was prepared by Reclamation and CVWD in April 2001, to assess the lining of the Coachella Canal. The purpose of the project is to conserve approximately 30,850 AFY of water being lost as seepage from the earthen reaches of the Coachella Canal. A specific quantity of conserved water would be assigned to the Department of the Interior to facilitate implementation of the San Luis Rey Indian Water Rights Settlement Act (Public Law 100-675, November 17, 1988). Remaining quantities of conserved water would be distributed to Southern California to meet present water demand and to assist the state in attaining the goals of the California Plan. The document is available from Reclamation, Yuma Office, P.O. Box D, Yuma AZ 85366, and from CVWD, P.O. Box 1058, Coachella CA 92236.
- **1988 IID/MWD Agreement EIR:** The Final EIR for Modified East Lowline and Trifolium Interceptors, and Completion Projects (IID 1994) assesses water conservation projects pursuant to the 1988 IID/MWD Agreement (see Section 1.4.4 above), including two new

lateral interceptor systems (lined canals that extend across the lower reaches of lateral canals to capture unused flows) and a set of 13 potential “completion projects,” such as additional lateral interceptor systems, seepage recovery, canal/lateral lining, water conservation/flood control through land retirement, and new reservoir construction. The projects provided for under the 1988 IID/MWD Agreement have been fully implemented, but conserved water will continue to be available for transfer as a result of the projects. The Final EIR is also available at IID Headquarters, 333 East Barioni Blvd., Imperial, CA 92251.

This EIR/EIS has relied upon the information developed in the Final QSA PEIR in assessing the cumulative impacts of the Proposed Project's second implementation scenario (QSA Implementation), together with other QSA activities. The QSA PEIR is also intended to provide a project-level assessment under CEQA for MWD's receipt and use of water transferred pursuant to the QSA. This EIR/EIS has included only a programmatic assessment of MWD's receipt of conserved water from IID under the Proposed Project, second scenario (QSA Implementation).

1.5.3 Proposed Implementation Agreement, Inadvertent Overrun and Payback Policy, Biological Conservation Measures in USFWS' Biological Opinion, and IA EIS

Implementation of the QSA requires certain federal actions, which are set forth in a proposed IA to be executed by the Secretary. The IA would commit the Secretary to make Colorado River water deliveries in accordance with the terms of the IA, to allow for the implementation of the QSA (see Sections 1.4.7 and 1.5.2). Execution of the IA would result in changes in the amount and/or location and use of deliveries of Colorado River water, which are necessary to implement the QSA.

Reclamation also proposes to adopt an Inadvertent Overrun and Payback Policy (IOP), which establishes requirements for payback of inadvertent overuse of Colorado River water by Lower Basin Colorado River water users in the Lower Division States. The IOP has been modified to indicate that Mexico is not included. Reclamation's adoption of the IOP is a condition precedent to the execution of the IA and QSA, and the IOP must be in place by the time these agreements go into effect.

Reclamation proposes to implement certain biological conservation measures to avoid potential impacts to federally listed fish and wildlife species or their associated critical habitats within the historic floodplain of the Colorado River, between Parker Dam (including Lake Havasu to its full pool elevation) and Imperial Dam, resulting from: (1) the Interim Surplus Guidelines (see Section 1.5.1); and (2) the change in the diversion point for up to 400 KAFY, which is required to implement the IA and the water transfers included in the Proposed Project. These measures were developed and agreed to by Reclamation and USFWS in response to a Biological Assessment (BA) submitted by Reclamation in August 2000 (Reclamation 2000), and were incorporated into the USFWS Biological Opinion (BO) for Interim Surplus Criteria, dated January 2001 (Reclamation 2001c).

Reclamation is the lead agency for preparation, in accordance with NEPA, of an EIS for the Implementation Agreement (IA), Inadvertent Overrun and Payback Policy (IOP), and Related Federal Actions (IA EIS) (Reclamation 2002). The Final IA EIS is expected to be filed

with the U.S. Environmental Protection Agency concurrent with the filing of this Final EIR/EIS.

The information and assessment included in the IA EIS and BO are incorporated by reference into this EIR/EIS. The IA EIS and BO documents are available for public review in connection with this EIR/EIS from Reclamation, Yuma Office, P.O. Box D, Yuma AZ 85366.

This EIR/EIS does not assess the impacts of the IOP. However, because Reclamation's adoption of the IOP is a condition precedent to implementation of the IA and QSA, this EIR/EIS analyzes the impacts of IID's compliance with the IOP in the implementation of the Proposed Project. The biological conservation measures assessed in the IA EIS are intended to avoid all impacts to federally listed fish and wildlife species or their associated habitats within the historic floodplain of the Colorado River, which could result from the implementation of the Proposed Project. As noted in the IA EIS, there would be no impacts to federally protected species from adoption of the IOP (Reclamation 2002).

1.5.4 Proposed Coachella Valley Water Management Plan

CVWD has prepared the Coachella Valley Water Management Plan (CVWD 2000) to establish an overall program for managing its surface and groundwater resources in the future. The overall plan involves several actions to reduce the current overdraft of the groundwater in the CVWD service area. These actions include increased use of Colorado River water to reduce the need to pump groundwater, water recycling, and conservation measures to decrease the overall consumption of water.

A substantial portion of the additional water to be used from the Colorado River is associated with the implementation of the QSA. Under the QSA, from 55 to 155 KAFY of additional Colorado River and SWP water would be used to replace an equivalent portion of the groundwater now used. Reducing the amount of groundwater pumping and increasing the use of Colorado River water would allow the overdrafted aquifer to begin to recover. Other elements of the Water Management Plan are not dependent on implementation of the QSA.

CVWD is the lead agency for preparation, in accordance with CEQA, of a *Draft Program EIR for the Groundwater Management Plan* (CVWD 2002), including the effects of receipt and use of conserved water by CVWD within its service area pursuant to the QSA. The Draft CVWD Water Management PEIR was made available for a 45-day public comment period on June 26, 2002. The document is available for public review from CVWD, P.O. Box 1058, Coachella CA 92236. The Coachella Valley Water Management Plan (CVWD 2000), on which the Draft CVWD Water Management Plan PEIR assessment is based, is also available from CVWD, P.O. Box 1058, Coachella CA 92236. This EIR/EIS includes a programmatic assessment of CVWD's receipt and use of conserved water from IID, based upon information available as a result of preparation of the Draft CVWD Water Management PEIR. The information and assessment relating to the effects of use of conserved water obtained from IID, included in the Draft CVWD Water Management PEIR, supplements the programmatic assessment in this EIR/EIS.

