

**Response to Comment L9-1**

Comment noted.

April 22, 2002

Attention: Elston Grubaugh  
Manager of Res./Management/Planning  
Imperial Irrigation District  
P.O. Box 937  
Imperial, CA 92251

Attention: Bruce D. Ellis  
Bureau of Reclamation  
Phoenix Area Office (PXAO-1500)  
P.O. Box 81169  
Phoenix, AZ 85069-1169

Regarding: Comments on the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the proposed Quantification Settlement Agreement between the Imperial Irrigation District (IID) and the San Diego County Water Authority, the Coachella Valley Water District (CVWD) and the Metropolitan Water District (MWD).

**BACKGROUND**

In 1998 the IID and the SDCWA entered into a transfer agreement for 300,000 acre feet (af) of water. This agreement was replaced by the Quantification Settlement Agreement (QSA) that was expanded to address issues raised by four (4) agencies: the Imperial Irrigation District (IID), the San Diego County Water Authority (CWA), the Coachella Valley Water District (CVWD), and the Metropolitan Water District (MWD). The QSA transfers up to 300,000 AF of water to each of the agencies in the following allotments; CWA (200,000 af), CVWD (100,000 af of which any portion not taken by CVWD can be taken by MWD). As a result of the proposed water transfer agreement CH2M Hill, Inc. was engaged to complete an environmental review on several alternatives. The alternatives are: 1) do not transfer the water, 2) transfer conserved water by making improvements to the IID system of canals and holding laterals (on-system improvements), 3) transfer water conserved from improvements made to farm infrastructure, or 4) fallow land and use that water to transfer.

The agreement seeks to settle a long-standing dispute among several Colorado River Basin states as well as water agencies in California. Currently, California is entitled to use 4.4 million-acre feet (MAF) of water. However, it is using around 5.2 MAF, which is an overdraft of 800,000 AF. The basin states are insisting the Department of the Interior enforce the law of the river and have California live within its allotment. If the agreement is signed California will have 15 years to reduce its consumption to within its allotment. If it does not it is said that the Department of the Interior, which has jurisdiction, will order an immediate cutback to the 4.4 MAF. This event, if it occurs, would be significant. The QSA is for an initial term of 45 years and may be extended for up to 30 years by mutual agreement of the parties.

L9-1

**ORGANIZATION**

The comments in this report focus on the following areas:

- I. Environmental Justice
- II. Economic Growth and Development.
- III. Socio Economics and Third Party Impacts.
- IV. The Salton Sea
- V. Fallowing or Water Conservation
- VI. Air Quality
- VII. Archeological Resources

L9-1

**DISCUSSION**

**I. Environmental Justice**

Environmental Justice plays a key role in any of the deliberations regarding the transfer between Imperial Irrigation District and the San Diego County Water Authority. Environmental Justice, which is enforced by the Environmental Protection Agency, became a factor in any federal project through Executive Order 12898 signed in 1994 by President Clinton.

The goal of environmental justice is to ensure that all people, regardless of race, national origin or income, are protected from disproportionate impacts of environmental hazards. To be classified as an environmental justice community, residents must be a minority and/or low income group; excluded from the environmental policy setting and/or decision-making process; subject to a disproportionate impact from one or more environmental hazards; and experience a disparate implementation of environmental regulations, requirements, practices and activities in their communities.

L9-2

**Comment 1**

It is unreasonable for Imperial Valley residents and farmers to risk their businesses, livelihoods or farms to transfer water to other users as a result of political pressure brought to bear by federal and state governments. In fact, this is the crux of the issue of environmental justice. The Imperial Valley meets the criteria for a stringent environmental justice review. The IID should deem it is essential that we have indemnity against surprises in the form of an order to mitigate or pay for impacts to the persons, property or the environment resulting from good-faith fulfillment of the water transfer. Also, the IID must be "held harmless" from any future costs of litigation or judgments stemming from environmental problems caused by the transfer which potentially would be passed along to ratepayers.

L9-3

**Comment 2**

The thoroughness of the Environmental Justice review has been questioned by several agencies. Many have concluded that the water transfer EIR-EIS erroneously dismissed environmental justice as a factor in the transfer.

L9-4

**Response to Comment L9-2**

Comment noted.

**Response to Comment L9-3**

Comment noted. The previous Draft EIR/EIS has been revised to reflect this concern. This change is indicated in this Final EIR/EIS in Section 3.15. In addition, the EIR/EIS process is designed to identify, to the extent possible, the potential impacts of the Project as well as appropriate and feasible mitigation measures. We note that the Implementation Agreement for the HCP is expected to limit liability for unforeseen circumstances pursuant to the "No Surprises Rule" implementing Section 10 of the federal ESA. It is anticipated that the IID Board will evaluate the risks and costs of the Project before committing to proceed and that farmers will evaluate the advantages and disadvantages in the voluntary on-farm program before deciding to participate.

**Response to Comment L9-4**

The previous Draft EIR/EIS has been revised to reflect this concern. This change is indicated in this Final EIR/EIS in Section 3.15.

The economist employed by the Community Advisory Commission, CIC Research, explained this error: "In general the Environmental Justice analysis performed by the consultant (the EIR/EIS) is superficial and inappropriately applied. Specifically, the community-level impact analysis was inappropriate for this project. The Consultant on the Draft EIR/EIS for the Proposed IID Water Conservation And Transfer Project should redo the environmental justice analysis based on the potential region-wide disproportional impacts to minority and low-income households resulting from the water transfer program. Furthermore, the Consultant should then provide recommendations for informational outreach to the impacted population and possible mitigation measures."

L9-4

**II. Economic Growth and Development**

The Land Use Element of the City's General Plan recites in its Key Principles and Programs "... Encourage the development of recreation and regional oriented commercial to expand the City's economy..." The General Plan continues "Developing a Local Tourism Plan/ Five Year Development Strategy with the assistance of the Regional Economic Development, Inc. taking into account the regions' unique natural and cultural resources." It then seems very likely that the transfer of water will eliminate future opportunities to implement the General Plan of the City.