1.5.5 SDCWA/MWD Exchange Agreement

SDCWA has entered into a separate agreement with MWD, the SDCWA/MWD Water Exchange Agreement, to accommodate the physical conveyance of transferred water via the CRA and a water exchange. Pursuant to this agreement, an amount of water equal to the conserved water to be transferred from IID to SDCWA will be diverted into the CRA operated by MWD, and, in exchange, MWD will deliver water in like amount and quality to SDCWA via MWD's conveyance facilities. SDCWA and MWD approved a Notice of Exemption (NOE) providing that the exchange transaction is categorically exempt from assessment under CEQA.

This EIR/EIS does not assess the physical conveyance of the water via the CRA or the water exchange between SDCWA and MWD. This EIR/EIS has relied upon the NOE for its determination that implementation of the SDCWA/MWD Water Exchange Agreement is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301. The NOE is incorporated into this EIR/EIS by reference. The NOE is available from IID, Public Information Department, 1284 Main Street, El Centro CA 92243. The SDCWA/MWD Water Exchange Agreement is also reviewed in the QSA PEIR.

1.5.6 Summary of Relationship Between This EIR/EIS and Related CEQA/NEPA Documentation

This EIR/EIS will assess, at a project level, the effects of the conservation of water within the IID water service area to the extent required to implement the Proposed Project, the effects of a change in the point of diversion on the Colorado River in order to transfer conserved water to SDCWA or MWD, and the effects of receipt and use of conserved water by SDCWA within the SDCWA Service Area.

The effects of receipt and use by MWD within the MWD service area of conserved water transferred from IID to MWD under the Proposed Project are assessed at a programmatic level in this EIR/EIS. A project-level assessment of MWD's receipt and use of this transferred water is set forth in the QSA PEIR prepared by MWD, IID, CVWD, and SDCWA as co-lead agencies (see Section 1.5.2).

The effects of receipt and use by CVWD within CVWD's Improvement District No. 1 of conserved water transferred from IID to CVWD under the Proposed Project are assessed at a programmatic level in this EIR/EIS. A more detailed assessment of CVWD's receipt and use of this transferred water is set forth in the Draft CVWD Water Management PEIR (see Section 1.5.4). To the extent further project-level or supplemental assessment is required for CVWD's and/or MWD's use of such conserved water, such assessment will be contained in subsequent documentation that would tier from the applicable programmatic document.

The effects of the federal actions required to implement the transfer of water from IID to SDCWA and/or MWD under the Proposed Project, assuming implementation of the QSA (the second scenario for implementation of the Proposed Project), including the change in the point of delivery, are assessed in the IA EIS prepared by Reclamation, which is incorporated into this EIR/EIS by reference. This EIR/EIS relies upon the assessment developed in the IA EIS and provides an assessment of the federal actions required to implement the transfers to SDCWA under the Proposed Project, assuming that the QSA is not implemented (the first scenario for implementation of the Proposed Project).

Effects on federally listed species and their habitats along the LCR and conservation measures to avoid effects on biological resources as a result of implementing the proposed actions in the Interim Surplus Guidelines EIS and the change in the point of delivery of 400 KAFY from Imperial Dam to Lake Havasu, including the change in the point of diversion on the Colorado River that is required for the water transfers to SDCWA and MWD under the Proposed Project (under either implementation scenario), are described in the USFWS' BO (issued on January 12, 2001), which is also incorporated into this EIR/EIS by reference. The BO provides incidental take authorization under the ESA for federally listed species as a result of those changes in Reclamation's operations.

This EIR/EIS assesses the effects on state-listed species and their habitats along the LCR as a result of the Proposed Project. Incidental take authorization for impacts to state-listed species is expected to be obtained through issuance by California Department of Fish and Game (CDFG) of a permit under CESA Section 2081 for the benefit of IID, SDCWA, and MWD. This EIR/EIS is intended to provide the biological information necessary to support issuance of such incidental take authorization.

The environmental documents mentioned above are also described in Table 1-2. Figure 1-12 illustrates the relationship between the Proposed Project and the key, associated environmental compliance documents. Summaries of the documents incorporated by reference were excerpted from the project-specific environmental impact analyses.

TABLE 1-2
Documents Related To This EIR/EIS

Project Component	Federal and/or State Action	Associated Environmental Documentation
<p>Priority 3a Colorado River water capped at 3.1 MAFY. IID consensually limits its consumptive use of Priority 3a water to a specified amount of 3.1 MAFY subject to adjustment as provided in the QSA and IOP.</p>	<p>Secretary shall deliver Colorado River water to Imperial Dam in an amount up to, but not more than, IID's Priority 3a cap.</p>	<ol style="list-style-type: none"> 1. The IAEIS provides NEPA compliance for the Secretary's delivery of Colorado River water in conformance with IID's Priority 3a cap. 2. The QSAPEIR provides program-level CEQA compliance for IID's Priority 3a cap. 3. This EIR/EIS provides project-level CEQA compliance for IID's Priority 3a cap.

TABLE 1-2

Documents Related To This EIR/EIS

Project Component	Federal and/or State Action	Associated Environmental Documentation
<p>Transfer of conserved water (up to 200 KAFY) to SDCWA. An amount of water equivalent to the amount of water conserved in the IID water service area would be transferred to SDCWA. At SDCWA's election, the water would be delivered to Lake Havasu.</p>	<p>Secretary shall deliver Colorado River water to Lake Havasu in an amount equal to that amount of water conserved by IID for the benefit of SDCWA in accordance with the provisions, including the point of delivery, of the IID/SDCWA Transfer Agreement and IA.</p> <p>USFWS has issued incidental take authorization for federally listed species on the LCR that could be affected by Reclamation's implementation of the change in the point of delivery.</p> <p>CDFG will issue incidental take authorization for state-listed species on the LCR that could be affected by the change in the point of diversion.</p> <p>SWRCB will approve IID's petition to transfer water under the Water Code.</p>	<ol style="list-style-type: none"> 1. The IAEIS provides NEPA compliance for the change in point of diversion of up to 200 KAFY from Imperial Dam to Lake Havasu. 2. The IAEIS provides program-level NEPA compliance for the IID/SDCWA Transfer Agreement, as modified by the QSA. 3. The QSAPEIR provides project-level CEQA compliance for the change in point of diversion of up to 200 KAFY from Imperial Dam to Lake Havasu. 4. The QSAPEIR provides program-level CEQA compliance for the IID/SDCWA Transfer Agreement. 5. This EIR/EIS provides project-level CEQA compliance for the IID/SDCWA Transfer Agreement. 6. This EIR/EIS provides project-level NEPA and CEQA compliance for the water conservation and transfers by IID, and for the HCP for impacts to the IID water service area and Salton Sea. 7. CEQA Notice of Exemption was prepared by SDCWA for the SDCWA/MWD Water Exchange Agreement. 8. USFWS' BO provides incidental take authorization for federally listed species potentially affected by Reclamation's implementation of the change in the point of delivery. 9. This EIR/EIS provides project-level CEQA compliance for the issuance of an incidental take permit for state-listed species on the LCR as a result of the change in the point of diversion. 10. This EIR/EIS provides CEQA compliance for SWRCB's approval of IID's petition to transfer water under the Water Code.

TABLE 1-2
Documents Related To This EIR/EIS

Project Component	Federal and/or State Action	Associated Environmental Documentation
<p>Transfer of conserved water (up to 100 KAFY) to CVWD and/or MWD. An amount of water equivalent to the amount of water conserved in the IID water service area, which CVWD elects to acquire, would be made available at Imperial Dam; any amount not acquired by CVWD may be acquired by MWD.</p>	<p>Secretary shall deliver Colorado River water to Imperial Dam in an amount equal to that amount of water conserved by IID for the benefit of CVWD in accordance with the provisions of the IA. In the event CVWD may decline a portion of this water, the Secretary shall instead deliver such portion of water to IID or MWD in accordance with the provisions of the IA.</p> <p>USFWS has issued incidental take authorization for federally-listed species on the LCR, which could potentially be affected by Reclamation's implementation of the change in the point of delivery.</p> <p>CDFG will issue incidental take authorization for state-listed species on the LCR which could be affected by the change in the point of diversion.</p> <p>SWRCB will approve IID's petition to transfer water under the Water Code.</p>	<ol style="list-style-type: none"> 1. The IAEIS provides NEPA compliance for the potential change in point of diversion of up to 100 KAFY from Imperial Dam to Lake Havasu, and for the use of conserved water delivered to CVWD and/or MWD. 2. The QSAPEIR provides project-level CEQA compliance for the change in point of diversion of up to 100 KAFY from Imperial Dam to Lake Havasu. 3. The QSAPEIR provides project-level CEQA compliance for MWD use of any amount of conserved water not acquired by CVWD. 4. This EIR/EIS provides project-level NEPA and CEQA compliance for the water conservation and transfers by IID. 6. CEQA compliance for CVWD use of conserved water is included in the Coachella Valley Water Management Plan PEIR. 7. USFWS' BO provides incidental take authorization for federally listed species potentially affected by Reclamation's implementation of the change in the point of delivery. 8. This EIR/EIS provides project-level CEQA compliance for the issuance of an incidental take permit for state-listed species on the LCR as a result of the change in the point of diversion. 9. This EIR/EIS provides CEQA compliance for SWRCB's approval of IID's petition to transfer water under the Water Code.

TABLE 1-2

Documents Related To This EIR/EIS

Project Component	Federal and/or State Action	Associated Environmental Documentation
Habitat Conservation Plan. The HCP supports IID's Incidental Take Permit applications in conformance with § 10(a)(1)(B) of ESA and § 2081(b) of CESA.	<p>USFWS will issue incidental take authorization for federally listed species potentially affected by water conservation by IID in IID's Water Service Area, the right-of-way of the AAC, and the Salton Sea, based upon the HCP.</p> <p>CDFG will issue incidental take authorization for state-listed species potentially affected by water conservation by IID in IID's Water Service Area, the right-of-way of the AAC, the Salton Sea, based upon the HCP.</p>	1. This EIR/EIS provides project-level NEPA and CEQA compliance for issuance of incidental take permits in conformance with §10(a)(1)(B) of ESA and § 2081(b) of CESA and implementation of the HCP.

1.6 Other Proposed Projects Related to Resources Affected by the Proposed Project

1.6.1 Proposed Lower Colorado River Multi-Species Conservation Program

The LCR Multi-Species Conservation Program (LCR MSCP) is a partnership of state, federal, tribal, and other public and private stakeholders with an interest in managing the water and related resources of the LCR Basin. The purposes of the LCR MSCP are as follows:

- Conserve habitat and work toward the recovery of “covered species” within the historic floodplain of the LCR, pursuant to the federal ESA and reduce the likelihood of additional species listings under the ESA.
- Accommodate current water diversions and power production and optimize opportunities for future water and power development, to the extent consistent with law.
- Provide the basis for federal ESA and CESA compliance via incidental take authorizations resulting from the implementation of the first two purposes.

The LCR MSCP covers the mainstream of the LCR from below Glen Canyon Dam to the southerly international boundary with Mexico. The program area includes the historic floodplain and reservoir full-pool elevations. Conservation measures would focus on the LCR from Lake Mead to the international boundary. The comprehensive program is planned to be implemented over a 50-year period. It will address future federal agency consultation needs under the Section 7 of the ESA and non-federal agency needs for approval of incidental take authorization for endangered species under ESA Section 10. The LCR MSCP is intended to provide long-term ESA and CESA compliance and incidental take authorization for a number of actions affecting the LCR. A Draft EIS/EIR, BA, and habitat conservation plan are being prepared to analyze the impacts of the LCR MSCP. Reclamation and USFWS are the lead agencies under NEPA, and MWD is the lead agency under CEQA.

The LCR MSCP is a conservation program, and it will not authorize water transfers or changes in the point of diversion. The actions that are anticipated to be covered by the LCR MSCP on a long-term basis include changes in the point of diversion of up to 1.574 MAFY of Colorado River water. The change in the point of diversion for the first 400 KAFY of this total amount, including the transfers anticipated by the Proposed Project, were addressed in a consultation by Reclamation with USFWS under ESA Section 7. The Draft IA EIS prepared by Reclamation (see Section 1.5.3) assesses the biological conservation measures identified as a result of that consultation to avoid impacts on species and their habitats along the LCR as a result of the diversion of 400 KAFY.