L9-5

**Comment 3**

No matter how water is ultimately transferred, the decision boils down to an evaluation of the impacts and mitigation factors if there is on-farm and system conservation or fallowing—or a combination of those alternatives. An independent study by CIC Research has found flaws in the assumptions used in the EIR/EIS. As a result, the costs of the selected alternative and the impacts to the valley may not be reliable. The studies for example, have used data on the economy of the Salton Sea community that is 15 years old. In fact, the Sea has been projected to "die" several times in the past 40 years and therefore to predict a time and date of demise is, at best, premature.

L9-6

**Comment 4**

The Imperial Valley agricultural community currently rotates its crops and land depending upon market conditions. All of the alternatives contain fallowing, however, some are temporary until conservation measures are implemented or conservation inducing infrastructure is built. However, if fallowing becomes the recommended program because it has the least job losses of 500 versus up to 1400, what is the ability of the Imperial Valley to sustain its economic growth in light of losses of 15 to 20% of farmland under a fallowing alternative?

L9-7

**Comment 5**

The EIR/EIS does not account for the possibility that the Sea will survive (such as a tropical rainstorm which provided needed fresh water in the recent past) and the economic opportunities to the Valley that would be available if it does survive.

L9-8

**Comment 6**

The EIR/EIS does not address the impacts to the rest of the Imperial Valley if the Sea should be allowed to die prematurely, as is projected under some of the conservation alternatives. What is the loss of economic opportunity to the rest of the Imperial Valley as a result of a smaller Sea, particularly if the exposed lakebeds causes air quality issues or exacerbates dust storms?

L9-9

**Response to Comment L9-5**

The second implementation scenario for the Proposed Project (QSA Implementation) includes the more restrictive limit on IID's future diversions of Colorado River water on IID's Priority 3 diversions. Under the maximum transfers provided for under the QSA, IID would retain the ability to divert in excess of 2.6 MAFY of Colorado River water for agricultural, industrial, and domestic use within the IID water service area. This amount is anticipated to be sufficient for continued agricultural production at Baseline levels.

**Response to Comment L9-6**

The Executive Summary of the report prepared by CIC Research, dated March 15, 2002 (revised April 9,2002) states: " CIC could find no substantive disagreement with the results as presented in the IID Water Conservation and Transfer Project Draft EIR/EIS."

The Salton Sea Baseline, which projects existing conditions at the Salton Sea into future years, is based upon a reasonable methodology and assumptions. Refer to the Master Response on *Hydrology—Development of the Baseline* in Section 9 of this Final EIR/EIS.

Also, refer to the Master Response on *Socioeconomics—Crop Type Assumptions for Socioeconomic Analysis of Fallowing* in Section 9 of this Final EIR/EIS for additional details regarding the assumptions used in the fallowing impact analysis.

**Response to Comment L9-7**

The Socioeconomics section of the Draft EIR/EIS (Section 3.14) identifies fallowing as having the greatest adverse effects on the regional economy of the conservation measures identified. The estimated magnitude of the adverse effects is presented in the Socioeconomics section.

Also, the commenter is incorrect in stating that all the Alternatives contain fallowing. Neither Alternative 1 nor Alternative 2 contain fallowing. The commenter is also incorrect in stating that fallowing will occur until on-farm or water delivery system conservation measures are implemented. Since the water conservation program is voluntary, any of the conservation measures could be implemented at any time during the Project term of 75 years.

**Response to Comment L9-8**

The projected Baseline for the Salton Sea is based on historical meteorology and thus does take into account historic rainfall variability. See Master Responses on *Hydrology—Development of the Baseline* and *Other—Relationship Between the Proposed Project and the Salton Sea Restoration Project* in Section 9 of this Final EIR/EIS.

**Response to Comment L9-9**

The Draft EIR/EIS has been revised to better identify the potential socioeconomic impacts to the Salton Sea subregion. This change is indicated in this Final EIR/EIS in Section 3.14. Also, refer to the Master Responses on *Air Quality—Salton Sea Air Quality Monitoring and Mitigation Plan* and *Socioeconomics—Property Values and Fiscal Impact Estimates* in Section 9 of this Final EIR/EIS.

**Comment 7**

The EIR/EIS does not address the growth inducement of available water to the San Diego region. According to San Diego Dialogue, the San Diego/Baja region will increase its population by 2.2 million in 20 years, increasing its water consumption from 780,000 AF to 980,000 AF. What would be the impacts to the Imperial Valley if the water transfer did not occur and the San Diego region acquired its water reliability objectives via desalinization, re-use of wastewater, and/or declaring a moratorium on building of new homes?

L9-10

**Comment 8**

The EIR/EIS does not address the potentially positive impacts to the Imperial Valley of limiting growth in the San Diego region and redirecting the growth to the Imperial Valley. What would be the impacts of declaring a moratorium in the San Diego Region?

L9-11

**Comment 9**

The EIR/EIS does not take into account collateral damage as a result of any transfer of water for the future growth and development of the Imperial Valley. It also does not address how the San Diego Region will provide for the next 20 years of need from 2020 to 2040.

L9-12

**Comment 10**

The EIR/EIS does not examine the current efforts of northern California cities to reclaim water rights transferred to MWD, nor does it address the cost to MWD of putting 25,000 AF of water on Owens Lake to mitigate air quality violations resulting from dust migration. Several cities have already claimed some 31,000 AF to revert back to the original stakeholders. The EIR/EIS does not address the fact that water is beneficially reused to mitigate air quality emissions at Owens Lake but dismisses air quality concerns at the Salton Sea without any reliable scientific evidence.