1.6.2 Proposed Salton Sea Restoration Project

Implementation of the IID/SDCWA Transfer Agreement and the QSA would change the amount of drainage water that enters the Salton Sea. The Salton Sea Restoration Project is evaluating actions to stabilize the elevation and reduce the salinity of the Salton Sea, pursuant to the Salton Sea Reclamation Act of 1998 [Public Law (PL) 105-372]. The Act directed the Secretary to:

...complete all studies, including, but not limited to environmental and other reviews, of the feasibility and benefit-cost of various options that permit the continued use of the Salton Sea as a reservoir for irrigation drainage and: (i) reduce and stabilize the overall salinity of the Salton Sea; (ii) stabilize the surface elevation of the Salton Sea; (iii) reclaim, in the long term, healthy fish and wildlife resources and their habitats; and (iv) enhance the potential for recreational uses and economic development of the Salton Sea.

To implement this directive, the Salton Sea Authority, as the California lead agency under CEQA, and Reclamation, as the federal lead agency under NEPA, released a Draft EIS/EIR in January 2000 that evaluated proposed Salton Sea Restoration Project Alternatives. A revised Draft EIS/EIR, including different Alternatives and revised modeling and impact analysis, is currently being prepared.

It is anticipated that a Draft Alternatives Report, describing specific project objectives and the alternatives that are currently being developed for the Salton Sea Restoration Project, will be made available for public review in November 2002.

Both the Proposed Project and the Salton Sea Restoration Project have the potential to affect environmental resources at the Salton Sea. However, they are separate projects with different objectives and different timelines for implementation. The Lead Agencies for this EIR/EIS have indicated that the Proposed Project must be assessed now so that, if approved, it will be available to provide reliable supplies of Colorado River water to California water agencies by 2003. Timely implementation of the Proposed Project will assist in meeting time deadlines for California's reduction of its Colorado River water use to 4.4 MAF in a normal year and in satisfying the requirements of Reclamation's Interim Surplus Guidelines ROD (see Section 1.5.1). In contrast, no preferred alternative has yet been identified for the Salton Sea Restoration Project, and the project has not been authorized, approved, or funded by Congress.

Implementation of the Proposed Project is not inconsistent with subsequent implementation of a restoration project. The Salton Sea Reclamation Act anticipated reductions in inflows as

a result of water conservation and expressly directed the Secretary, in evaluating restoration options, to:

...apply assumptions regarding water inflows into the Salton Sea Basin that encourage water conservation, account for transfers of water out of the Salton Sea Basin, and are based on a maximum likely reduction in inflows into the Salton Sea Basin which could be 800,000 acre-feet or less per year.

1.7 Agency Use of this EIR/EIS and Required Project Approvals

This EIR/EIS was prepared to meet environmental compliance requirements for federal and state agencies. IID is the Lead Agency for CEQA compliance, and Reclamation is the Lead Agency for NEPA compliance. As noted in Section 1.1.1, the Draft EIR/EIS was made available for a 90-day public review and comment period. Public hearings were held on April 2, 3, and 4, 2002, in La Quinta, El Centro, and San Diego, California, respectively, to obtain oral comments on the adequacy of the Draft EIR/EIS. Written comments were also accepted by both Lead Agencies.

As described below, each of the Lead Agencies will review the Final EIR/EIS and issue separate decisions as to whether to approve and/or certify the Final EIR/EIS prior to taking action on the Project. The federal, state, and local permits and authorizations required for the Project are further described below.

1.7.1 Federal Approvals

Implementation of the Project would require certain federal actions or approvals, including approvals by Reclamation and compliance with NEPA, ESA, and other related federal environmental laws, statutes, Executive Orders, and regulations. Reclamation and USFWS are the two federal agencies responsible for issuing federal approvals for the Project. This EIR/EIS is intended to provide NEPA compliance for these federal actions and approvals.

1.7.1.1 Reclamation

In order to implement the Proposed Project, Reclamation must agree to deliver water to facilitate the transfer transactions, including the change in the point of delivery of conserved water to be transferred from IID to SDCWA and/or MWD from Imperial Dam to the intake of the CRA at Lake Havasu. (There would be no change in the point of delivery of conserved water transferred from IID to CVWD.)

If the Proposed Project is implemented under the second scenario (QSA Implementation), the IA to be executed by the Secretary to facilitate the QSA (see Section 1.5.3) will evidence the federal approval of modifications to Reclamation's operations necessary to implement the water transfers included in the Proposed Project. The IA requires NEPA compliance, and the environmental compliance for this federal action is set forth in the IA EIS, which is incorporated by reference into this EIR/EIS.

If the Proposed Project is implemented under the first scenario (IID/SDCWA Agreement Implementation Only), the Secretary must agree to modifications to Reclamation's operations as necessary to implement the water transfers to SDCWA pursuant to the IID/SDCWA Agreement. This EIR/EIS is intended to provide the NEPA compliance for this

federal action; for purposes of this analysis, this EIR/EIS relies upon and incorporates the analysis in the IA EIS.

Reclamation must implement the biological conservation measures assessed in the IA EIS in order to minimize impacts to federally listed species and their habitats as a result of the changes in the point of delivery of water transferred to SDCWA and/or MWD pursuant to the Proposed Project. This federal action is assessed in the IA EIS, which is incorporated into this EIR/EIS by reference.

As a condition precedent to implementation of the QSA, Reclamation must adopt the IOP. This federal action is being assessed in the IA EIS. After review of the Final IA EIS and the Final EIR/EIS, Reclamation will issue a ROD.

1.7.1.2 USFWS

USFWS is responsible for oversight of the federal ESA and is a Cooperating Agency under NEPA for this EIR/EIS. As part of the Proposed Project, IID is preparing an HCP (see Appendix C) in support of an application to receive an Incidental Take Permit under Section 10(a) of the ESA for impacts of the Proposed Project on species and habitats within IID's Water Service Area, the right-of-way of the AAC, and the Salton Sea. The HCP addresses the impact of the potential take of 96 listed and unlisted species that could result from IID's activities associated with implementation of the Proposed Project. Approval of the HCP and issuance of an Incidental Take Permit by USFWS are federal actions requiring compliance with NEPA, as well as a consultation under ESA Section 7. The requirements for approval of an HCP to support issuance of an Incidental Take Permit are described in Section 1.2.4 above.