L9-13

**Comment 11**

While non-fallowing may produce potentially positive impacts and certainly avoid the negative economic fallout from pure fallowing for the core area of Imperial Valley, it carries the potential for serious environmental and socio economic consequences to the Salton Sea and the surrounding communities. The non-fallowing alternatives also raise significant questions regarding air quality and health that have yet to be resolved and the aesthetic aspects of a much reduced Sea could create disincentives for regional economic development.

L9-14

L9-15

L9-16

**Comment 12**

The economic incentives appear to be far less than they are portrayed in the EIR/EIS. According to CIC Research, lower prices paid by Coachella and the Metropolitan Water District under the Quantification Agreement, coupled with state and federal taxes, would substantially reduce net revenue from the transfer. CIC calculated that an average \$87.2 million in annual revenue would dwindle to \$1.5 million to cover IID Program costs with 300,000 acre feet conserved from generic non-fallowing plans. As for conservation of the minimum to meet the QSA--230, 000 acre feet (100,000 acre feet to CVWD and MWD and 130,000 acre feet to San Diego): "(With) \$50.5 million in average annual revenue and the CH2M Hill analysis of \$35.8 million in annual conservation costs plus \$18.4 million in annual farmer payments, the program ends up \$3.7 million short of paying for itself." (CIC page 5)

L9-17

**Response to Comment L9-10**

If the San Diego region met its water quality objectives via desalination, reuse of wastewater, and/or declaring a moratorium on new homes and the Proposed Project was not implemented, impacts in the Imperial Valley would be those discussed under Alternative 1, No Project, as presented in the Draft EIR/EIS. In addition, refer to the Master Responses on *Other—Desalination in SDWCA Service Area and Comments Calling for Increased Conservation* and *Other—Growth Inducement Analysis* in Section 9 of this Final EIR/EIS.

**Response to Comment L9-11**

The Proposed Project involves the implementation of agricultural conservation measures only. Municipal and industrial water supplies would not be impacted, nor would water supplies which could serve future growth in the Imperial Valley be threatened (see response to Comment L9-5). While it is unknown what level of impact would result by declaring a moratorium on new homes in the San Diego region, it is generally anticipated that a negative impact on the quality of life in San Diego would result.

**Response to Comment L9-12**

Refer to response to Comments L9-5 and L9-11. For conditions affecting the SDCWA service area through the Project term without implementation of the Proposed Project or Alternatives, refer to Section 2.3.2.1 in the Draft EIR/EIS.

**Response to Comment L9-13**

Please refer to the Master Response on *Air Quality—Salton Sea Air Quality Monitoring and Mitigation Plan* in Section 9 of this Final EIR/EIS.

**Response to Comment L9-14**

Comment noted.

**Response to Comment L9-15**

Refer to the Master Responses on *Air Quality—Salton Sea Air Quality Monitoring and Mitigation Plan* and *Air Quality—Health Effects Associated with Dust Emissions* in Section 9 of this Final EIR/EIS.

**Response to Comment L9-16**

Refer to the Master Response on *Socioeconomics—Property Values and Fiscal Impact Estimates* in Section 9 of this Final EIR/EIS.

**Response to Comment L9-17**

The EIR/EIS does not evaluate the overall economic feasibility of either the QSA or the financial terms of the IID/SDCWA Transfer Agreement. It is anticipated that the IID Board will consider the economic benefit and liabilities of the Proposed Project prior to deciding whether to approve the Proposed Project.

**Comment 13**

The CH2M Hill Study does not adequately analyze the benefits, if any, to the economy from Salton Sea Recreation. A study by the CIC, commissioned in the late 1980s by the State Fish and Game, found that there was an \$80 million annual contribution from recreation on the lake. According to Norm Niver, of the West Shores Chamber of Commerce, the revenue from the transfer should be compared to that study.

L9-18

"That's (when the study was completed) when State Park Headquarters had only 80,000 visitors. We are and have been growing in visitor days at the State Park," Niver said. He said there are nearly 1 million visitor days there currently. The study, which was based upon 1987 data, should be updated. If relevant, the updated data should be factored in to the impacts if the transfer results in killing the Sea.

**Comment 14**

Other parties (i.e. San Diego County Water Authority, federal and/or state government) should bear any costs to mitigate any impacts due to the transfer, including property in communities along the Salton Sea that are impacted due to the transfer.

L9-19

Specifically, Imperial County residents, including public agencies such as cities, the county and the IID, should not be financially responsible for any air quality, biological, or economic impacts due to physical changes in the Salton Sea. The major negative socio-economic impact would be to Salton Sea-area residents and to the recreation industry in that region.

**Comment 15**

Revenues from the water transfer would presumably go to the landowners, many of whom live out of Imperial Valley, thereby reducing the total amount of transfer revenue to the Imperial Valley economy.

Pure fallowing, especially permanent fallowing, has the potential for producing the most negative direct socio-economic impacts of any alternative with very few corresponding direct positive impacts in the Imperial County. The only exception is the Salton Sea, and communities around the Sea, which would not be significantly impacted.

L9-20

Pure fallowing does not discriminate between marginal or highly productive land, does not ensure that the revenues would be used in capital investment in Imperial Valley and could create adverse impacts on land values, and because land is fallowed for up to 75 years could create air quality and health issues. Additionally, economic forces and the participants would dictate what land is fallowed. There is no assurance that the land taken out of production would be marginal, low crop value ground.

With the exception of the Farm Bureau Plan (discussed above) that temporarily takes land out of production to build capital for long-range on farm conservation measures, the only realistic reason to fallow ground would be to prevent environmental impacts to the Salton Sea. The cost in jobs in the central portion of the Valley has been estimated to range from 500 to 1,400 jobs.

**Response to Comment L9-18**

The results from the CIC Research report (1989) were adjusted to 2001 dollars for use in the Draft EIR/EIS. According to the data presented in the Recreation section of the Draft EIR/EIS, there has not been a consistent pattern in visitor use that would justify any revised estimate of the 1987 visitor use data presented in the 1989 report.

**Response to Comment L9-19**

Comment noted.

**Response to Comment L9-20**

The Draft EIR/EIS concludes, as noted by the commenter, that fallowing produces the most negative socioeconomic impacts in the Imperial Valley as compared to alternative conservation measures. However, the impacts to biological and other environmental resources in and around the Salton Sea are reduced with fallowing compared to alternative conservation measures.

Regarding the impact of fallowing on land values in the Imperial Valley due to air quality issues, refer to the Master Responses on *Air Quality—Air Quality Issues Associated with Fallowing*; and *Air Quality—Aggregate Emissions from the Salton Sea, Fallowing, and Construction* in Section 9 of this Final EIR/EIS.

Regarding the assumption used for crops affected by fallowing, refer to the Master Response on *Socioeconomics—Crop Type Assumptions for Socioeconomic Analysis of Fallowing* in Section 9 of this Final EIR/EIS.

Regarding the comment on transfer revenues, refer to response to Comment L9-25.

**Comment 16**

The Draft EIR/EIS concludes that the water transfer will simply change the distribution of existing California water supplies from the Colorado River and will not be changing the existing land use or water supply in San Diego County. The Draft EIR/EIS should especially make note of this important issue in light of the new legislative bills being passed, S.B. 221 and S.B. 601 imposing stricter requirements for new development to be founded on assured drought-year supplies. The San Diego County Water Management Plan also shows that this water transfer is vital in order to maintain San Diego's current "expectation" of serving a population that is continuing to grow and will rise to over 3.8 million by the year 2020.

L9-21

**Comment 17**

The San Diego Region is expected to add more than 500,000 new jobs and the population is expected to increase by more than a million people by 2020 (SANDAG, "Measuring the San Diego Region's Livability"). San Diego will also have to provide more than 400,000 new houses and expand its infrastructure to accommodate the new jobs and people. An important aspect of this "infrastructure" is making enough water available to San Diego to provide this type of "build out" for San Diego to accommodate the addition of over one million people over the next 20 years. The most important infrastructure items (as noted by SANDAG) include a more secure water supply. The final EIR/EIS should address this growth and the need for water resources beyond the 20-year horizon.

L9-22

**Comment 18**

More than 90% of the San Diego region's water is imported from the Colorado River and northern California in any given year. And, last year the San Diego region used approximately 620,000 acre-feet of water. Increasing population and jobs within the San Diego region will require the development of additional water supplies and should include water conservation, water recycling and brackish groundwater recovery. The viability of each of the options should be addressed as alternatives to transferring Imperial Valley water.

L9-23

**III. Socio Economics**

**Comment 19**

In a 1999 Board Resolution, the Imperial Irrigation District Board stated, "...The terms of any final comprehensive settlement agreement must not unfairly impose burdens on the agricultural economy of the Imperial Valley in order to benefit the nonagricultural economy of the Coachella or MWD's service area". We concur with this IID statement of policy for protecting the agricultural economy of Imperial County.

L9-24

**Comment 20**

The EIR/EIS states that the water transfer is an "economic stimulus to the Imperial Valley." The concept of removing a portion of the limited water supply to another community is counter-productive to future growth and development in the community, and it is arguable whether the revenue received will actually stimulate the economy of the Imperial Valley because virtually half of all payments will be taken by landowners who reside outside of the Valley. An analysis with up to date data should be performed on the project to provide comparable information.

L9-25

**Response to Comment L9-21**

Please refer to the Master Response on *Other—Growth Inducement Analysis* in Section 9 of this Final EIR/EIS.

**Response to Comment L9-22**

Please refer to the Master Response on *Other—Growth Inducement Analysis* in Section 9 of this Final EIR/EIS.

**Response to Comment L9-23**

Please refer to the Master Response on *Other—Desalination in SDWCA Service Area and Comments Calling for Increased Conservation* in Section 9 of this Final EIR/EIS.

**Response to Comment L9-24**

Comment noted.

**Response to Comment L9-25**

The analysis presented in the Draft EIR/EIS accounts for the loss of transfer revenues that could occur due to participation in the conservation program by out-of-county landowners. Also note that the Proposed Project also includes the option of constructing on-farm and water delivery system measures, which would generate economic activity in the Imperial Valley.

With regard to the comment on the future growth and development in the County, refer to response to Comment L9-5, which discusses the continued availability of water for domestic, agricultural, and industrial use in Imperial County.

**Comment 21**

The transfer of water will result in a reduction of available water, which will either result in removing farmland from production or the installation of expensive conservation methods. In the first case, fallowing takes farmland out of production and makes it idle causing the loss of jobs, aggravates air quality from increased dust emissions, and dismisses the federal environmental justice standards. In the second case of on farm conservation proposal, the use of tailwater is not recognized as a beneficial use for maintenance of the Salton Sea, the financial investment is lopsided for the return on investment, and the financial risk of the plan is placed on the farmers for the first few years. These impacts must be seriously studied and mitigated since it is very likely either of the proposed projects will have serious consequences for the Imperial Valley.

L9-26

**Comment 22**

The proposed projects and alternatives all use fallowing to some degree. However, there are about 500,000 acres currently under agricultural production. Of these, some 5% is always being fallowed for business purposes. Additional land has been taken out of the land bank as a result of the Williamson Act of about 100,000 acres. Some of the proposals, which consider up to 100,000 acres being fallowed meeting the transfer requirements and the maintenance of the Salton Sea, would have dire economic impacts on agricultural production and indirectly on farm-related support businesses, as well as the housing and commercial sectors. The result will have serious impacts on the Imperial Valley's economy. Farming communities tend to be interdependent, so impacts on one community could be felt by a number of surrounding communities. Taking 20 – 25% of the farmable land out of production, while not providing any quantified benefit would surely damage and may even destroy the economy and have a "ripple effect" on the surrounding communities.