As discussed in Section 1.5.3, ESA compliance for the impacts of the change in the point of diversion on the Colorado River required for the water transfers to SDCWA and MWD which are part of the Proposed Project, will be provided by the Section 7 consultation between Reclamation and USFWS, the BA submitted by Reclamation, the BO issued by USFWS, and the assessment provided in the IA EIS.

1.7.2 State Approvals

This section describes the approvals by California state agencies that are necessary to implement the Proposed Project. The Proposed Project requires compliance with CEQA, CESA, and other related state laws, statutes, and regulations. SWRCB and CDFG are two state agencies responsible for issuing state approvals of the Project.

1.7.2.1 SWRCB

SWRCB approval is required under the Water Code for certain water transfers. Also, under SWRCB Decision 1600 and Order 88-20 (see Section 1.4.4), IID was directed to develop meaningful water conservation activities, and SWRCB retained jurisdiction over those activities. To implement the water transfers, IID and SDCWA filed a petition on July 22, 1998, as amended on October 9, 1998, with the SWRCB, requesting approval of a long-term change in IID's Permit 7643 (Application 7482), to allow the conservation and transfer of up to 300 KAFY from IID to SDCWA, CVWD, and/or MWD, including a change in the point of

diversion for transfers to SDCWA and MWD, and changes in the place and purpose of use of IID's water right. The petition requires the following actions by SWRCB:

- Determine that California law (Water Code Sections 1011, 1012, and 1013) applies to, and governs, the Project, and that IID's senior water rights are unaffected by the transfers. Also determine that the conserved water transferred retains the same priority as if it had been diverted by IID and used within IID's water service area.
- Determine that the Project is in furtherance of SWRCB Decision 1600, SWRCB Order WR 88-20, Article X, Section 2 of the California Constitution, and Sections 100 and 109 of the Code.
- Determine that the Project further establishes reasonable and beneficial use of water by IID.
- Agree to verify the quantity of conserved water transferred for each year of the Project by confirming that: (1) IID is enforcing the contractual obligations of landowners within IID's water service area to undertake water conservation efforts; (2) IID has undertaken water conservation efforts, if applicable; and (3) IID's diversions at Imperial Dam (less return flows) have been reduced in an amount at least equal to the quantity of conserved water transferred.

This EIR/EIS provides CEQA compliance for the SWRCB's approval of IID's water conservation and transfers. On September 26, 2002 the SWRCB issued a draft decision conditionally approving the joint petition filed by IID and SDCWA for approval of the transfer. The draft decision also conditionally approves the petition filed by IID to change the point of diversion, place of use, and purpose of use under Permit No. 7643 (Application No. 7482.)

1.7.2.2 CDFG

CDFG is responsible for oversight of CESA. CESA Section 2081 allows CDFG to authorize the take of a state-listed species if all of the following conditions are met:

- The take is incidental to an otherwise lawful activity.
- The impacts of the authorized take are minimized and fully mitigated. The measures required to meet this obligation must be roughly proportional in extent to the impact of the authorized taking of the species. Where various measures are available to meet this obligation, the measures required shall maintain the applicant's objectives to the greatest extent possible. All required measures shall be capable of successful implementation. For purposes of Section 2081, impacts of taking include all impacts on the species that result from any act that would cause the proposed taking.
- The permit is consistent with CDFG regulations.
- The applicant must ensure adequate funding to implement the minimization and mitigation measures, and for monitoring compliance with, and effectiveness of, those measures.
- The permit will not jeopardize the continued existence of the species.

IID is preparing an application for an Incidental Take Permit under Section 2081 of CESA for the impacts of the Proposed Project on the state-listed species in the IID water service area, right-of-way of the AAC, and Salton Sea. The application will include the location where the project or activity is to occur, an analysis of whether and to what extent the project or activity could result in the taking of species to be covered by the permit, an analysis of the impacts of the proposed taking on the species, an analysis of whether issuance of the incidental take permit would jeopardize the continued existence of a species, the proposed measures to minimize and fully mitigate the impacts of the proposed taking, a proposed plan to monitor compliance with the minimization and mitigation measures and the effectiveness of the measures, and a description of the funding source and the level of funding available for implementation of the minimization and mitigation measures.

This EIR/EIS provides CEQA compliance for CDFG's approval of a Section 2081 permit for the incidental take of state-listed species in the IID water service area, the right-of-way of the AAC, and the Salton Sea. In addition, this EIR/EIS is intended to provide an assessment under CEQA for CDFG's approval of a Section 2081 permit to IID, SDCWA, and MWD for the impacts to state-listed species on the LCR as a result of implementation of the Proposed Project.

Potential effects on federally listed and state-listed species in the Coachella Valley resulting from use of conserved water transferred from IID will be addressed through separate ESA and CESA processes. Incidental take coverage, as necessary for this element of the Project, will be obtained by CVWD through a regional HCP process, or a process specific to the use of the transferred water.

1.7.3 Local Approvals

1.7.3.1 IID

To comply with CEQA, the Final EIR/EIS must be certified by IID before IID can take final action to implement the IID/SDCWA Transfer Agreement or the QSA, or to enter into the HCP or an implementation agreement with USFWS or a Section 2081 permit with CDFG. The Final EIR/EIS must also be certified by IID before other Responsible Agencies (see Section 1.8.1.2) can issue permits or take other discretionary actions in connection with the Project. IID's Board of Directors (IID Board) is responsible for determining the adequacy of the Final EIR/EIS under CEQA. As noted in Section 1.1.1, the IID Board certified the June 2002 Final EIR/EIS on June 28, 2002.

1.7.3.2 SDCWA

SDCWA must review the Final EIR/EIS and determine that it is adequate under CEQA for SDCWA's use in its role as a Responsible Agency prior to taking final action to implement the IID/SDCWA Transfer Agreement. SDCWA's Board of Directors is responsible for making this determination. If the Board determines that the Final EIR/EIS meets CEQA requirements, the Board will confirm the adequacy of the document, make the appropriate environmental findings, and issue an NOD.

1.8 Consultation and Coordination

The Lead Agencies have a responsibility under various mandates, including CEQA and NEPA, to conduct public involvement activities and to consult with and solicit input from certain federal, state, and local agencies, federally recognized Indian tribes, and other interested parties. This section briefly describes the agency coordination and public scoping activities conducted by the Lead Agencies with respect to this EIR/EIS. A more detailed description of the consultation and coordination activities that occurred in connection with this EIR/EIS is included in a Scoping Summary Report (IID 2000) (see Appendix B).