L9-27

**Comment 23**

Section 5.1.2.7 ("Socioeconomic"), under ("Cumulative Impacts, under Section 5 "Other CEQA/NEPA Considerations), of the Draft EIR/EIS states that there are expected potential impacts from implementation of the Proposed Project as follows:

"A reduction in employment opportunities may result depending on the specific type and amounts of water conservation methods that are selected. Employment opportunities may decline if the amount of land that is fallowed increases, while jobs would be created by the construction and operation of either on-farm irrigation system water conservation measures. Depending on the relative proportion of the conservation measures, an impact or benefit may accrue through implementation of the Proposed Project. The other projects identified above could also result in construction and operational demands that increase employment opportunities in Imperial County".

L9-28

In essence, no one really knows whether this will result in a benefit because the implementation of the selected alternative may have severe consequences to the current and future economic health of the Imperial Valley. It is clear from the Draft EIR/EIS, within its "Alternatives" that a water transfer would limit future agricultural growth in Imperial County due to less acres being farmed and therefore fewer agricultural-related jobs would be created and therefore less demand for secondary agriculture-related purchases/services. What mitigation measures are planned to offset this event?

**Response to Comment L9-26**

Regarding the continued availability of water for agricultural production, see the response to Comment L9-5.

The adverse impact of lost jobs from fallowing is identified in the Socioeconomics section of the Draft EIR/EIS (Section 3.14). The effect of fallowing on air quality is discussed in the Master Response on *Air Quality—Air Quality Issues Associated with Fallowing* in Section 9 of this Final EIR/EIS.

The effect of the Proposed Project on environmental justice is discussed in the revised Environmental Justice section (refer to Section 3.15 of this Final EIR/EIS).

The Proposed Project would implement tailwater reduction as an on-farm conservation measure to generate conserved water for transfer in a manner consistent with IID's water rights and the applicable Law of the River. We agree that the Salton Sea has no entitlement to use of Colorado River water.

As to the financial investment required of farmers under the on-farm conservation program, participation by farmers is voluntary. It is anticipated that farmers will consider the economic costs and incentives of the program prior to deciding whether to participate.

**Response to Comment L9-27**

The socioeconomic impact analysis presented in the Draft EIR/EIS includes the expected impacts to all sectors that make up the Imperial County economy. A more disaggregated presentation of the results that shows impacts to groups of sectors can be found in Appendix G of the Draft EIR/EIS.

Regarding the effect of fallowing on land subject to a Williamson Act contract, IID recognizes that Imperial County has elected to develop an agricultural preserve pursuant to the California Land Conservation Act, better known as the Williamson Act, California Government Code Section 51220 *et seq.* We also acknowledge the legislative findings cited by the commenter. The Williamson Act is described in Section 3.5.2.2 of the Draft EIR/EIS as part of the state laws applicable to agricultural resources.

The Draft EIR/EIS analyzes the impacts of the Project on the broad

### **Response to Comment L9-27(continued)**

category of agricultural resources, which the Williamson Act is designed to protect. The Draft EIR/EIS describes the potential for fallowed land to be converted to non-agricultural use in Section 3.5.4.1 and applies significance criteria (described in Section 3.5.4.2) that identify significant impacts to agriculture. As noted in the Draft EIR/EIS, if fallowing were used as the only method to conserve the maximum amount of water anticipated by the Project, the following acreages would need to be fallowed: 50,000 acres for the water to be transferred to others; 25,000 acres to generate water to offset changes in inflow to the Salton Sea pursuant to the Salton Sea Habitat Conservation Strategy; and an additional 9,800 acres for compliance with the IOP. The HCP may also result in the use of up to 700 acres of agricultural land for habitat creation or enhancement.

The Draft EIR/EIS finds that conservation by rotational fallowing (for no more than three consecutive years) will not result in a significant impact to agricultural resources. The Draft EIR/EIS notes that rotational fallowing is consistent with existing agricultural practices and that approximately 20,000 acres are fallowed each year in the Imperial Valley without the Project. However, the Draft EIR/EIS finds that fallowing for longer periods, if it causes the reclassification of prime farmland or the conversion of agricultural land to a non-agricultural use, would be a significant impact to agricultural resources. The only identified mitigation measure for this significant impact is to prohibit long-term or permanent fallowing. This significant impact on agricultural resources does not appear to be consistent with the intent or objectives of the Williamson Act.

The Draft EIR/EIS also describes the socioeconomic impacts of fallowing in Section 3.14.

As noted above, the Draft EIR/EIS reviews the impacts of the Project on agricultural resources and socioeconomic effects of the Project. The Draft EIR/EIS recognizes the historical use of rotational fallowing in the Imperial Valley and concludes that water conservation through short-term or rotational fallowing will not have a significant impact on agricultural resources.

We disagree with the comment that short-term or rotational fallowing is not permitted by, or is inconsistent with, the Williamson Act. The Williamson Act does not require the continuous cultivation of agricultural lands within the preserve or preclude the fallowing of those lands for reasonable time periods.

Under the statutory criteria, the eligibility of land for a Williamson Act contract depends primarily on soil type and capability, rather than the level of productivity. No provision of the Williamson Act prohibits the fallowing of enrolled land. The Act permits "agricultural use," which includes recreational use and open-space use, as well as any "compatible use," which is defined as follows:

"Compatible use' is any use determined by the county or city administering the preserve pursuant to Section 51231, 51238, or 51238.1 or by this act to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract. 'Compatible use' includes agricultural use, recreational use or open-space use unless the board or council finds after notice and hearing that the use is not compatible with the agricultural, recreational or open-space use to which the land is restricted by contract pursuant to this chapter." [Gov't. Code § 51201(c)]

The state statute provides principles of compatibility which govern compatible use decisions by local agencies [Gov't. Code § 51238.1(a)]. These principles indicate that an incompatible use is one which compromises the long-term productive agricultural capability of the land. This is reasonable because rotational fallowing is often used to rest and enrich a field for purposes of enhancing productivity. Short-term fallowing also does not conflict with the legislative policy, as codified in Government Code Section 51220.5, that the purpose of the compatibility requirements is to prevent agricultural land from becoming over-populated and urbanized. In response to our inquiry, staff analysts at the California Department of Conservation confirmed that fallowing is allowed under the Act.

Moreover, the form of contract submitted by the County of Imperial to the Department of Conservation as its standard form does not prohibit fallowing. Rather, in its recitals, it states that the Owner and County desire:

". . . to limit the use of said Property to agricultural and compatible uses in order to discourage premature and unnecessary conversion of land to urban use, and recognize that such land has substantial value to the public as open space and the preservation of such land in such use constitutes an important physical, social, aesthetic, and economic asset to County."

Fallowing is consistent with these purposes.

### **Response to Comment L9-28**

Depending on whether non-rotational fallowing (i.e., fallowing for more than 4 years) is used to implement the Proposed Project, the Project could result in the reclassification of prime farmland or farmland of statewide importance. In turn, long-term fallowing would adversely affect employment opportunities and business output in Imperial County. It has not been determined, however, that non-rotational fallowing would "limit agricultural growth" in Imperial County, as the remaining farmland could be farmed more intensively and/or fallowed land could be brought back into production. The IID Board will consider whether to implement socioeconomic mitigation measures when it considers whether to approve the Proposed Project or an alternative to the Proposed Project.

**Comment 24**

L9-29 [ The proposed project must take into account the unique aspects of the agricultural community and recognize its fragile nature. Third party impacts, as a result of loss of jobs, impacts to the Salton Sea, fallowing (temporary and permanent) have not been sufficiently detailed to determine with reasonable certainty that the economy will be sustained. Analysis by independent experts to construct such information should be included as part of the implementation plan.

**Comment 25**

L9-30 [ If the conservation method of “fallowing” is used to facilitate the water transfer, not only will farm laborers lose employment, but also secondary employment in the farm service industry.

**IV. The Salton Sea****Comment 26**

L9-31 [ The death of the Salton Sea will also have a significant impact on the economy of Imperial County. These impacts include transient recreational use dollars attributed to the Sea, permanent reduction in residential property values of communities closet to the Seas such as Salton City, Bombay Beach, Desert Shores and Salton Sea Beach. A complete scientific assessment must be conducted into the health and air quality issues that have been raised due to potential exposure of the Salton Sea lakebed.

**Comment 27**

L9-33 [ The socioeconomic impacts to low income populations as a result of the reduction in water flow to the Sea will affect the communities living around the Salton Sea. What mitigation measures are proposed to offset the loss of employment, decline in sales tax revenues, and population?

**Comment 28**

L9-34 [ The EIS/EIR “No Project Alternative” notes that the Salton Sea will decrease in size and eventually fail to support the many activities that are currently in place including, fishing, birding, recreational water sports and camping. The last two years have seen resurgence in the visitors to the Sea and a consequent increase in residential, retail and commercial development. Further, several studies have provided insight into how to save the Sea and the Salton Sea Authority has established clear goals on maintaining or improving the Sea for a variety of purposes.

**Comment 29**

L9-35 [ Other parties (i.e. San Diego County Water Authority, federal and/or state government) should bear any costs to mitigate any impacts due to the transfer, including property in communities along the Salton Sea that are impacted due to the transfer.

**Comment 30**

L9-36 [ Desalination plants are a very important viable option that is never mentioned in the Draft EIR/EIS as a possible future source of water for San Diego region. Projects currently being developed in Florida indicate that the cost of these plants may have decreased to such a point where it now can be considered a potential option for coastal areas including San Diego.

**Response to Comment L9-29**

We believe the EIR/EIS is a good faith and reasonable effort to identify and assess the socioeconomic impacts of the Project and Alternatives based upon available information and assessment methods. Impacts to farm workers and businesses in Imperial County are included in the EIR/EIS in Section 3.14, Socioeconomics.

The IID Board will consider all public comments regarding the implementation plan when it considers whether to approve the Proposed Project or and Alternative to the Proposed Project.

**Response to Comment L9-30**

The Draft EIR/EIS reports the total jobs that are anticipated to be lost within the Imperial County economy as a result of fallowing in Section 3.14. These job loss estimates include job losses in farm support industries.

**Response to Comment L9-31**

Refer to the Master Response on *Socioeconomics—Property Values and Fiscal Impact Estimates* in Section 9 of this Final EIR/EIS.

**Response to Comment L9-32**

Refer to the Master Responses on *Air Quality—Salton Sea Air Quality Monitoring and Mitigation Plan* and *Air Quality—Health Effects Associated with Dust Emissions* in Section 9 of this Final EIR/EIS.

**Response to Comment L9-33**

Refer to the Master Responses on *Socioeconomics—Property Values and Fiscal Impact Estimates* and *Biology—Approach to Salton Sea Habitat Conservation Strategy* in Section 9 of this Final EIR/EIS. The IID Board will consider whether to implement socioeconomic mitigation measures when it considers whether to approve the Proposed Project or an alternative to the Proposed Project.

**Response to Comment L9-34**

See Master Responses on *Hydrology—Development of the Baseline* and *Other—Relationship Between the Proposed Project and the Salton Sea Restoration Project* in Section 9 of this Final EIR/EIS.

**Response to Comment L9-35**

Comment noted.