1.8.1 Agency Coordination and Consultation

Because IID coordinated with federal, state, and local agencies, and Indian tribes early and continuously during preparation of this EIR/EIS, potential concerns have been identified, addressed, and assessed. Ongoing coordination with identified agencies facilitated the environmental review, and the approval and permitting process for the Project. As appropriate, consultation with agencies and Indian tribes continues. The types of agencies included the coordination and consultation activities are:

Agencies and other interested parties that have jurisdiction over the Proposed Project by law.

Agencies and other interested parties that have special expertise on the environmental issues that should be addressed in the EIR/EIS.

Agencies that are defined as Cooperating Agencies² under NEPA or Responsible Agencies³ or Trustee Agencies⁴ under CEQA in relation to the Project.

Federally recognized Indian tribes whose interests may be affected by the Project.

The following sections list the specific agencies and other interested parties that are considered Cooperating, Responsible, and/or Trustee Agencies for the purposes of this EIR/EIS.

1.8.1.1 Cooperating Agencies

USFWS

1.8.1.2 Responsible Agencies

CDFG (also a Trustee Agency)

SWRCB

SDCWA

² Cooperating Agencies under NEPA include any federal agencies other than the lead agency that have jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major federal action significantly affecting the quality of the human environment (40 CFR § 1508.5).

³ Responsible Agencies under the CEQA Guidelines include public agencies other than the Lead Agency that have discretionary approval power over the project (40 CFR § 15381).

⁴ Trustee Agencies under the CEQA Guidelines include California state agencies that have jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California (40 CFR § 15386).

1.8.1.3 Trustee Agencies

CDFG (also a Responsible Agency)
California Department of Parks and Recreation (DPR)
California State Lands Commission (SLC)

1.8.2 Public Scoping

The scoping process for the Proposed Project was designed to solicit input on the issues related to the Project description, the scope of the impact analysis, and the Project Alternatives to be assessed in the EIR/EIS from: (1) the public; (2) federal, state, and local agencies; and (3) other interested parties. Scoping meetings were attended by groups interested in the Proposed Project's potential water delivery system, on-farm conservation measures, and other aspects of the Proposed Project, including potential impacts to the LCR, the Salton Sea, and the SDCWA service area, and the IID water service area.

The NEPA Notice of Intent (NOI) was published in the Federal Register on September 27, 1999, and the CEQA Notice of Preparation (NOP) was distributed by the California State Clearinghouse on September 29, 1999. In addition, on November 6, 2000, Reclamation published an amended NOI. Copies of the two NOIs and the NOP are included in this EIR/EIS in Appendix B. Additional notification was provided by publishing meeting notices in newspapers of general circulation. The public scoping meetings were advertised in six local newspapers: *Imperial Valley Press*, *Desert Sun*, *San Diego Union Tribune*, *Los Angeles Times*, *El Sol del Valle*, and *Las Vegas Review-Journal/Sun*.

The Lead Agencies conducted six public scoping meetings between October 12 and October 20, 1999 to solicit input from the public on potential environmental impacts, the significance of impacts, the appropriate scope of the EIR/EIS, proposed mitigation measures, and potential Alternatives to the Proposed Project. The six meetings' locations and dates are provided below. The number of attendees at each meeting is noted in parentheses.

- 1) Brawley, California, Tuesday, October 12, 1999 (27 attendees)
- 2) Salton City, California, Wednesday, October 13, 1999 (88 attendees)
- 3) El Centro, California, Thursday, October 14, 1999 (28 attendees)
- 4) Las Vegas, Nevada, Monday, October 18, 1999 (8 attendees)
- 5) Carlsbad, California, Tuesday, October 19, 1999 (13 attendees)
- 6) San Diego, California, Wednesday, October 20, 1999 (22 attendees)

In addition to the public scoping meetings mentioned above, a meeting with Indian tribes was held on April 18, 2000, in La Quinta, California. A specific invitation to address cultural resources was made at the meeting. The following groups were invited:

- Torres-Martinez Desert Cahuilla Indians
- Morongo Band of Mission Indians
- Cabazon Indians
- Augustine Band of Mission Indians
- Bureau of Indian Affairs

Eight attendees representing three tribes, USFWS, and BIA attended the April 18 meeting. Questions raised by the tribal representatives included the following: whether or not the

proposed project would affect Indian Trust Assets (ITAs); what would be the effects on groundwater pumping, especially in the CVWD service area; how the EIR/EIS would address tribal impacts; and what would be the impacts to Salton Sea. In addition, water rights-related issues were raised.

1.8.2.1 Public Scoping Comments

This section summarizes the content of the written and oral comments submitted during the public scoping process. A scoping summary report was published by CH2M HILL on March 10, 2000. (The text of the scoping summary report is included in this EIR/EIS as Appendix B. Its appendices are available from IID Headquarters, 333 East Barioni Blvd., Imperial, CA 92251.) Generally, commentors were primarily concerned with hydrology and water quality, biological resources, and socioeconomic impacts.

Hydrology and Water Quality. The hydrology- and water quality-related comments were primarily concerned with the effect of the Project on water quality and quantity in the Salton Sea, Colorado River, the Colorado River Delta in Mexico, and other potentially affected streams and watercourses. Several commentors asked that the EIR/EIS address the impacts of the Project at the various levels of water to be conserved and transferred to adequately identify all potential impacts.

Biological Resources. The majority of the biological resources comments focused on the potential impact of the Project on rare, threatened, and endangered species; on wetland habitats; and on proposed mitigation measures to reduce the impacts to a level of insignificance. Commentors also raised concerns over inflows of total dissolved solids (TDS) entering the Salton Sea and the potential impacts to fish and wildlife.

Socioeconomics. The majority of the socioeconomics comments were primarily concerned with the potential socioeconomic impact of the Project on the Salton Sea and Imperial Valley. Many commentors requested that the potential impacts to the agricultural economy of the Imperial Valley be addressed by the EIR/EIS.

1.8.3 Public Review and Comment of Draft EIR/EIS

As noted earlier in Section 1.1.1, IID filed a Notice of Completion with California's State Clearinghouse on January 17, 2002, indicating that the Draft EIR/EIS was available for review. On January 18, 2002, Reclamation filed the Draft EIR/EIS with the U.S. Environmental Protection Agency. IID and Reclamation made the Draft EIR/EIS available for a 90-day public review and comment period, from January 25, 2002 to April 26, 2002. The Draft EIR/EIS was distributed to Responsible and Trustee Agencies pursuant to CEQA, and to Cooperating Agencies and interested organizations and individuals pursuant to NEPA. The document was also available for review at public libraries and on the Internet.

Public hearings were held on April 2, 3, and 4, 2002, in La Quinta, El Centro, and San Diego, California, respectively, to obtain oral comments on the adequacy of the Draft EIR/EIS. A total of 30 speakers provided oral comments at the public hearings. Written comments were also accepted by both Lead Agencies. A total of about 300 written comment letters were submitted, including about 150 form letters. Copies of all comments, both oral and written, and the lead agencies' responses are provided in Sections 7 through 10 of this Final EIR/EIS.

1.9 Project Impacts Summary

The potential effects of the Proposed Project are evaluated for the following resources in this EIR/EIS:

- Hydrology and Water Quality
- Biological Resources
- Geology and Soils
- Land Use
- Agricultural Resources
- Recreation
- Air Quality
- Cultural Resources
- Indian Trust Assets
- Noise
- Aesthetics
- Public Services and Utilities
- Transportation
- Socioeconomics
- Environmental Justice
- Transboundary Impacts

Refer to Table ES-1 for a summary, by resource area, of the potential effects for each component of the Proposed Project.

1.10 EIR/EIS Organization and Contents

The Proposed Project and Project Alternatives and the implementation schedule are described in detail in Section 2 of this EIR/EIS. The existing setting, environmental impacts of the Proposed Project and Alternatives, and mitigation measures for potentially significant effects are described in Section 3 for each resource considered. Project Alternatives, including alternatives eliminated from consideration and the No Project Alternative, are described in Section 4. Other long-term CEQA/NEPA considerations, including growth-inducing impacts, cumulative impacts, and significant irreversible environmental changes, are discussed in Section 5. All public comments received on the Draft EIR/EIS, both written and oral, are provided in Sections 7 through 10, along with the lead agencies' responses. The remaining sections include lists of persons, agencies, and organizations consulted during the preparation of this EIR/EIS (Section 6); references cited (Section 11); persons who prepared this EIR/EIS (Section 12); and EIR/EIS recipients (Section 13). The document also features a glossary of technical terms, a list of acronyms and abbreviations used, and an index.

1.11 CEQA/NEPA Compliance

This Final EIR/EIS includes additional information that is intended to clarify and expand the information in the Draft EIR/EIS. After a careful review of the comments received on the Draft EIR/EIS, the responses to comments, and the information added to the Final EIR/EIS, the Lead Agencies have determined that recirculation of the document for additional public review and comment is not required. Although the new documentation issued as part of this Final EIR/EIS is extensive, it constitutes a good-faith effort to provide a detailed and thorough response to public comments and to improve the overall environmental analysis.

Section 15088.5 of the CEQA Guidelines governs recirculation of a Draft EIR prior to certification. Recirculation is only required when "significant new information" is included in the Final EIR, such as information showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

None of the criteria described above as grounds for recirculation have been met, based upon the following:

The Final EIR/EIS does not identify new significant environmental impacts resulting from the Proposed Project or the Alternatives or from a new mitigation measure proposed to be implemented. The Final EIR/EIS does not identify a substantial increase in the severity of an environmental impact over that described in the Draft EIR/EIS unless mitigation measures are adopted that reduce the impact to a level of insignificance.

- Claims made by commentors to the effect that significant Project-related impacts were overlooked or will be more severe than disclosed in the Draft EIR/EIS are addressed in the Master Responses in Section 9.0 and the responses to specific comments included as Section 10.0 of this Final EIR/EIS.
- Although questions were raised concerning the use of a projected Baseline for the Salton Sea and the assumptions used to develop the Baseline, and although claims were made that use of this Baseline resulted in an underestimation of Project impacts, we have re-examined those issues and performed a sensitivity analysis to determine whether changes in key assumptions would significantly alter the impact analysis set forth in the Draft EIR/EIS. The Baseline purpose, rationale, assumptions, and methodology as well as the sensitivity analysis are described in detail in the Master Response in Section 9.3, *Hydrology^{3/4}Development of the Baseline*. We have concluded that the use of a projected Baseline and the assumptions that were challenged are reasonable and appropriate, and the sensitivity analysis has confirmed that use of the Baseline has not resulted in an underestimation of Project impacts. This information validates the assessment set forth in the Draft EIR/EIS and provides additional detail to support the assessment.
- At the request of commentors, we have added information regarding the effect of implementation of the Project on total maximum daily loads (TMDLs). This information expands the discussion in the Draft EIR/EIS and does not identify any new significant impacts.
- As discussed above and in the Master Response in Section 9.5, *Biology^{3/4}Approach to the Salton Sea Habitat Conservation Strategy*, the Proposed Project has been modified to delete

HCP Approach 1 as a conservation strategy for the Salton Sea. This change eliminates the need to address issues raised by commentors regarding the implementation details, potential significant impacts, and effectiveness of this Approach. Although additional details have been provided the Master Response, this Approach has not been substantially modified, and no new significant impacts have been identified.