**Response to Comment L9-36**

Desalination is discussed in Appendix D of the Draft EIR/EIS, Alternative 8, Maximize Local Supplies in SDCWA and Develop 200 KAFY Desalination Facility. This Alternative is also summarized in Section 4, Alternatives of the Draft EIR/EIS, Table 4-4. For additional information, refer to the Master Responses on *Other—Desalination in SDCWA Service Area* and *Other—Comments Calling for Increased Conservation* in Section 9 of this Final EIR/EIS.

**Comment 31**

L9-37

Instead of solely relying on water transfers to meet infrastructure needs resulting from future growth demands in San Diego region, San Diego should be working to implement water conservation, recycling and groundwater recovery programs, desalinated seawater, local groundwater source known as the “San Diego Formation” and also, to encourage citizens to proactively conserve water.

**V. Fallowing or Water Conservation**

**Comment 32**

The Agriculture and Soils Conservation Element of the City’s General Plan recites in its Key Principles and Programs “To coordinate programs of action between the City, County, and State, to insure the effective conservation of agricultural land uses within the region.”

L9-38

In a climate where crop rotation and fallowing is the exception to the rule having farmland fallowed will result in an alteration of the existing aesthetic green vistas. The Draft EIR/EIS states, page 3.11-20 (Section 3.11.4.3 “Aesthetics”), “Although the additional fallowed acreage could be three times the current amount, it would be distributed through the sub region and would not become an obvious physical feature on the landscape.” In this desert environment any fallowing of the land will cause visual impacts to the aesthetic character of Imperial Valley. Currently, many farms idle the field for part of the year, so the landscape is constantly changing from cropped to fallow acreage. However, fallowing of the land will in fact cause visual impacts to the aesthetic character of Imperial Valley. Large patches of bare land for extended periods of time created due to fallowing will certainly create an impact in otherwise agricultural areas and degrade the visual character of the area. Therefore, there are indeed some measurable impacts on the aesthetic character of the Valley.

**Comment 33**

L9-39

On page 3.4-12, it states, “...Under the proposed project, fallowing could be implemented as a conservation measure. If fallowing were the sole conservation measure implemented, up to 50,000 acres could be fallowed to conserve water for transfer...Fallowed acreage is not expected to be permanently taken out of production; however, permanent fallowing of agricultural land could be used to conserve water for transfer.”

Therefore, it is conceivable that those willing farmers who are currently cultivating their lands could utilize this environmental document for its stated purpose, i.e., “...permanent fallowing of agricultural land could be used to conserve water for transfer...” If this is the case, then the decision-makers and the public have been forewarned by this document of future water transfers using “permanent fallowing”.

**Comment 34**

L9-40

Opposition to fallowing as a method of implementing the water transfer has been stated numerous times in several documents; however, the Draft EIR/EIS also states that fallowing may be a desirable component of the IID water conservation program for a number of reasons. Some of these include: used as a way to reduce farmers’ financial risk of participation in conservation programs; easier to

**Response to Comment L9-37**

Please refer to the Master Response on *Other—Desalination in SDWCA Service Area and Comments Calling for Increased Conservation* in Section 9 of this Final EIR/EIS.

**Response to Comment L9-38**

The fallowing of additional acreage within the IID water service area is not considered to be a significant visual impact. The fallowed acreage will likely be similar in color to the surrounding desert habitat as well as lands that are currently fallowed and farms that are between cropping periods. As such, the fallowed lands will not introduce a new visual element that would be disruptive to the existing landscape and will not constitute a substantial degradation of the visual quality of the area. No mitigation is necessary.

**Response to Comment L9-39**

The Draft EIR/EIS is limited to an analysis of the Proposed Project and Alternatives, not speculative future water transfers. The document identifies that the IID/SDCWA Transfer Agreement could be modified to allow fallowing, rotational or non-rotational, as a conservation measure. (In the context of this analysis, rotational fallowing is defined as fallowing for less than 4 years, and non-rotational fallowing is defined as fallowing for greater than 4 years). The adverse effects of the use of fallowing as the exclusive conservation measure are described in Section 3.5 of the Draft EIR/EIS. Section 3.5 also identifies the effects of non-rotational fallowing as a potentially significant impact to agricultural resources. Modifications to this text are indicated in Section 3.5 of this Final EIR/EIS.

**Response to Comment L9-40**

We agree with the comment that the pros and cons of fallowing must be evaluated. The purpose of the EIR/EIS is to evaluate the impacts of different conservation methods so that the Lead Agencies can compare the relative impacts and make an informed decision on whether and how to proceed with the Project. The Lead Agencies must evaluate the information contained in the Final EIR/EIS before making any decision, including information provided through the public comment process, and must support its decision by written findings.

implement and manage than other conservation measures; and, that it would preserve the soil. It appears that the IID Board will also have to change its policies.

Note that on page 2-31 of the Draft EIR/EIS in relation to IID board adopting policies regarding fallowing as part of guidelines intended to govern IID's water transfer policy and negotiation of the IID/SDWCA Transfer Agreement, it states "any no fallowing rule should preclude a participating landowner from receiving compensation if he/she fallows land for the purpose of transferring water". The Draft EIR/EIS also states that, fallowing is not in keeping with IID Board policies to utilize the water transfer program, "to encourage investment in on-farm irrigation system improvements that increase irrigation efficiency" regarding fallowing and the various conservation methods.

L9-40

In consideration of the stated impacts of fallowing and the lack of scientific and supportable data that provides verifiable and quantifiable impacts to the Imperial Valley, any conclusion that fallowing is a preferred means of implementing the water transfer must be addressed.

**VI. Air Quality**

**Comment 35**

L9-41

The Water Conservation and Air Quality Element of the City's General Plan recites in its objectives "protect and maintain the good air quality of the Imperial Valley region." The Imperial County has been declared a moderate PM-10 non-attainment area under the 1990 Clean Air Act. Currently, children in the Imperial Valley experience significantly higher instances of bronchial maladies. There are two effects of water activities that lead to the increases in PM-10 emissions that should be mitigated. These include emissions from fallowed land and emissions from exposed portions of the Salton Sea.

**Comment 36**

L9-42

The proposed project by IID appears to create the strong possibility of environmental damage to local air quality and therefore the cumulative impacts must be mitigated and conform to federal, state and local laws and regulations.

**Comment 37**

L9-43

What are the potential health issues due to air quality deterioration from a reduced lakebed at the Salton Sea?

**Comment 38**

L9-44

What is the potential for air quality deterioration from fallowing up to 60,000 acres of farmland in the agricultural areas of the Valley? Also, what are the projected impacts on health care of children and senior citizens, in particular?

**VII. Archeological Resources**

**Comment 39**

L9-45

The Draft EIR/EIS fails to adequately address the archeological and cultural resources impacts of the water transfer. In the Imperial Valley there are approximately 7,000 prehistoric archaeological and recorded sites as well as approximately 200 historic sites dating back to 1540.

**Response to Comment L9-41**

Refer to the following Master Responses in Section 9 of the Final EIR/EIS: *Air Quality—Salton Sea Air Quality Monitoring and Mitigation Plan*; *Air Quality—Air Quality Issues Associated with Fallowing*; and *Air Quality—Health Effects Associated with Dust Emissions*.

**Response to Comment L9-42**

Refer to the Master Response on *Air Quality—Consistency with the State Implementation Plan for PM10* in Section 9 of this Final EIR/EIS.

**Response to Comment L9-43**

Refer to the Master Responses on *Air Quality—Salton Sea Air Quality Monitoring and Mitigation Plan* and *Air Quality—Health Effects Associated with Dust Emissions* in Section 9 of this Final EIR/EIS.

**Response to Comment L9-44**

Refer to the Master Responses on *Air Quality—Air Quality Issues Associated with Fallowing* and *Air Quality—Health Effects Associated with Dust Emissions* in Section 9 of this Final EIR/IS.

**Response to Comment L9-45**

The commenter does not specify how the Draft EIR/EIS fails to adequately address the archaeological and cultural resources impacts of the Proposed Project. We believe the EIR/EIS is a good faith and reasonable effort to identify and assess the impacts to archaeological and cultural resources from implementation of the Project based upon available information and assessment methods. Such impacts are included in the Draft EIR/EIS in Section 3.8, Cultural Resources.



# CITY OF BRAWLEY

ECONOMIC & COMMUNITY DEVELOPMENT  
CITY HALL  
400 MAIN ST. PLAZA PARK  
BRAWLEY, CALIFORNIA  
92227  
PHONE: 344-8622  
FAX: 344-0907



April 25, 2002

Bruce D. Ellis  
Bureau of Reclamation  
Phoenix Area Office (PXAO-1500)  
P. O. Box 81169  
Phoenix, AZ 85069-1169

Elston Grubaugh  
Manager of Res./Management/Planning  
Imperial Irrigation District  
P. O. Box 937  
Imperial, CA 92251

Subject: Regarding: Comments on the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the proposed Quantification Settlement Agreement between the Imperial Irrigation District (IID) and the San Diego County Water Authority, the Coachella Valley Water District (CVWD) and the Metropolitan Water District (MWD).

Dear Sirs:

L13-1

The City of Brawley is providing these comments on the proposed IID/SDCWA (San Diego County Water Authority) water transfer and the Draft EIR/EIS to support both IID and BOR in meeting their obligation to protect the economy and the environment of Imperial County. The City of Brawley understands that there is enormous pressure that is being applied toward the IID, BOR and the Imperial County residents to transfer water from Imperial Valley to other users in the Colorado River Basin. However, IID and Bureau of Reclamation must improve their assessment of the following issues regarding the water transfer. These issues include but are not limited to, the decrease of water supply that will be available for the Imperial Valley, the bearing to our air quality, and the economic impacts with regards to growth and socio economics.

L13-2

With the origination of the water transfer in Imperial County, it will create environmental and economical impacts on the community. The final DEIR/EIS needs to focus and address sufficient and more detailed information to provide the political consensus to support the water transfer.

L13-3

The DEIR/EIS document does not address the effects that this water transfer will have to the County's future needs with regards to economic development. With the anticipation of the Imperial County doubling its population within the next twenty (20) years, the Draft EIR/EIS needs to identify how this transfer and future projects will ensure enough water to remain in Imperial County to meet future needs of both domestic and urban water users or, in the alternative, at least propose adequate mitigation measures in order to achieve these objectives.

**Letter - L13. City of Brawley Economic & Community Development. Signatory - Jerry Santillan.**

### Response to Comment L13-1

Comment noted. Responses to the individual concerns enumerated in the comment letter are provided.

### Response to Comment L13-2

The EIR/EIS addresses the environmental and socioeconomic impacts of the Project, to provide information to the public and to decisionmakers, such as the IID Board. The EIR/EIS is not designed to "provide the political consensus to support the water transfer." The IID Board must decide whether to approve the Project, after considering the Final EIR/EIS and the other information in the record.

### Response to Comment L13-3

The second implementation scenario for the Proposed Project (QSA Implementation) includes the more restrictive limit on IID's future diversions of Colorado River water on IID's Priority 3 diversions. Under the maximum transfers provided for under the QSA, IID would retain the ability to divert in excess of 2.6 MAFY of Colorado River water for agricultural, industrial, and domestic use within the IID water service area. In addition, at the end of the initial 45-year term, the IID/SDCWA Transfer Agreement potentially allows IID to reclaim up to 34 KAFY of transfer water for M&I use within the Imperial Valley. This amount is twice the expected growth in M&I use within the IID water service area over the next 45 years. Therefore, the Proposed Project and Alternatives described in the Draft EIR/EIS can be implemented without compromising the Imperial Valley's urban water supply. IID will continue to make water deliveries reasonably required for municipal and industrial beneficial uses, including current use and expected growth in these sectors.