- We have provided additional details to support the determination that the impact on fish resources at the Salton Sea is not a significant impact to biological resources in the Master Response in Section 9.6, *Biology¾Impact Determination for Fish in the Salton Sea*, but the impact determination has not been changed. We have confirmed that implementation of the Salton Sea Habitat Conservation Strategy (HCP Approach 2) will avoid two significant impacts which were identified in the Draft EIR/EIS as impacts of the Project with implementation of HCP Approach 1: the significant biological impact on piscivorous birds that rely on fish as a food source, and the significant recreational impact associated with loss of the sport fishery (see the Master Response in Section 9.8, *Recreation¾Mitigation for Salton Sea Sport Fishery*). These determinations are consistent with the Draft EIR/EIS.
- We have expanded the discussion of socioeconomic impacts in the Draft EIR/EIS with two Master Responses that respond to issues raised by commentors. The Master Response in Section 9.17 of this Final EIR/EIS, *Socioeconomics¾Property Values and Fiscal Impact Estimates*, describes impacts on property values as well as fiscal impacts to Imperial County. This discussion supplements the information in the Draft EIR/EIS. As noted in Section 3.14.3.1 of the Draft EIR/EIS, CEQA does not require assessment or mitigation of Project impacts that are purely economic or social unless there are related physical effects. Nevertheless, IID has chosen to describe these impacts in the EIR/EIS because of the widespread public concern over socioeconomic impacts of the Project. This information is also intended to assist the IID Board in evaluating the overall benefits and disadvantages of the Proposed Project and in determining how proceeds from the Project should be applied. The Master Response in Section 9.18, *Socioeconomics¾Crop Type Assumptions for Socioeconomic Analysis of Fallowing*, provides additional information on the assumptions regarding cropping patterns used in the Draft EIR/EIS to describe the socioeconomic impacts of a fallowing program in Imperial County. This analysis responds to claims that the Draft EIR/EIS overstated the socioeconomic impacts of fallowing, and it explains that other cropping assumptions could result in reduced impacts. No change in the substantive assessment in the Draft EIR/EIS has been made, however, based upon IID's interest in disclosing the worst-case scenario so that interested parties and the IID Board will be appropriately informed.
- Additional information has been included in the Master Response in Section 9.20, *Other¾Growth Inducement Analysis*, to support the conclusion in the Draft EIR/EIS that the Proposed Project is not growth-inducing. The Final QSA Programmatic Environmental Impact Report (PEIR) also addresses comments challenging the conclusion in the Draft QSA PEIR that the QSA would not induce growth in the service areas of SDCWA, CVWD, and/or MWD, the water agencies that would receive conserved water from transfers provided for under the QSA. The information included in the Final QSA PEIR has been reviewed and is incorporated into this Final EIR/EIS. In addition, because this EIR/EIS addresses the water transfers to SDCWA under two

scenarios (under the IID/SDCWA Transfer Agreement or, if the QSA is implemented, under the QSA) and is intended to provide project-level compliance for the transfers to SDCWA, the supplemental information in Section 9.20, *Other Growth Inducement Analysis* regarding the SDCWA service area and growth issues has been provided. This information is consistent with and supports the conclusions of the Draft EIR/EIS.

- At the request of commentors, we have provided information on salinity concentration, elevation, and surface area associated impacts to the Salton Sea for the QSA Implementation Scenario. The predicted salinity concentration, elevation, and surface area for the Salton Sea presented in the Draft EIR/EIS are based on the IID/SDCWA Transfer Agreement Implementation Only scenario, which is a “worst-case” scenario for the Salton Sea, to ensure that impacts to the Sea were not underestimated. The analysis for the QSA Implementation Scenario is presented in the Master Response in Section 9.2, *Hydrology Water Transfers to CVWD (QSA Implementation Scenario)*. No change in the substantive assessment in the Draft EIR/EIS has been made, however, based upon IID's interest in disclosing the worst- case scenario so that interested parties and the IID Board will be appropriately informed.

The Final EIR/EIS does not identify a feasible Project Alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the Project and that the Project proponent refuses to adopt.

- At the request of commentors, we have re-examined the availability and feasibility of measures to mitigate selenium impacts in IID drains and the Alamo River, as set forth in the Master Response in Section 9.1, *Hydrology Selenium Mitigation*. These selenium effects are identified in the Draft EIR/EIS as significant and unmitigable. Based upon the analysis in the Selenium Mitigation Master Response, the Final EIR/EIS confirms the conclusion in the Draft EIR/EIS that there are no available, feasible mitigation measures for this impact.
- Because of the level of concern about potential air quality impacts, as reflected in the comments received on the Draft EIR/EIS, we have included additional information to support the air quality assessment included in the Draft EIR/EIS. The Master Response in Section 9.9, *Air Quality Salton Sea Air Quality Monitoring and Mitigation Plan*, provides additional information regarding the impacts of dust emissions from exposed Salton Sea shoreline, which were identified in the Draft EIR/EIS as significant and unmitigable. It describes the potential differences between the Salton Sea shoreline exposure scenario and conditions at Owens Lake. We have also included a 4-step plan for monitoring, identifying and mitigating Air Quality impacts associated with emissive dust from exposed shoreline. This plan will also be used to monitor, identify, and mitigate health-based effects of dust emissions, as further described in the Master Response in Section 9.13, *Air Quality Health Effects Associated with Dust Emissions*. As a result of implementation of the Salton Sea Habitat Conservation Strategy (HCP Approach 2), air quality impacts from exposed shoreline caused by the Project will not occur prior to at least 2030. Implementation of this approach will avoid the significant air quality impacts anticipated in the Draft EIR/EIS with implementation of HCP Approach 1. The effect of HCP Approach 2 as a mitigation measure for air quality impacts was identified in the Draft EIR/EIS. The 4-step plan described in Section 9.9, *Air*

Quality¾Salton Sea Air Quality Monitoring and Mitigation Plan, provides a methodology for identifying and implementing mitigation measures that should substantially reduce air quality impacts from emissive shoreline after 2030. However, the Final EIR/EIS retains the finding from the Draft EIR/EIS that these impacts are significant and unmitigable, for the reasons described in Section 9.9, *Air Quality¾Salton Sea Air Quality Monitoring and Mitigation Plan*.

- We have provided additional details regarding the anticipated air quality impacts of fallowing farmland in the Imperial Valley in the Master Response in Section 9.10, *Air Quality¾Air Quality Issues Associated with Fallowing*. This Master Response also identifies standard best management practices (BMPs) that will reduce these impacts to a less than significant level. This discussion is consistent with and supports the conclusions of the Draft EIR/EIS.
- Additional air quality impact analysis is included in the Master Responses in Section 9.11, *Air Quality¾Emissions from Construction of Conservation Measures*, regarding emissions from construction of conservation measures; in Section 9.12, *Air Quality¾Aggregate Emissions from the Salton Sea, Fallowing, and Construction*, regarding aggregate emissions from fallowing and conservation measures; and in Section 9.14, *Air Quality¾Applicability of General Conformity Requirements to the Proposed Project or Alternatives*, regarding the applicability of general conformity requirements to the Project. This information is consistent with and supports the conclusions of the Draft EIR/EIS.
- Additional information regarding implementation of desalination and conservation projects in the SDCWA service area has been provided in the Master Response in Section 9.21, *Other¾Desalination in the SDCWA Service Area and Comments Calling for Increased Conservation*. This information identifies conservation measures that have been and will continue to be implemented, but confirms that desalination and conservation projects do not provide a feasible alternative to the Proposed Project.